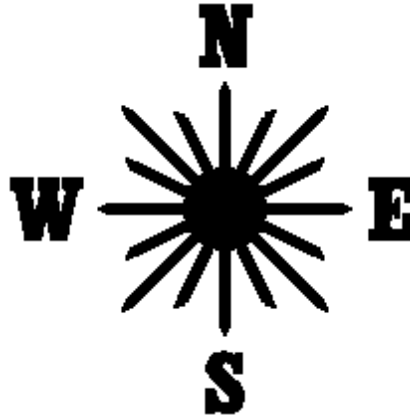


Mission Statement

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

CENTRAL DARLING



SHIRE COUNCIL

Minutes

For the Ordinary Meeting

Tuesday 20th November 2012

at

White Cliffs

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 was held in the Community Hall, White Cliffs on Tuesday 20th November 2012 commenced at 9:35am.

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

PRESENT:

Councillors:

Ray Longfellow

Clive Linnett

Lorraine Looney

Eamon Sammon

Ron Page

Peter Sullivan

Dennis Standley

Gary Astill

Honor Liversidge

ALSO PRESENT:

Leeanne Ryan

Acting General Manager

Reece Wilson

Manager Technical and Engineering Services

David Cumming

Acting Manager Corporate and Community

Paul Gavin

Acting Finance Manager

Adelaide Elliott

Executive Assistant

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

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

1-11-12 resolved

That Council suspend standing orders

Standing orders suspended at 9:36am

Dick Wagner addressed the council on Co Opera's Die Fledermaus opera/cabaret performance to be held in White Cliffs in April 2013. The Co Opera requires 2 x 3 phase power outlets to be installed in the White Cliffs Community Hall.

Councillor Lorraine Looney addressed Council on behalf of Mr Bob Looney, regarding the letter that was sent to Mr Looney in response to the questions he raised in Public Access at Menindee. Mr Looney was unsatisfied with the responses received.

MOTION CARRIED

MOVED CLR SULLIVAN/ CLR LINNETT

2-11-12 resolved

That Council resume standing orders.

Standing orders resumed at 9:42am

SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

3-11-12 resolved

That the minutes of the Ordinary Meeting of the Council held on the 16th October 2012, 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

Clr Sullivan noted that the recommendation for item 8.7 from the October Council Meeting is illegal because it doesn't show the correct wording that was voted on.

The motion should be rectified to show the correct motion and the minutes should reflect this.

The item should be brought back to Council to make it a legal motion.

Clr Page said that the amendment was to add to the original motion not to be a separate motion and that it was to act as complementary to the original motion.

Clr Astill requested the Mayor make a ruling on the matter. The Mayor ruled in favour of the motion, as recorded in the draft October minutes.

Clr Sullivan recorded against the motion documented in the draft minutes, as they weren't true and correct.

Clr Astill questioned was there a reason that he didn't receive his minutes in the mail for the October Council Meeting?

3.2 STATUS OF COUNCIL RESOLUTIONS – OCTOBER 2012

Clr Sullivan queried what was the original costing on the Mallee playground.

MOTION CARRIED

MOVED CLR ASTILL/CLR SULLIVAN

4-11-12 resolved

That the Status of Council Resolutions be received and noted

SECTION 4. MAYORAL MINUTES OR REPORT

26th October 2012-Mayor and Councillor Linnett attended the Western Division Councils mid-term meeting in Bourke. Topics of discussion included the following: The Big Native Title Claim, this includes 10 Councils, One Association, Daylight Savings, Cross Border Commissioner, the appointment of the Northern Basin Advisory Committee by Murray Darling Basin.

12th November 2012-Mayor and Councillor Linnett attended a RFS meeting in Wilcannia.

Mayor, Deputy Mayor and Councillor Linnett attended a LEMC meeting in Wilcannia.

13th November 2012- Mayor, Councillor Page, Acting General Manager and Manager Technical Engineering Services attended a S355 Wilcannia Weir Committee. There was a update given from Mr Ross O'Shea from Premier and Cabinet Department, the next meeting is proposed for the 13th December 2012.

The Mayor has extended an invitation on behalf of Council to the Minister for Local Government the honourable Don Page to Visit the Central Darling Shire.

The Mayor drew attention to the proposed new laws to govern Local Councils who are seen to be, misbehaving or dysfunctional and the penalties involved. The mayor requested further information be brought back to Council on this matter.

SECTION 5. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

Clr Sammon declared a pecuniary interest in Item 10.7 Development Application 22/12

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

5-11-12 resolved

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

SECTION 6. NOTICE OF MOTIONS

MOTION CARRIED

MOVED CLR PAGE /CLR SULLIVAN

6-11-12 resolved

That the Notice of Motions be dealt with.

Motion 1

MOTION CARRIED

MOVED CLR PAGE /CLR ASTILL

7-11-12 resolved

That the Central Darling Shire Council sign a Memorandum of Understanding between the Central Darling Shire, the Lands Councils and the Working Parties of Wilcannia, Ivanhoe and Menindee.

Motion 2

MOTION CARRIED

MOVED CLR PAGE /CLR ASTILL

8-11-12 resolved

That the Central Darling Shire Council seek grant funding from both State and Federal Governments to build housing for the aged in Menindee.

Motion 3

MOTION CARRIED

MOVED CLR PAGE /CLR LOONEY

9-11-12 resolved

That the Central Darling Shire Council arrange a date for a training workshop on how to Chair Council Meetings and update our policy on meeting procedure.

Motion 4

MOTION LOST

MOVED CLR PAGE /CLR ASTILL

10-11-12 resolved

That the Pooncarie Road between Menindee and the Wentworth Shire border be made the Central Darling Shire Councils top priority for future roads funding from both State and Federal Governments.

Clr Astill called for a division

For	Against
Clr Page	Clr Longfellow
Clr Astill	Clr Sullivan
Clr Looney	Clr Linnett
	Clr Sammon
	Clr Liversidge
	Clr Standley

Meeting adjourned at 10:35am, resuming at 11:02am

SECTION 7. NOTICE OF RESCISSION MOTIONS

Nil

As the Finance Team needed to leave the meeting early, the Finance Managers Report was dealt with first before the Acting General Manager's report.

SECTION 8. ACTING GENERAL MANAGER'S REPORT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

11-11-12 resolved

That the Acting General Manager's Report be dealt with.

8.1 INFORMATION ITEMS

8.1.1 RETURNS DISCLOSING INTERESTS

8.1.2 FINANCIAL ASSISTANCE GRANTS 2012-13 ATTACHMENT 2

8.1.3 ONE ASSOCIATION

8.1.4 PROMOTING BETTER PRACTICE REVIEW

8.1.5 REGIONAL DEVELOPMENT AUSTRALIA FUNDING ROUNDS 3 & 4

Clr Astill left the meeting at 11:10am returning 11:20am

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

12-11-12 resolved

That the Information Items report be received and noted.

Clr Looney requested Council Lodge an EOI for funding under the RDA funding for a Multipurpose Centre at Menindee, with 50/50 funding to be allocated out of Works Committee Funding throughout 2012/13 and 2013/14.

8.2 WESTERN DIVISION CONFERENCE 2013

Clr Linnett & Clr Astill to attend and Clr Sullivan, Clr Page, Clr Liversidge, Clr Sammon are a possibility to attend but need to be confirmed.

Amendment to the motion to include the wording of all interested Councillors.

MOTION CARRIED

MOVED CLR ASTILL/CLR PAGE

13-11-12 resolved

That the Mayor, Acting General Manager and all interested Councillors attend the Western Division Conference 2013.

8.3 LOWER MURRAY DARLING CATCHMENT MANAGEMENT AUTHORITY

MOTION CARRIED

MOVED CLR SULLIVAN /CLR STANDLEY

14-11-12 resolved

That the Lower Murray Darling Catchment Management Authority report be received and noted.

8.4 RESOLUTION FROM 2012 SHIRES ASSOCIATION CONFERENCE

MOTION CARRIED

MOVED CLR LINNETT/CLR ASTILL

15-11-12 resolved

That the Resolution from 2012 Shires Association Conference report be received and noted.

8.5 INTERNAL AUDIT COMMITTEE

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

16-11-12 resolved

That the Internal Audit Committee be reviewed at the end of this financial year.

8.6 OPERATIONAL PLAN FEES

MOTION CARRIED

MOVED CLR ASTILL /CLR SAMMON

17-11-12 resolved

That the Operational Plan Fee report be received and noted; and further,

That Council charge \$20 per activity application request lodged with Council, with exemptions from this fee being provided for nationally celebrated ceremonies held on Council owned or managed land.

8.7 STAGE ONE FEEDBACK – INDEPENDENT REVIEW PANEL

MOTION CARRIED

MOVED CLR LIVERSIDGE /CLR LOONEY

18-11-12 resolved

That the Stage One Feedback – Independent Review Panel report be received and noted.

8.8 QUESTIONS – CR ASTILL

Clr Astill queried if there are other areas in Council that operate at a loss? Also what financial contribution goes to Westpac Bank is it \$90,095 or \$46,095? Perhaps Wilcannia should pay a special rate to cover the cost. Acting General Manager advised \$46,095. The Mayor suggested the Westpac Bank expenses be considered at budget time.

Clr Astill queried what happened to the crockery at the Menindee Hall. It had been considered for purchase in previous years. Acting General Manager to take on notice.

Clr Astill queried the timeframe on the submission for the Menindee-Pooncarie Road? Manager Technical and Engineering Services advised in the near future.

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

19-11-12 resolved

That the Questions – Cr Astill report be received and noted.

8.9 POLICY - CODE OF MEETING PRACTICE

MOTION CARRIED

MOVED CLR ASTILL /CLR SULLIVAN

20-11-12 resolved

That the Policy – Code of Meeting Practice report be received and noted.

8.10 NATURAL DISASTER & S.44 DECLARATION

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

21-11-12 resolved

That the Natural Disaster and S.44 Declaration report be received and noted.

8.11 POLICY: PAYMENT OF EXPENSES AND PROVISIONS OF FACILITIES TO COUNCILLORS

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

22-11-12 resolved

That the Acting General Manager’s Report “Payment of Expenses and Provision of Facilities to Councillors” be received and noted and further:

1. That the draft policy “Payment of Expenses and Provision of Facilities to Councillors” be adopted and publicly advertised for 28 days;

2. That a further report be submitted to Council after the closure of public submissions;

3. That the policy be reviewed by Council each year by the 30 November and a copy duly submitted to the Division of Local Government; and

4. That upon final adoption of the policy it be published on Council's website.

8.12 IVANHOE SALEYARDS

MOVED CLR LINNETT /CLR SULLIVAN

23-11-12 resolved

That Council disbands the S355 Committee and control of the Ivanhoe Sale yards go back to Council.

That all keys be recalled to all padlocks, and that appropriate persons be notified, and further,

That a report on fees and charges be brought back for Council's consideration.

8.13 JANUARY 2013 COUNCIL MEETING

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

24-11-12 resolved

That Council does not hold a Council Meeting in January 2013.

8.14 CHRISTMAS FUNCTION

MOTION CARRIED

MOVED CLR ASTILL /CLR LIVERSIDGE

25-11-12 resolved

That the Council hold a Christmas function on 18 December 2012.

SECTION 9. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

MOTION CARRIED

MOVED CLR LINNETT /CLR PAGE

26-11-12 resolved

That the Managers Technical and Engineering Services Report be dealt with.

9.1 INFORMATION ITEMS

9.1.1 GRADING PROGRAM

9.1.2 NO STOPPING SIGNAGE

MOTION CARRIED

MOVED CLR LINNETT/CLR ASTILL

27-11-12 resolved

That the Information Items report be received and noted.

9.2 ROADS REPORT

MOTION CARRIED

MOVED CLR LINNETT /CLR ASTILL

28-11-12 resolved

That the Roads Report be received and noted.

9.3 SERVICES REPORT

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

29-11-12 resolved

That the Services Report be received and noted.

Clr Astill asked that the name of the funds allocated to Town Works committees be named Works Committee Funds instead of Town Improvement Funds.

Manager Technical and Engineering Services advised the next Works Committee meetings will be, 6th December 2012-Ivanhoe & Menindee, 7th December 2012-White Cliffs & Wilcannia.

Clr Page left the meeting at 12:13pm returning 12:17pm

Clr Astill left the meeting at 12:14pm returning 12:17pm

Clr Sullivan questioned the skip bins at the Mallee in Wilcannia, the bins are full and who is responsible for emptying them. Acting General Manager to speak with Wilcannia Local Aboriginal Lands Council.

9.4 PROJECTS REPORT

MOTION CARRIED

MOVED CLR ASTILL /CLR SULLIVAN

30-11-12 resolved

That the Projects Report be received and noted.

9.5 PLAYGROUND FACILITY AUDIT

MOTION CARRIED

MOVED CLR LINNETT /CLR ASTILL

31-11-12 resolved

- 1. That Council endorse the findings of the Playground Audit,***
- 2. That Council allocate an additional \$45,500 towards repairs to existing playground facilities to comply with AS 4685, and***
- 3. That Council considers funding of \$40,000 towards replacement of playground facilities at Menindee's Bill Murray Memorial park because of critical non-compliance with AS 4685 at the next quarterly review.***

Meeting adjourned at 12:35pm, resuming at 1:20pm

Considerable discussion on softball took place. Clr Astill strongly suggest use of rubberised softfall as opposed to sand or barkchips.

SECTION 10. MANAGER ENVIRONMENTAL SERVICES REPORT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LIVERSIDGE

32-11-12 resolved

That the Managers Environmental Services Report be dealt with.

10.1 INFORMATION ITEMS

10.1.1 RANGER/ANIMAL CONTROL OFFICER WESTERN DIVISION SEMINAR

10.1.2 KNOX AND DOWNS, ASBESTOS CLEAN-UP

Clr Sammon stated if Council doesn't have the money for the clean-up of Knox & Downs, that it be auctioned or sold. Can Council put conditions on the contract of sale?

Acting General Manager to investigate and report back.

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

33-11-12 resolved

That the Information Items report be received and noted.

10.2 ENVIRONMENTAL SERVICES DEPT STATISTICS FOR OCTOBER 2012

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

34-11-12 resolved

That the Environmental Services Department Statistics for October 2012 report be received and noted.

| Clr Astill queried who does food inspections.

10.3 RSPCA ANIMAL HEALTH PROGRAM

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

35-11-12 resolved

That the RSPCA Animal Health Program report be received and noted; and further,

That Council support the RSPCA Animal Health Program through provision of microchips and providing hall hire at no charge.

10.4 WHITE CLIFFS SWIMMING POOL

MOTION CARRIED

MOVED CLR ASTILL /CLR SAMMON

36-11-12 resolved

That the White Cliffs Swimming Pool report be received and noted; and further,

That Council write to Statewide Mutual thanking the mutual for their generous offer to assist meet the costs of the deductible, and inviting a representative to the official opening of the White Cliffs Swimming Pool once the new pool is completed.

| Clr Astill congratulated the Acting General Manager on this matter.

10.5 BAKER PARK PLAYGROUND, WILCANNIA

MOTION CARRIED

MOVED CLR ASTILL /CLR SAMMON

37-11-12 resolved

That the Baker Park Playground, Wilcannia report be received and noted.

Clr Sammon requested that the proposal does not go out to for public exhibition due to the designs already being selected by the local children and that it wouldn't be fair on them if the Community changed the designs.

10.6 ST JAMES ANGLICAN CHURCH, WILCANNIA

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

38-11-12 resolved

That the St James Anglican Church, Wilcannia report be received and noted

10.7 DEVELOPMENT APPLICATION 22/12

*Clr Sammon declared a Pecuniary Interest and left the meeting at 1:27pm
returning 1:33pm*

Report prepared by: Leeanne Ryan – Manager Environmental Services

Report dated: 30th October, 2012.

File No. DA 22/12.

1. Report Summary

Applicant: Far West Local Health District.

Owner: Far West Local Health District.

Date lodged: 27th September, 2012.

This report considers a proposal to demolish the old Morgue at Lot 1 Ross Street, DP 1122572. Wilcannia NSW. The proposed demolition will prevent the spread of asbestos fibres to the general public and adjacent residents. The Morgue has asbestos roofing and asbestos flashings. The site will be utilised for installation of proposed transportable housing.

Reason for Referral to Council: The proposal is put to Council for approval for Demolition, being on the site of Wilcannia Hospital that is listed as a heritage site under Council's LEP The asbestos roofing and flashings are of concern for public safety.

Public Submissions:

SEPP1 Objections: No SEPP 1 Objections were received.

Value of works: \$2,000

2. Building Site (Refer to attached map.)

Address: Lot 1, Ross Street, DP1122572. Wilcannia NSW 2836.

Site Area
Total Site Area: 1.98 Hectares
Total Building Area: 42.4 Sq/mts.
Frontage: 202.00 metres.
Depth: 112.6 metres.

Topography and Vegetation
The topography of the site is flat to slightly sloping. The site has minimal vegetation (grasses and weeds) and soils are stable.

Existing Buildings
The subject land has a single residential dwelling to the east. The Wilcannia Hospital occupies the northern side of the property.

Planning Controls

Zoning
2(t) Township Zone under Central Darling LEP 2004.

Other
R1 General Residential under draft Central Darling LEP 2012

3. Representations

Heritage Advisor to Central Darling Shire Council: Liz Vines

Date: 4th October, 2012.

Form of the representation: Onsite consultation, building inspection and email.

Heritage Adviser reported that the building was of no Heritage significance. The advisor sees no issues with the demolition of this building.

4. Political Donations or Gifts

Any political donations or gifts disclosed: No

5. Proposal

The proposal is for the demolition of the building. The site is located at Lot 1, DP1122572 Ross Street, Wilcannia in the 2(t) Township Zone.

6. Background

DA was lodged on 27th September, 2012.

7. Submissions

The proposal was advertised and notified in accordance with Council policy Notification of Development Applications. The application was advertised on 16th October, 2012. Notification of the proposal was from 16th October, 2012 for 14 days. Public Notices were displayed for the same period.

No submissions were received.

8. Policy Implications

Relevant Provisions of Environmental Planning Instruments etc:

(a) Central Darling Shire Council LEP 2004.

Zoning 2(t) Township Zone

Requirements The subject land is currently in the 2(t) Township Zone pursuant to the Central Darling LEP 2004. The proposed demolition is within an existing township area and is permissible with Council consent, given that the land parcel is associated with the Wilcannia Hospital and is listed on Schedule 1 Heritage Items.

(b) Relevant SEPPs There are no particular State Environmental Planning Policies which apply to this development.

(c) Relevant REPs There are no Regional Environmental Plans relevant to this development.

(d) Draft LEP Under this LEP, the zoning of the property is RI General Residential. The proposed demolition is permissible with consent within this zoning under the draft LEP, and it is considered that the proposal is not contrary to the objectives of the LEP or those of the proposed zoning.

(e) Any DCP (e.g. dwelling house, villa)

9. Likely impacts of the Development

(a) Built Environment

The proposed demolition is to be carried out on land within an existing urban area. The current pattern of development is that of residential development on local roads near Ross Street.

The demolition will remove the hazard that the asbestos presents.

The demolition of the building will improve the visual and safety aspect of the area.

(b) Natural Environment

Vegetation onsite consists of a few trees, mixed grasses and weeds, and some bare ground, with little potential to support threatened fauna species. No significant habitat is located onsite. The proposed redevelopment of the site will therefore not significantly impact on native flora and fauna. Threatened species, populations, ecological communities and their habitats will therefore not be impacted upon by the proposal.

Adjoining land uses comprise residential areas with limited landscaped gardens.

10. Suitability of the site for the development

The site for the proposed demolition has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent development or from within the site; there are adequate transport facilities in the area; utilities and services are available and adequate for the site; there are no hazardous land uses or activities nearby.

There are therefore, no known zoning, planning or environmental matters that should hinder the demolition on the site as proposed.

11. The Public Interest

The proposal is considered to have a positive impact on the local community and it is in the public interest for the demolition to proceed, again for health and safety reasons.

12. Consultation

External Referrals

The proposal was referred to Council's Heritage Adviser for comments.

13. Critical Dates

None.

14. Financial Impact

This proposal will have no financial impact for Council. All costs incurred on the site are to be met by the land owner.

16. Conclusion:

It is recommended that the proposed demolition of Lot 1, Ross Street . Wilcannia be supported on the following grounds:

- The proposed demolition is not anticipated to generate significant adverse impacts in the locality; and
- The proposed demolition will remove the dangers of Asbestos fibres separating from the building and becoming airborne which could cause health issues with adjoining residences.

MOTION CARRIED

MOVED CLR ASTILL /CLR SULLIVAN

39-11-12 resolved

That Local Development Application DA22/12 at Lot 1 Ross Street, Wilcannia being Lot B DP1122572, be approved subject to the following draft conditions;

A Division was called as required.

For	Against
Clr Sammon	
Clr Astill	
Clr Liversidge	
Clr Page	
Clr Looney	
Clr Standley	
Clr Longfellow	
Clr Sullivan	
Clr Linnett	

1. The conditions of this Development Consent issued under the Environmental Planning and Assessment Act 1979, are to be complied with. These conditions are attached to this approval and must be given to the builder and contractors to ensure this development is carried out as per the approval given.

(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and compliance with the development consent).

2. Two days before any site work, building work or demolitions begins, the applicant must forward the “notice of commencement and appointment of Principal Certifying Authority” form to Council; and notify adjoining owners that the work will commence.

(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).

3. Before any site works, building or demolition is started, the applicant or builder must notify council of the name, address, phone number and license number of the builder; erect a sign at the front of the property with the builder’s name license number, site address and consent number; provide a temporary on site toilet; protect and support any neighbouring building; protect any public place

from obstruction or inconvenience of the carrying out of the consent; prevent any substance from falling onto a public place

(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).

4. Install runoff and erosion controls to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows: divert uncontaminated runoff around cleared or disturbed areas; erect a silt fence to prevent debris escaping into drainage systems or waterways; prevent tracking of sediment by vehicle onto roads; stockpile, excavated material, construction and landscaping supplies and debris within the site

(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).

5. Removal or disturbance of vegetation and topsoil must be confined to within 3 metres of the approved building area.

(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).

6. The land surrounding any structure must be graded to divert surface water to the street and clear of existing and proposed structures and adjoining premises.

(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).

7. No nuisance or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any pollution discharge.

(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).

8. The owner, developer or builder shall be responsible for repairing any damage resulting to Councils infrastructure, land or assets in the vicinity of the subject site as a result of construction works, deliveries to the site or processes carried out with the site development.

(Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979).

9. The owner, developer or builder must consult with the local electricity authority to ensure clearances to overhead powerlines are maintained, and underground power-cables are located.

(Reason: To ensure safety from overhead powerlines and limit disturbance of underground cables.)

10. The vehicular crossing to the kerb and guttering and access to the allotment is to be constructed in accordance with the requirements of the Director of Engineering. The applicant is required to contact Councils engineers prior to any work commencing.

(Reason: To ensure design and installation is adequate for vehicular and pedestrian traffic).

11. The contractor must take all necessary precautions before and during demolition works strictly in accordance with AS 2601 'Demolition of Structures'.

(Reason: To ensure compliance with relevant Australian Standards).

12. Prior to works commencing the demolition contractor shall carry out an investigation of the building and site and advise this office of any matters relating to hazardous materials, interference of services or other matters which may influence the proposed demolition procedures.

(Reason: To ensure any dangers are identified before works proceed)

13. The site shall be fully fenced off at the allotment boundaries to prevent unauthorized and unobstructed public access to the addressed allotment.

(Reason: To ensure public safety)

14. All electrical cables and the like shall be disconnected prior to the commencement of demolition works

(Reason: To isolate electricity from the building).

15. Unless otherwise approved, demolition works shall commence at the roof and be executed storey by storey working downwards.

(Reason: To prevent unnecessary collapse and protect contractors.)

16. Notices displaying 'Danger Demolition Works In Progress' or similar are to be fixed to the site.

(Reasons: To notify public of demolition for safety reasons).

17. No wall, chimney or other similar structure shall be left unsupported in such a dangerous condition it may collapse due to wind or vibrations.

(Reasons: To ensure public safety).

18. All asbestos on site shall be removed by an accredited asbestos removalist registered with the Occupation Health and Safety Authorities.

(Reasons: To ensure OH&S requirements are met)

19. Dust creating material, unless thoroughly dampened shall not be thrown or dropped from the building but shall be lowered by hoisting apparatus.

(Reasons: To limit undue dust pollution)

20. Buildings located close to allotment boundaries are to be reduced by hand. The demolisher must not carry out any works on, over or in the air space of an adjoining property without the prior approval from this office.

(Reasons: To prevent impacts on adjoining properties).

21. Upon completion of the work notification shall be given to the relevant building surveyor for a final inspection.

(Reasons: To ensure conditions of consent have been met).

SECTION 11. FINANCE MANAGER'S REPORT

MOTION CARRIED

MOVED CLR LINNETT /CLR LOONEY

40-11-12 resolved

That the Finance Managers Report be dealt with.

Clr Sullivan requested information on the overdraft be included each month under this section.

11.1 INVESTMENTS

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

41-11-12 resolved

That the Schedule of Investments Report for October 2012 be received and adopted.

11.2 RATES COLLECTIONS STATEMENT

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

42-11-12 resolved

That the Rates Collection Report for October 2012 be received and adopted.

11.3 2011/12 DRAFT FINANCIAL STATEMENTS

MOTION CARRIED

MOVED CLR ASTILL /CLR LOONEY

43-11-12 resolved

That :

The Draft General Purpose and Special Purpose Financial Statements be adopted.

The Mayor and Deputy Mayor be authorised to sign the Statement by Councillors and Management included in the adopted accounts on behalf of Council.

The adopted financial statements be referred to Council's external auditor.

The Acting General Manager be delegated the authority to finalise the date at which the auditor's report and financial statements are to be presented to the public.

The Acting General Manager be delegated the authority to authorise the Annual Financial Statements for issue immediately upon receipt of the auditor's report subject to there being no material audit changes or issues.

11.4 PROPOSED LOAN BORROWING 2012 / 2013

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

44-11-12 resolved

That:

- 1. Council accept the offer of a variable interest rate ten year Bank Bill Business Loan from Westpac Banking Corporation.**
- 2. The Acting General Manager and Mayor be authorised to complete the necessary documentation for the loan and should there be any material variation to the terms as outlined in this report, a further report be presented to Council before committing to the loan.**
- 3. Loan funds be allocated in the first instance to the purchase of 3 new garbage compactors; in the second instance to heavy plant replacements and in the third instance to the upgrade of I.T infrastructure .**
- 4. Funding for the construction of new employee housing be determined in conjunction with Council's assessment and review of the project.**

Clr Page records against the motion

Clr Astill requested information on Seniors Christmas parties.

SECTION 12. CORRESPONDENCE

MOTION CARRIED

MOVED CLR SULLIVAN/CLR ASTILL

45-11-12 resolved

That the Correspondence for Council be received and noted.

12.1 MEDIA RELEASES

12.2 CIRCULARS/NEWSLETTERS

SECTION 13. THE RECEIPT OF REPORTS FROM COMMITTEES

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

46-11-12 resolved

That the Menindee Common Annual General Meeting Minutes dated 29th July 2012 be received and noted.

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

47-11-12 resolved

That the White Cliffs Community Association Annual General Meeting Minutes dated 2nd September 2012 be received and noted.

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

48-11-12 resolved

That the MANEX Minutes dated 8th October 2012 be received and noted.

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

49-11-12 resolved

That the MANEX Minutes dated 15th October 2012 be received and noted.

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

50-11-12 resolved

That the MANEX Minutes dated 25th October 2012 be received and noted.

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

51-11-12 resolved

That the MANEX Minutes dated 5th November 2012 be received and noted.

SECTION 14. DELEGATES' REPORTS

Clr Standley attended the Western Darling Arts Meeting, held in Broken Hill. The meeting did not reach required number of members to have a quorum with only five in attendance so an unofficial meeting was held. The next meeting to be held on Thursday 29th November 2012

Clr Sullivan attended the Official Opening of the Human Services Centre on the 7th November 2012 in Wilcannia, on behalf of the Mayor.

Clr Looney gave a update of the Menindee Common, particularly the recent muster to determine ownership of horses. It was also noted that the boundary fences had been cut in numerous places.

Clr Page left the meeting at 1:43pm returning 1:45pm

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

52-11-12 resolved

That the Delegates' reports be received and noted.

SECTION 15. QUESTIONS WITH NOTICE

SECTION 16. URGENT BUSINESS

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

53-11-12 resolved

That Urgent Business be dealt with

WILCANNIA WHARF

The Mayor read out a letter received by the Acting General Manager from the Wilcannia Tourism Association regards the Wilcannia Wharf. The Association is seeking support from Council to go in partnership to apply for funding under the Regional Development Australia funding.

MOTION CARRIED

MOVED CLR SAMMON/CLR PAGE

54-11-12 resolved

That Council enter into a partnership with the Wilcannia Tourism Association in regards to seeking funding for the Wilcannia Wharf under the Regional Development Australia Round 3 funding program.

GENERAL MANAGERS RECRUITMENT

MOTION CARRIED

MOVED CLR ASTILL/CLR LOONEY

55-11-12 resolved

That Council progress to engage a General Manager and that a report be presented to the December Meeting including options of recruitment being undertaken in house or with external assistance.

Clr Page queried whether a letter has been sent to Robinson college in Broken Hill regarding the Remote Jobs Program.

SECTION 17. 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.

MOTION CARRIED

MOVED CLR SULLIVAN /CLR PAGE

56-11-12 resolved

That Council formally close the meeting to the public to discuss matters in accordance with Section 10A (2) of the Local Government Act, 1993.

Council went into closed session at 1:56pm

Reports to be Considered in Closed Council

MOTION CARRIED

MOVED CLR SULLIVAN/CLR PAGE

57-11-12 resolved

That Council formally close the meeting to the public to discuss matters in accordance with Section 10A (2) of the Local Government Act, 1993.

*Clr Sammon declared a Pecuniary Interest and left the meeting at 1:56pm
returning 2:08pm*

17.1 WILCANNIA WATER & SEWER PROJECT

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (c) & (d) information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business, and/or is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

MOTION CARRIED

MOVED CLR ASTILL /CLR LIVERSIDGE

58-11-12 resolved

That the Wilcannia Water & Sewer Project report be received and noted.

17.2 VEHICLE REPLACEMENT

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (c) & (d) information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business, and/or is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

59-11-12 resolved

- 1. Plant 5095, That Council accept the offer from Broken Hill Toyota-trade price \$21,539.19***
- 2. Plant 6001, That Council accept the offer from Broken Hill Toyota-trade price \$34,367.25***
- 3. Plant 6003, That Council accept the offer from Dubbo City Toyota-trade price \$57,420.14***
- 4. Plant 5085, That Council accept the offer from Broken Hill Toyota-trade price \$34,367.25***
- 5. Plant 6010, That Council accept the offer from Broken Hill Toyota-trade price \$23,539.19***
- 6. Plant 6017, That Council accept the offer from Broken Hill Toyota-trade price \$26,269.58***

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

60-11-12 resolved

That Council move back into Open Council.

Council resumed in open session at 2:15pm

MOTION CARRIED

MOVED CLR SULLIVAN/CLR ASTILL

61-11-12 resolved

That all decisions passed in Closed Council be made public.

SECTION 18. DATE AND VENUE FOR NEXT MEETING

The next meeting of Council will be held on the 18th December 2012 in Wilcannia commencing at 9:00am.

There being no further business, Council meeting concluded 2:15pm
