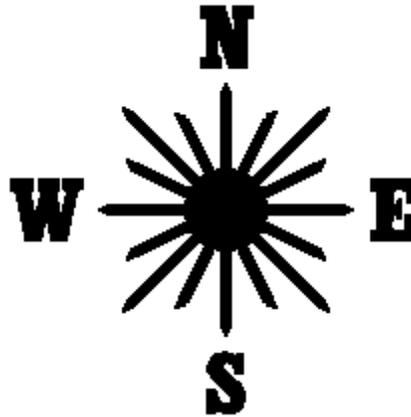


**Mission Statement**

To promote the Central Darling Shire area by encouraging development through effective leadership,  
community involvement and facilitation of services

# **CENTRAL DARLING**



# **SHIRE COUNCIL**

## **Agenda**

**For the Ordinary Meeting**

**9:00am Tuesday 24<sup>th</sup> January 2012**

**at**

**Wilcannia**

**Council dedicated to serving its Communities.**

*Any public discussion of Council or Committee reports and recommendations is on the basis that such reports or recommendations do not have effect until adopted by a full meeting of Council.*

The above-mentioned meeting of Council will be held in the Council Chambers, Wilcannia on Tuesday 24<sup>th</sup> January 2012 commencing at 9:00am.

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## SECTION 1. RECEIPT OF APOLOGIES AND THE GRANTING OF LEAVE OF ABSENCE

### ***RECOMMENDATION***

*That the apologies be received and noted and leave of absence be granted.*

## SECTION 2. PUBLIC ACCESS – QUESTIONS AND COMMENTS FROM THE PUBLIC

Council's policy in regards to public access to Council Meetings states:

- Public access to meetings of the Central Darling Shire Council is to be listed on the agenda following the Mayoral Minute.
- Each member of the public who wishes to address Council is to register with Management prior to the commencement of the meeting, listing their name and the general topic or topics they wish to raise. Those who register will have precedence.
- Each address will be limited to five (5) minutes at the discretion of the Chair.
- All matters raised by members of the public will be recorded and actioned within one month of the meeting.

## SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### ***RECOMMENDATION***

***That the minutes of the Ordinary Meeting of the Council held on the 20th December 2011, copies of which were circulated to all Councillors, be taken as read and confirmed as a correct record of the proceedings of the meeting.***

### 3.1 BUSINESS ARISING FROM MINUTES

## SECTION 4. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

### ***RECOMMENDATION***

***That the Disclosures of Interest – Pecuniary and Non Pecuniary be received and noted.***

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## SECTION 5. MAYORAL MINUTES OR REPORT

### ***RECOMMENDATION***

***That the Mayoral Report be received and noted.***

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## SECTION 6. NOTICE OF MOTIONS

NIL

## SECTION 7. NOTICE OF RESCISSION MOTIONS

NIL

## SECTION 8. GENERAL MANAGER'S REPORT

### 8.1 INFORMATION ITEMS

#### 8.1.1 WILCANNIA ABORIGINAL ADULT LITERACY CAMPAIGN

ATTACHMENT 1

The Wilcannia Aboriginal Land Council (WALC) has developed an Aboriginal Adult Literacy campaign, which it is launching on Tuesday 7 February at 11am in Baker Park.

The Wilcannia campaign is a pilot program sponsored by the Lowitja Institute and the University of New England in partnership with the WALC, the Community Working Party, the Wilcannia Central School and State and Federal government funding partners.

The Wilcannia campaign is the first time the program will be run in Australia and is based on the "Yes I Can" adult literacy method, developed by the Pedagogical Institute of Latin America and the Caribbean (IPLAC), based in Havana, Cuba. The program has been successfully run in over 28 countries world-wide.

The local community, led by the WALC, in conjunction with the above local organisations, and also the Wings Youth Drop-In Centre, has been developing the local program for 6 months. The Lowitja Institute, a national Aboriginal health research body, has initiated this campaign, which will be later be undertaken on a national basis.

The purpose of the pilot is to test an international model of adult literacy teaching and learning that has not previously been used in Australia, as well as to evaluate its effectiveness in terms of literacy skills acquisition and its consequent impact on improved social and economic well-being.

The course runs over a 3 month period, with the first class opening on 13 February, with up to 15 adults participating for 1 hour a day each week. Classes will be facilitated by a local Aboriginal community member, who will be supported by Jose Manuel Chala Lablanch from IPLAC.

The General Manager signed a document on behalf of Council, which is a statement of Council's support for the campaign. The WALC is hoping to achieve broad community support for the program.

#### ***RECOMMENDATION***

***That the Information Items report be received and noted.***

---

### 8.2 WARD BOUNDARY REVIEW

ATTACHMENT 2

#### **Summary**

Council is required to review its ward boundaries prior to the 2012 Council election. Following the revision of the boundaries, public comment was sought over a 42 day period. Only one submission was made. Council must adopt the boundaries and notify the NSW Electoral Commission of the changes prior to 31 January.

#### **Commentary**

In accordance with Section 211 of the Local Government Act 1993, councils are required to keep their ward boundaries under review and alter the boundaries as soon as practicable after having become aware of a difference of more than 10% in the number of electors between any wards.

Council received a letter from the NSW Electoral Commission in late September 2011, regarding the review of the ward boundaries. Council was in the position of having the following voters in each of the wards:

A ward	360 voters
B ward	409 voters
C ward	356 voters

The difference between A and B wards was 13.61% and between B and C wards, the difference was 14.89%, meaning that a review of the boundaries was necessary.

Following much deliberation and examination of the options available to Council, the following changes have been made during this review:

- Movement of the Sunset Strip village (42 voters) from C ward to B ward.
- Moving 54 voters on east side of the Darling River at Menindee from B ward to C ward.
- Moving 8 voters in Wilcannia from B ward to A ward.

As a result of these changes, the number of voters in each of the wards will be as follows:

A ward	368 voters
B ward	389 voters
C ward	368 voters

Under the revised boundaries, the difference between A and B wards will be 5.71%, as is the case between B and C wards. There will be no difference between the number of voters in A and C wards.

These changes were presented to Council at its November 2011 meeting for consideration. Council adopted the changes and agreed to place the revised boundaries on public exhibition and seek public comment.

When presented to Council in November, there was some discussion regarding part of Wilcannia being in B ward. It can be confirmed that this matter has been corrected and that all voters in Wilcannia will be included in A ward. This was represented on the maps that were placed on public exhibition.

Following the mandatory 42 day public submission period closing on 3 January 2012, only one submission was received. That submission is included in the attachments to this report. The key point of objection in this submission is the inclusion of Sunset Strip in the B ward of Council. In the submission, it is suggested that the geographic and fundamental common interests of Sunset Strip do not align with predominately rural character of B ward in general.

It is suggested that the entire eastern side of the Darling River in Menindee be included in B ward and that Sunset Strip remain in C ward.

Whilst there is merit in the argument put forward, following the last review there was significant concern at Menindee regarding the voters on the east side of the Darling River being included in B ward. One of the key elements of the changes with the current review was to correct this anomaly and include those voters in the C ward.

In relation to the matter of Sunset Strip not having much in common with the predominately rural character of B ward, the same could be said of the townships in A ward. All three wards have varying characteristics when it comes to the urban and rural environments, this should not preclude Sunset Strip from being included in B ward.

**(a) Policy Implications**

Nil.

**(b) Financial Implications**

Nil.

**(c) Legal Implications**

Nil.

**(d) Community Consultation**

Community consultation was undertaken for the required 42 day period.

***RECOMMENDATION***

***That Council adopt the revised ward boundaries as presented in the January 2012 Council meeting agenda.***

---

**8.3 COUNCILLOR EXPENSES AND FACILITIES POLICY**

**ATTACHMENT 3**

**Summary**

The purpose of this report is for Council to adopt a revised policy on the payment of expenses and provision of facilities to Councillors pursuant to the requirements of the Local Government Act 1993 (the Act) and Regulations.

**Commentary**

The policy was adopted by Council at its November 2011 meeting, for the purposes of public consultation. The public consultation period closed on 20 December 2011 and no submissions were received.

Council is now able to adopt the policy, publish it on Council's website and forward a copy to the Division of Local Government.

**(a) Policy Implications**

The adopted Policy will form part of Council's Policy Register.

**(b) Financial Implications**

There are financial implications and appropriate budgetary provisions will be adopted by Council each year as part of the annual Operational Plan. It is noted that budget provisions for councillors' training and development pursuant to the DLG Councillor Development Strategy are made separately.

### **(c) Legal Implications**

This policy is covered by the Local Government Act 1993 and the Local Government (General) Regulation 2005.

The Policy describes the legislative provisions pertaining to this report.

A number of other government policy provisions affect this policy including DLG Guidelines for the payment of expenses and the provision of facilities to Mayors and Councillors, Model Code of Conduct for Local Councils in NSW, DLG Circulars and various ICAC publications.

### **(d) Community Consultation**

Section 253 of the LGA 1993 states that Council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.

### ***RECOMMENDATION***

***That Council adopt the policy "Payment of Expenses and Provision of Facilities to Councillors".***

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## **8.4 FEES PAYABLE TO COUNCILLORS**

## **ATTACHMENT 4**

### **Summary**

This report alerts Councillors to a review of the fees payable to Councillors and the Mayor. The review is being undertaken by the Local Government Remuneration Tribunal, which is seeking feedback on various aspects of the fees.

### **Commentary**

The Local Government Remuneration Tribunal is required under the Local Government Act 1993 to make an annual determination in relation to the fees payable to Councillors and Mayors. The review will be conducted in relation to the minimum and maximum fee levels that will apply to each category of councils in NSW from 1 July 2012.

In undertaking this review, the Tribunal will also review the categorisation of Councils, which was last undertaken in 2009. Following the last review, no changes were made to the groupings of councils.

The Tribunal is seeking comment on any significant changes that have occurred in the activities of Councils since the last review, especially in relation to the impact those changes may have had on the duties and responsibilities of elected representatives.

Matters that should be addressed in submissions include:

- Whether the existing categories should be reduced or expanded and if so, on what basis.

- Whether the current categorisation is appropriate for this council. If not, how it should be categorised and on what basis re-categorisation should take place.
- Any significant change in the role and responsibilities of councillors and mayors since 2009.
- Other matters the Tribunal should consider in the review.

Changes since the last review should be related to the categorisation criteria specified in Section 340 of the Local Government Act 1993.

Submissions should be lodged with the Tribunal by 1 February 2012.

**(a) Policy Implications**

Nil.

**(b) Financial Implications**

Re-categorisation of the Central Darling Shire Council could increase the fees payable to councillors and the Mayor. Increased fees would need to be budgeted accordingly.

**(c) Legal Implications**

Nil.

**(d) Community Consultation**

Nil required.

***RECOMMENDATION***

***That Council consider the categorisation criteria for councils and the fees payable to Mayors and Councillors and provide comments to the General Manager by Monday 30 January 2012 for inclusion in a submission to the Local Government Remuneration Tribunal.***

8.5 WESTERN DIVISION CONFERENCE – MOTIONS FOR MEETING

ATTACHMENT 5

**Summary**

The Western Division of NSW councils will be holding its annual conference in Broken Hill from 26 – 28 February 2012. Council can submit motions to be put to the meeting to be held at the conference. Proposed motions must be sent to the Executive Officer by 30 January 2012.

**Commentary**

It has been suggested by the Mayor that the matter of RTA payments to Councils in return for works undertaken on a contract basis on State-owned roads could be included in a motion.

According to the Mayor, past practice was for councils to receive funding in advance of work being undertaken. Due to some councils exploiting this situation for their own financial gain, the RTA changed the payment arrangements, so that councils are now reimbursed for work undertaken after Councils have paid for staff, contractors, materials and other costs involved in road maintenance activities.

The changed arrangements have impacted on some councils' ability to effectively manage their cash resources, as contractual payments for road maintenance activities can be in the order of several hundred thousand dollars at a time.

Other possible motions could be in relation to the process by which Councils are to choose their service provider for the running of general Council elections; provision of adequate mobile telephone coverage in rural and remote communities; the draft Murray Darling Basin Plan; implementation of the National Broadband Network; and the transition arrangements for switchover to digital television in 2013.

Councillors will be able to propose motions at the Council meeting, which can then be finalised by the General Manager for submission to the Executive Officer of the Western Division.

Motions from the 2011 conference are attached for Council's information.

**(a) Policy Implications**

Nil.

**(b) Financial Implications**

Nil.

**(c) Legal Implications**

Nil.

**(d) Community Consultation**

Nil.

***RECOMMENDATION***

***That Council propose the following motions for the Western Division of NSW Councils 2012 conference:***

***Motion 1*** \_\_\_\_\_

***Motion 2*** \_\_\_\_\_

***Motion 3*** \_\_\_\_\_

***Motion 4*** \_\_\_\_\_

***Motion 5*** \_\_\_\_\_

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8.6 CENTACARE – REQUEST TO USE FACILITIES

ATTACHMENT 6

**Summary**

Centacare Wilcannia-Forbes (Centacare) has requested the use a room at the Menindee Rural Transaction Centre to conduct financial literacy workshops with indigenous community members. It is seeking to have the normal hire fees waived for this program.

**Commentary**

Centacare has written to Council requesting use of the Menindee Rural Transaction Centre to conduct its Manage Your Income Manage Your Life Program. This program is an indigenous financial literacy program, which aims to educate and raise awareness of financial issues with Aboriginal people.

This service is currently provided in Wilcannia and through Centacare’s Broken Hill office, to Menindee.

In its letter to Council, Centacare states that it does not have funds available for fees associated with venue hire, so is requesting that Council waive the fees for use of facilities at the Rural Transaction Centre.

Fees for the Menindee Rural Transaction Centre are set in Council’s 2011/12 Operational Plan. For use of a room only, the fee is \$17.50 per hour or \$120 for an 8 hour day.

In 2010/11, Council revenue from venue hire at the Menindee Rural Transaction Centre was \$4,078. In 2011/12, \$5,792 has been received to date. Venue hire at the Menindee Rural Transaction Centre is one aspect of Council’s operations where it appears it is possible to generate a relatively consistent income stream. Council should be seeking to maximise its revenue in such cases, as it has few similar ways in which it can generate income.

In line with recommendation 36 of the Promoting Better Practice Review report, Council needs to ensure that it maximises its sources of revenues other than rates. This is a practical example of where Council will make a decision that impact on its financial performance, although at a relatively low level.

In July 2011, Council adopted a range of measures designed to improve Council’s financial performance. Strategy 6 of those measures is for Council to pursue increased cost recovery on services and assets (once social and community service obligations are discounted).

In this case, there is no doubt that Centacare would be providing a valuable community service. However, it is not incumbent on Council to provide facilities free of charge for the provision of this service, no matter how worthy the cause may be.

Whilst there are many organisations running a range of programs for wider community benefit across the Shire, it is not possible for Council to waive fees for every organisation which approaches it for support. Waiving of fees has a direct impact on the ability of Council to fund its various activities and to ensure its long term financial sustainability.

Whilst it is recommended that Council refuse to waive fees in this instance, it is suggested that Council delegate authority to the General Manager to negotiate fees at some lesser rate than that

adopted in Council's 2011/12 Operational Plan. That option would only be exercised in the event that Centacare indicates that it will not commit to hiring the venue at the full rate.

This may enable some revenue to be gained from Centacare for use of the facility, as opposed to the situation where they may not use Council's facilities at all, thereby causing Council to lose any opportunity to gain revenue from the situation.

**(a) Policy Implications**

Proposal for waiving of fees is outside the parameters of Council's 2011/12 operational plan.

**(b) Financial Implications**

Council needs to maximise its revenue from non-rates sources. The Centacare request is at odds with recommendation 36 of the Promoting Better Practice Review report, as well as Strategy 6 adopted by Council in July 2011.

**(c) Legal Implications**

Nil.

**(d) Community Consultation**

Nil required.

**RECOMMENDATIONS**

***1. That Council refuse the request from Centacare Wilcannia-Forbes for venue hire fees for the Rural Transaction Centre at Menindee be waived for the running of its Manage Your Income Manage Your Life Program.***

***2. That Council delegate to the General Manager the authority to negotiate venue hire fees with Centacare Wilcannia-Forbes for the Rural Transaction Centre at Menindee for the running of its Manage Your Income Manage Your Life Program.***

**8.7 WILCANNIA WEIR COMMITTEE**

**ATTACHMENT 7**

**Summary**

This report seeks endorsement of the terms of reference for the Wilcannia Weir Committee and Council's full support for the Committee. At its November meeting, Council agreed to support the establishment of the Wilcannia Weir Committee in principle.

**Commentary**

Following its decision in November 2011 to approve in principle the establishment of a section 355 committee regarding the Wilcannia weir, draft terms of reference for the committee have now been prepared for Council's consideration.

Council should review the attached draft terms of reference for the Wilcannia Weir Committee and make a final decision to support the establishment of this committee. At its November meeting, Council agreed to support the establishment of the Wilcannia Weir Committee in principle, pending the development of the terms of reference.

Since the November Council meeting, an informal meeting of the Committee was held on 1 December at the request of Jack Beetson, CEO of the Wilcannia Aboriginal Lands Corporation (WALC) and William Bates, Chair of the Wilcannia Community Working Party (CWP). The General Manager, in consultation with the Mayor, agreed to that request, on the proviso that the meeting be held on an informal basis only.

At the commencement of that meeting, the General Manager stressed the importance of the Committee operating in accordance with protocols and procedures outlined in the Local Government Act 1993, as well as Council's operating manual for Section 355 Committees.

Given that the Committee will be responsible for making high-level representations to Government, and also that representatives would be referring to themselves as committee members, it is appropriate that it operate according to Council's protocols. Actions and statements by committee members will reflect on Council, therefore it is important that Council be able to influence the way the committee and its members operate.

Subsequent meetings in relation to the weir scheduled for 23 January, 15 February and 16 February have been organised as community meetings, and not meetings of the Committee. Following Council ratification of the terms of reference and membership of the Committee, it would be appropriate that such meetings be organised through the Committee.

The General Manager met with Jack Beetson and William Bates on 17 January to discuss the draft terms of reference and membership of the committee. At the meeting, the general purpose of the Committee was agreed.

In relation to membership, the General Manager explained that the usual process would be for Council to make a public call for nominations. However, in this case, it was suggested that a direct appointment process would be the best approach.

It is appropriate that membership of the committee be at the sole discretion of Council. In consultation with Jack Beetson and William Bates, the following nominations are suggested:

- Health Bob Davis, CEO Maari Ma Health Aboriginal Corporation
- Education Michelle Nicholson, Principal, Wilcannia Central School
- Indigenous (via the Community Working Party) William Bates, Chair Wilcannia CWP
- Business/Industry/Commerce Jim Sammon
- Tourism Bill Elliott, Chairman, Wilcannia Community Tourism Association
- Remote Service Delivery program Zoe Dobson
- Wilcannia Aboriginal Land Council Jack Beetson, CEO, Wilcannia Aboriginal Land Council
- Technical/Engineering Barry Spratt

Whilst there may be some drawbacks to a direct appointment process, it is believed that the independent representatives nominated above are respected community leaders and would receive

broad community endorsement and acceptance. It is also believed that these nominees to the Committee would be able to fulfil the criteria outlined in section 4(g) of the draft terms of reference.

**(a) Policy Implications**

Nil.

**(b) Financial Implications**

The establishment of a committee in relation to the Wilcannia Weir may entail minor expenditures in relation to amenities for meetings and occasional venue hire fees.

**(c) Legal Implications**

Nil.

**(d) Community Consultation**

The community could be included as representatives to the community to provide direct input into Council's decision-making processes.

**RECOMMENDATIONS**

**1. That Council support the establishment of the Wilcannia Weir Committee and endorse the draft terms of reference of the Committee.**

**2. That Council nominate the Mayor and Cr. \_\_\_\_\_ and Cr. \_\_\_\_\_ to the Wilcannia Weir Committee.**

**3. That Council invite the following representatives to be nominated to the Committee: endorse nominations for members of the committee and proxy members from the following sectors of the community:**

<b>Health</b>	<b>Bob Davis, CEO Maari Ma Health Aboriginal Corporation</b>
<b>Education</b>	<b>Michelle Nicholson, Principal, Wilcannia Central School</b>
<b>Indigenous (Community Working Party)</b>	<b>William Bates, Chair, Wilcannia CWP</b>
<b>Business/Industry/Commerce</b>	<b>Jim Sammon</b>
<b>Tourism</b>	<b>Bill Elliott, Chairman, Wilcannia Community Tourism Association</b>
<b>Remote Service Delivery program</b>	<b>Zoe Dobson</b>

*Technical/Engineering*

*Barry Spratt*

## SECTION 9. MANAGER ENVIRONMENTAL SERVICES REPORT

### 9.1 INFORMATION ITEMS

#### 9.1.1 SCRAP METAL COLLECTION

During November 2011 Netwaste contractors SIMS Metal Management undertook collection of scrap metal from Council owned and operated Waste Depots. A total of \$38,030 was reimbursed to Council from sale of scrap metal and has been allocated as waste management income under Council's current budget.

#### 9.1.2 DRAFT COMPREHENSIVE LEP

Council's Draft Comprehensive LEP is continuing to progress through the Department of Planning. To date, Council is waiting on the release of a section 65 certificate to allow the draft LEP to be placed on public exhibition. This is expected in February 2012. It is noted the draft plan was to be gazetted by December 2012, delays are due to an influx of draft LEPs received by the Department of Planning.

As mentioned by members of the public at White Cliffs in November 2011, a number of dugout owners continue to seek freehold tenure of their dugouts. To date, Council has undertaken as much work as possible to progress this matter, town zoning has been altered to allow subdivision of dugouts, road survey plans have been submitted to the Department of Primary Industries - with the latest changes requested by the Department being completed by Council. The final draft plans are in the hands of the Department of Primary Industries, and it is their role to lodge the plans with Land & Property Information to finalise the road gazettal process.

#### 9.1.3 MENINDEE POOL

Vandalism has occurred to the Menindee Swimming Pool amenities over the past week. This latest round of vandalism at the Menindee Pool includes the following damage – entrance doors destroyed, removed and kicked in, shower roses missing (stolen), toilet cisterns smashed, toilet roll holders missing, all door locks missing, shower taps missing. The facility requires urgent works, and the repairs will cost in the vicinity of \$5,000 including labor. Repair works are planned for the 23<sup>rd</sup> - 25<sup>th</sup> January 2012 with the pool being closed over this period.

#### **RECOMMENDATION**

***That the Information Items report be received and noted.***

## 9.2 ENVIRONMENTAL SERVICES DEPARTMENT STATISTICS FOR DECEMBER 2011

### Summary

This report provides a statistical summary of legislative activities undertaken by Environmental Services within December 2011.

### Commentary

The statistics will be provided to Council on a monthly basis. The below table demonstrates achievements and results for December 2011.

<u>Statistics for Dec 2011</u>	
Number DAs Approved for Dec 2011	4 – broken down into the following categories; Commercial = 2 Residential =2
Total Value of DAs approved for Dec 2011	\$1,961,0000
Food Premises Inspected in Dec 2011	1 - re-inspection
Animal Control Activities for Dec 2011	Dogs Impounded = 1 , Euthanized = 2 , Returned to Owner = 1, Cats Euthanized =1, Cat traps placed around Menindee, 7 residents warned/educated about restraining dogs on lead or at property. Authorised identifier course completed as per legislative requirements, 2 dogs micro-chipped.
Water Sampling for Dec 2011	Microbiology Samples Collected = 7 Chemistry Samples Collected = 2 Disinfection By Products = 1 Non-compliant Samples = 2

#### (a) Policy Implications

Nil to report at this stage.

#### (b) Financial Implications

Nil to report at this stage.

#### (c) Legal Implications

Nil to report at this stage.

#### (d) Community Consultations

Nil to report at this stage.

**RECOMMENDATION**

***That the Environmental Services Department Statistics for December 2011 report be received and noted.***

---

9.3 PROPOSED PLAYGROUND – LAND TRANSFER

ATTACHMENT 8

**Summary**

This report provides Council with information on a proposal by Save the Children to utilise Council owned land in the Wilcannia Mallee for the construction of a playground.

**Commentary**

At the December 2011 Ordinary Meeting of Council, Ms Georgia Tacey from Save the Children, Mr Jack Beetson from the Wilcannia Local Aboriginal Land Council and Ms Norma Walford – local Wilcannia community member addressed Council during Public Access to seek Council’s assistance to construct a playground in the Wilcannia Mallee. As a result of this discussion Council resolved “That Council support in principle the proposal for a playground in the Mallee on the Central Darling Shire Council land and that a further report be provided to Council in January 2012”. The preferred site is Council owned land known as Lot 15 DP2809 and Lot 16 DP2809 located along Barkandji Drive, Wilcannia. A plan showing the land parcels is provided for Councillors information.

The majority of land in the Wilcannia Mallee area is owned by the Wilcannia Local Aboriginal Land Council. Lots adjoining and surrounded Lots 15 and 16 in DP2809 are owned and managed by the Wilcannia Local Aboriginal Land Council. The originally proposed site for the playground was on land areas belonging to the Land Council, however approvals for construction works are difficult to achieve and gain in relation to the Aboriginal Land Rights Act 1983 and other internal approvals required for development on Aboriginal owned land. On this basis, Council has been approached to assist given that the other preferred site is located on Council owned land.

The Council owned land is presently cleared apart from small native shrubs and some grasses. A number of tracks traverse the area being informal walking and driving tracks. The site is unsurveyed and unfenced. No Council improvements are present on the land. The land is classified as operational land as per resolution of Council.

The proposed use of the land by Save the Children relates to the future development of a playground on the site. Funds to the value of \$70,000 have been held by Save the Children to construct a Child Friendly Space in the Mallee area of Wilcannia. Initial preliminary concepts indicate that Save the Children would like to develop an alcohol free, child and family friendly space where children and their carers could meet, interact, socialise and play. The family friendly space would include but would not be limited to:

Sensory play equipment

Shade

Soft fall paving

Tables and chairs

BBQ and shared areas for Elders to sit and supervise

Elders sitting/knowledge circle and fire pit.

It is intended that the site will be used for community events, cultural celebrations (NAIDOC Day, Sorry Day, RSD Local Implementation Plan events etc.), as well as for agencies such as DOCS, CentaCare and Save the Children to operate child and family programs such as the Intensive Supported Playgroup and the Indigenous Supported Parenting Program.

Save the Children undertook community consultation in 2010 and more intensively in January 2011 with residents living in the Mallee area regarding the location and design of the playground.

Before the playground could be constructed approval under a development application will be required. The proposed use is permissible in zone 2(t) Township Zone with Council consent under the Central Darling Local Environmental Plan 2004. The proposed use is also permissible under the draft Local Environmental Plan within Zone R1 General Residential with consent from Council. As part of the development, Save the Children as the applicant will need to provide detailed plans of the proposed structure and written certification that the structure and soft fall comply with relevant Australian Standards.

The concept raises concerns with regard to public liability, future maintenance and ongoing management – primarily if it is located on Council owned land then Council would be deemed to be the responsible body for these matters. However, a verbal discussion held on the 11 January 2012 between Council's General Manager and the Acting CEO, Mr Jack Beetson of the Wilcannia Local Aboriginal Land Council reached an agreement that the Wilcannia Local Land Council will be responsible for all public liability and insurance matters associated with the playground site, and ongoing management and future maintenance. It was clearly stated that the responsibility will not be borne by Council, but will be handled and met by the Wilcannia Local Aboriginal Land Council. It has been requested that this commitment be provided to Council formally in writing.

To move the concept forward it is recommended that the following course of action be undertaken;

The site be surveyed to determine boundaries.

Save the Children lodge a development application with Council for the proposed structure.

Pending approval of the proposed structure Save the Children construct the playground on the said land.

After construction is complete Council transfer ownership of the land to the Wilcannia Local Aboriginal Land Council.

The future responsibility, insurance concerns, maintenance and management will be borne by the Wilcannia Local Aboriginal Land Council as the owners of the land.

#### (a) Policy Implications

Council has an outstanding resolution regarding the sale of land that may or may not have consequences for this proposal. In February 2011 as per Resolution 11-2-11 Council resolved that no further sales of Council land take place until town planning and zoning requirements have been finalised. Requests for land purchases were also not supported by Council on the basis that Council did not having an Asset Disposal Policy relating to Council owned land. To date, an adopted policy is of this kind is still not available. In the past these types of requests related to purchase of Council

land for private purposes and personal gain by local community members. None of the requests were for the purchase of land for community purposes or for the benefit or greater good of the local community and residents. The construction of the playground is for the benefit of the local Wilcannia community, children in particular. In the event this land is transferred to the Wilcannia Local Aboriginal Land Council it would only be after the playground is constructed for local children, and not for the purpose of private gain or benefit of a developer or private/third party. It may also be viewed that the land is proposed to be transferred, not sold.

(b) Financial Implications

Council may assist with surveying costs of the site, the costs of an identification survey estimated at approximately \$1,500. Land transfer costs will be in the vicinity of \$2,000 - \$3,000, however it is unknown at this stage if these costs maybe more if the land has improvements upon it when transferred.

(c) Legal Implications

Transfer of land will require assistance from Council's solicitor. It is recommended that the land be transferred for a peppercorn amount given that the land use is for a public purpose and will not be utilised for personal gain of a private nature.

(d) Community Consultations

Nil to report at this stage. However the community supports the proposal as per Council's recent Strategic Planning community consultation sessions, as new and modern playgrounds were raised as infrastructure items the community wished to see constructed and introduced to the town.

***RECOMMENDATION***

***That the Proposed Playground –Land Transfer report be received and noted, and further;***

***That Council survey Lots 15 & 16 in DP2809 located in the Wilcannia Mallee area, and;***

***Pending approval and construction of the playground, that Council transfer ownership of Lots 15 & 16 in DP2809 to the Wilcannia Local Aboriginal Land Council.***

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**Summary**

This report outlines a proposal by the NSW Government to undertake a Review of the Planning System in NSW.

**Commentary**

Correspondence has been received from the Planning System Review team indicating that a review of the NSW Planning System is being undertaken. Consultation has occurred across the state, and submissions have been collated into an issues paper for comment. Council is invited to review the

issues paper and make comment on any questions or content in the paper that is of concern by Friday 17 February 2012. A copy of the paper is attached for Councillors' information.

A summary of the terms of reference for the review team are as follows;

1. Consult widely with stakeholder groups and communities throughout the State to identify the issues that require consideration in developing a new planning system;
2. To consider stakeholder and community submissions on issues identified during the consultation process;
3. Examine interstate and overseas planning systems to ensure that relevant best practice options are considered for inclusion in a new planning system for NSW;
4. Recommend a statutory framework and necessary implementation measures for a new planning system for NSW;
5. Promotes the maximum use of information technology;
6. Any other matters that the Planning System Review considers should be included in their recommendations that are not otherwise dealt with in the above.

At this stage no proposals regarding the future changes to the planning system or the overarching legislation has been released. Options for addressing issues are still being explored.

**(a) Policy Implications**

Nil to report at this stage

**(b) Financial Implications**

Nil to report at this stage

**(c) Legal Implications**

Nil to report at this stage

**(d) Community Consultations**

Nil to report at this stage.

***RECOMMENDATION***

***That the Planning System Review report be received and noted.***

**9.5 IVANHOE AERODROME – RESERVE 85153**

**ATTACHMENT 10**

**Summary**

This report provides information to Council on the need for an additional purpose of use to be added to the current Crown Land purpose of use for the Ivanhoe Aerodrome.

**Commentary**

Correspondence has been received from the Rural Fire Service indicating a proposal for a large above ground water tank to be installed at the Ivanhoe Aerodrome. The tank will be utilised for firefighting purposes in times of bushfire. The placement of the tank at the Ivanhoe Aerodrome will

support firefighting activities in the area as the Ivanhoe airstrip has been identified and noted by the Rural Fire Services as an emergency airstrip under the Central Darling Bushfire Management Plan.

The Ivanhoe Aerodrome is Crown Land, and Council is Trust Manager of this area. The current purpose of use is for aviation purposes. To enable the water tank to be placed on the site, it is necessary for the purpose of use to be altered to allow for this new use. On this basis, it is requested by the Department of Primary Industries – Crown Lands Department that an addition use of Rural Services be applied to the purpose of use. A Council resolution to this effect is required.

**(a) Policy Implications**

Nil to report at this stage

**(b) Financial Implications**

Nil to report at this stage

**(c) Legal Implications**

Nil to report at this stage

**(d) Community Consultations**

Nil to report at this stage.

***RECOMMENDATION***

***That the Ivanhoe Aerodrome report be received and noted; and further,***

***That Council apply to the Department of Primary Industries – Crown Lands Department seeking the additional use of Rural Services to be applied to the purpose of use for Reserve 85153 being the Ivanhoe Aerodrome.***

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## SECTION 10. FINANCE REPORT

### 10.1 RATES AND CHARGES

### ATTACHMENT 11

The net positive movement in the balance of outstanding rates and charges (\$107,955) reflects the slight upwards trend in receipts over the last six months when compared to the previous twelve months. Four out of the six months have seen increases totalling \$121,680, with falls in two months totalling \$24,744. No charges were levied in December and other variables (write-off and credits, rates in credit) were not significant.

#### STATEMENT OF RATES and CHARGES as at 3rd January 2012

Fund	Current Levies	Current Interest	Arrears Incl Interest	TOTAL	Receipts	Adjustments W/offs & Credits	Pensioner Subsidy	Rates in Credit	BALANCE
General	\$ 656,829	\$ 9,709	\$ 276,324	\$ 942,862	\$ 414,351	\$ 4,368	\$ 15,829		\$ 508,314
Special	\$ 29,410	\$ 876	\$ 25,865	\$ 56,150	\$ 19,931	\$ 1,705			\$ 34,514
Water	\$ 284,556	\$ 8,044	\$ 234,622	\$ 527,221	\$ 192,875	\$ 6,166	\$ 5,381		\$ 322,799
Sewer	\$ 98,753	\$ 2,975	\$ 91,191	\$ 192,919	\$ 76,395	\$ 3,543	\$ 788		\$ 112,193
Garbage	\$ 320,578	\$ 9,347	\$ 261,431	\$ 591,357	\$ 215,564	\$ 4,732	\$ 13,771		\$ 357,290
Excess Water	\$ 250,947	\$ 8,472	\$ 251,096	\$ 510,515	\$ 137,501	\$ 94,949			\$ 278,065
Charge on Land			\$ 31,750	\$ 31,750	\$ 1,804				\$ 29,946
Rates in Credit								\$ 37,955	\$ 37,955
<b>TOTALS</b>	<b>\$1,641,072</b>	<b>\$ 39,423</b>	<b>\$ 1,172,278</b>	<b>\$2,852,773</b>	<b>\$ 1,058,421</b>	<b>\$ 115,463</b>	<b>\$ 35,769</b>	<b>-\$ 37,955</b>	<b>\$ 1,605,166</b>

#### **RECOMMENDATION**

***That the Finance report be received and noted.***

## SECTION 11. CORRESPONDENCE

### ***RECOMMENDATION***

***That the Correspondence for Council be received and noted.***

#### 11.1 MEDIA RELEASES

Date	Sender	Contents
7/12/2011	Member for Murray-Darling	Murray-Darling receives funding for arts projects
7/12/2011	Member for Murray-Darling	Williams encourages everyone to attend public meeting on the Murray-Darling basin plan
12/12/2011	Member for Murray-Darling	Government honours local heritage heroes
16/12/2011	Minister for health, Minister for Medical research	Upgrade for Ivanhoe Emergency Department
19/12/2011	Member for Murray-Darling	Murray-Darling to benefit from seniors week grants
20/12/2011	Member for Murray-Darling	Another chance to have your say on planning in NSW
21/12/2011	Member for Murray-Darling	Submissions invited on domestic firewood collection within river red gum reserve in the riverina bioregion
22/12/2011	Department of Primary Industries office of water	Supplementary access in the Lower Darling
25/12/2011	Member for Murray-Darling	2011 Christmas message

10/01/2012	Member for Murray-Darling	NSW government invests \$12,400 in Murray Darling transport infrastructure grants
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## 11.2 CIRCULARS/NEWSLETTERS

Sender	Date	Contents
Land and Property Information	7/12/2011	Decommissioning of the security interests in goods register
Local Government Association of NSW and the Shires Association of NSW	09/12/2011	Local Government Weekly 48/11
Local Government Association of NSW and the Shires Association of NSW	14/12/2011	From the Presidents
Local Government Association of NSW and the Shires Association of NSW	16/12/2011	Local Government Weekly 49/11
Department of Premier & Cabinet Division of Local Government	22/12/2011	Public interest disclosures-new reporting requirements
Department of Premier & Cabinet Division of Local Government	6/01/2012	Local infrastructure renewal scheme guidelines
Department of Premier & Cabinet Division of Local Government	10/01/2012	Procurement from disability employment organisations
Department of Premier & Cabinet Division of Local Government	15/01/2012	Release of swimming pools Act 1992 review discussion paper

## SECTION 12. DELEGATES' REPORTS

### ***RECOMMENDATION***

*That the Delegates' reports be received and noted.*

### **DELEGATE'S REPORT – Cr. Clive Linnett**



## ***WESTERN LANDS ADVISORY COUNCIL***

14<sup>th</sup> December 2011

### **COMMUNIQUE**

The 23<sup>rd</sup> meeting of the Western Lands Advisory Council was held in Cobar on the 24<sup>th</sup> of November 2011.

It was pleasing to welcome a new Advisory Council member, Mr Des Jones, who will be representing the interests of the NSW Aboriginal Land Council, (his membership is currently pending finalisation with the Hon Katrina Hodgkinson MP, Minister for Primary Industries). Mr Jones was born in Brewarrina, then lived in the Northern Territory for some years and now resides in Wentworth.

The Advisory Council members were given two presentations at the meeting.

Mr Paul Seager and Mr Brett Norman from National Parks and Wildlife Service, Broken Hill provided an update on the current situation on the Draft Regional Pest Management Strategy 2012–2015 which is out for public comment with the final document to be completed prior to late January 2012.

The development of Regional Pest Management Strategies (RPMSs) provides the National Parks and Wildlife Service (NPWS) with a strategic approach to pest management in parks across NSW. The RPMSs are divided into Part A and Part B which have a four year life span.

Part A provides the broader planning framework for the management of pests by NPWS. It documents the corporate environment, legislation and policy content and describes the logic used for identifying, prioritising and monitoring pest management programs. It also establishes Service wide pest management goals, objectives and actions.

Part B describes the local circumstances within each NPWS Region and applies the Part A framework to prioritise specific pest management programs. These priorities will be included in the Regional Operation Plans and implemented through the Assets Maintenance System. Part B for each Region also broadly identifies pest distribution and the associated impacts across the Region. The progress of their implementation will be continuously monitored and they will be reviewed and updated in their final year.

Pest species are animals, invertebrates and plants that have negative environmental, economic and social impacts. In this document they are collectively referred to as pests. Pests are amongst the greatest threats to biodiversity throughout Australia. NPWS currently manage 875 national parks and reserves, which is approximately 8.5% of NSW. In the document, the generic term “parks” is used to refer to any lands managed by NPWS under the *National Parks and Wildlife Act 1974*.

The second presentation was facilitated by Ms Karen Kneipp who is based in Bourke for the Western Catchment Management Authority, and the members were updated on the Native Vegetation Regulations and Property Vegetation Plans for the Western Division.

Although 95% of the Western Division of NSW is uncleared, the composition and structure of vegetation communities has been modified as a result of the introduction of grazing and changed fire regimes. The *Native Vegetation Act 2003* and *Native Vegetation Regulation 2005* both commenced on the 1<sup>st</sup> of December 2005. Under the *Native Vegetation Act 2003*, Catchment Management Authorities (CMAs) are responsible for assisting land managers with on-ground management and clearing of native vegetation. The Department of Primary Industries (formerly the Land and Property Management Authority) is responsible for monitoring and compliance functions.

Six CMAs operate within the Western Division: Western, Central West, Lachlan, Murray, Murrumbidgee and Lower Murray Darling. The mechanism for implementing the new system is voluntary agreements between landholders and CMAs called Property Vegetation Plans (PVPs) and agreements between the respective CMA and landholders for grant funded projects.

The Review of the Native Vegetation Regulation is out for public comment and the survey will close on the 30<sup>th</sup> of March 2012.

Andrew Bell, Western Lands Commissioner updated members on various matters.

The Wild Dog Destruction Board conducted its annual inspection of the dog fence in August 2011 and it was found to be in good order, notwithstanding that it has endured the best and worst that nature could provide in recent years. A significant section of the fence remains under flood water and will continue to be so for some months to come. This section, comprising about 23 kilometres, will require a total replacement. As the wild dogs are increasing it is essential that the Wild Dog Fence is appropriately maintained.

It is pleasing to report that the NSW Treasury has acknowledged the anomaly that has existed for the Unincorporated Area not previously being eligible to apply for Natural Disaster Relief and Assistance Schemes. Advice has now been given to the Minister for Police and Emergency Services

for amendments to be adjusted to the Natural Disaster Guidelines specifically relating to the eligibility criteria for the Wild Dog Destruction Board, the Tibooburra Water Supply Trust and the Tibooburra Aerodrome Reserve Trust to access joint Commonwealth and State funding to repair public infrastructure following a Natural Disaster Declaration. This advice includes making claims for Natural Disaster events which predate amendments to the guidelines.

The term of appointment of the current membership of the Wild Dog Destruction Board expired on 26 November 2011 and the representative bodies on the Board have lodged nominations for Board Members for a further term.

At the budget meeting of the Wild Dog Destruction Board held in early November, the Board set the rate for 2012 at 4.5 cents per hectare.

The NSW Treasurer has approved a 50% waiver of Western Lands Lease rural rents for the 2011/2012 rent year. The Advisory Council has expressed sincere appreciation to the Hon Katrina Hodgkinson MP, Minister for Primary Industries and the Government, for this financial assistance to landholders.

Advisory Council members were updated on the progress of the Legal Road Network Project. To date the Project has completed the lodgement of plans identifying some 8200km of road and 1500km of easements in the Western Division. The Project has completed capture of the roads in the Bourke Shire and half of the roads in the Bogan Shire. The Project proposes to move to the Cobar Shire after Bourke and Bogan Shires are completed. The LRNP has also welcomed Mr Jeff Page to the team and he will commence training in all facets of the Project in the very near future.

Mrs Sharon Hawke, Assistant Western Lands Commissioner updated the members on the Western Division Range Condition Assessment Program (WDRCAP). The 2011/2012 program has a target of 70 nominated properties to be completed as part of the WDRCAP and 70 other properties to be completed as a result of other inspections, 140 inspections in total.

As at the 31<sup>st</sup> of October 2011, 22 nominated properties and 44 other properties have been inspected, being a total of 66 inspections.

All RMO reports are being stored in a central electronic database along with all the associated maps and photos. The biomass raw data and photostandards are also stored in a central electronic database with restricted access, to maintain security.

Andrew Bell and Sharon Hawke attended and represented NSW at the biennial Arid Lands Administrators Conference held in Carnarvon WA in September 2011. The WDRCAP was presented at this conference with very positive discussion regarding the policy and procedures which have been developed.

Mrs Sharon Hawke updated the members of the launch on the Inland Rivers Access Brochure. The inland rivers of Western NSW are highly valued for their recreational pursuits and activities by both those who live in the Western Division and those who visit.

Access to the rivers is often through the adjoining Western Lands Lease, and this can cause an issue at times.

Crown Lands is in the process of preparing a Public Access to Inland Rivers in the Western Division of NSW brochure that will include:

- Identification of access sites;
- Comments on the facilities available at the sites;
- Descriptive directions to the sites as well as GPS co-ordinates and longitude and latitude; and
- Safety information.

The next meeting of the Western Lands Advisory Council is to be held in Cobar on the 29<sup>th</sup> of March 2012.

Since the Advisory Council meeting, Andrew Bell, Western Lands Commissioner and myself had a productive meeting with the Hon Katrina Hodgkinson MP, Minister for Primary Industries, Dr Richard Sheldrake, Director General, Department of Primary Industries, and Ms Ilse van de Meent, Policy

Advisor on Lands, on the 30<sup>th</sup> of November 2011. We were able to brief the Minister on the matters the Advisory Council represents, including the serious mining issues in Lightning Ridge, which we indicated needed to be urgently addressed as it was dividing the communities. I am pleased to say that the Wilcox Report, commissioned by the NSW Government to look into the problems facing landholders affected by opal claims in Lightning Ridge, was released that day. Submissions close on the 22<sup>nd</sup> of February 2012 for comments on the report.

We were also able to express our appreciation for the 50% waiver of Western Lands Lease rural rents for the 2011/2012 rent year, recently approved by the Treasurer. We also expressed appreciation that the guidelines for the eligibility to apply for Natural Disaster Relief and Assistance Schemes to include the Unincorporated Area are being adjusted.

All the best for the festive season and for a prosperous 2012 to our readers and their families.

For any further information please contact Mrs Jenny McLellan, Chair.  
Mobile: 0419 279 610.

## SECTION 13. QUESTIONS WITH NOTICE

### ***RECOMMENDATION***

***That Councillors' questions with notice be received and noted.***

#### 13.1 CR LOONEY

1. People are complaining about lack of street signage. Please can we have a complete audit of signage in Menindee?
2. Financial statements for Menindee fishing challenge years 2010, 2011 have never been printed in agenda. Require information for Australia day, on how much was raised each year for playground equipment and amount raised from collection tins.
3. Is the shire in favor of Menindee having a BMX bike track if grant money comes our way?
4. When will we have our new drinking water stations in place.

#### 13.2 RESPONSES TO QUESTIONS WITH NOTICE

1. A street signage audit in Menindee has not been budgeted for 2011/12 or included in Council's Operational Plan. A street sign audit across all towns in the Shire may be warranted and can be budgeted for the 2012/13 financial year. Councillors with immediate and specific signage concerns can relay those concerns to the General Manager or Manager Technical and Engineering Services for immediate action.
2. The Menindee fishing challenge has been organised through the Menindee Development Committee, a Section 355 Committee of Council. No financial statements in relation to the event have been prepared by the Committee, so therefore cannot be presented to Council. Funds raised through the event have been held in trust by Council. As at 31 December 2011, \$6,096 was held in trust by Council.
3. This question can only be answered through a motion put to the Council meeting. If it is proposed that a bmx biketrack be established in Menindee, a written report to Council will be provided at the appropriate point in time and include all information needed for Council to make a fully-informed decision.
4. Drinking water stations are currently being installed and are expected to be fully operational before the end of January 2012.

## SECTION 14. URGENT BUSINESS

## SECTION 15. CONFIDENTIAL MEETING

### CLOSED COUNCIL

#### Confidential Reports

#### (Section 10A (2) of the Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representation to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public. The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- (d) commercial information of a confidential nature that would, if disclosed:
  - (i) prejudice the commercial position of the person who supplied it, or
  - + (ii) confer a commercial advantage on a competitor of the Council, or
  - (iii) reveal a trade secret.
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Section 10A(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matter referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in a open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
  - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
  - (ii) cause a loss of confidence in the Council or committee.

#### **Resolutions passed in Closed Council**

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.

**SECTION 16. DATE AND VENUE FOR NEXT MEETING**

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*The next meeting of Council will be held on the 21<sup>st</sup> February 2012 in  
Wilcannia Commencing at 9:00am*

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