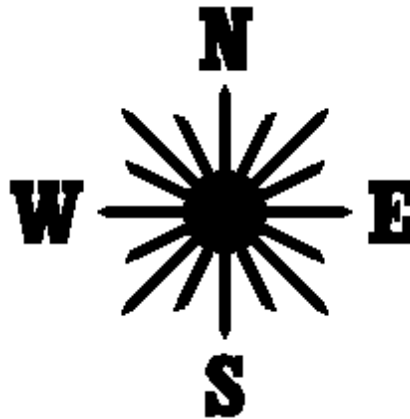


Mission Statement

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

9:33am Tuesday 16th October 2012

at

Tilpa

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, Tilpa on Tuesday 16th October 2012 commencing at 9:33am.

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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 Finance Manager

Adelaide Elliott

Executive Assistant

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

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

1-10-12 resolved

That Council suspend standing orders

Standing orders suspended at 9:34am

Mr John Elliott, addressed Council in regards to the Cobb Highway and requested Council make the Cobb Highway a priority, Mr Elliott suggested that letter a be sent to the Member for Murray Darling to ensure funding continues.

Mr Rick Taylor, Glenhope Station, White Cliffs, addressed Council in regards to Wakefield Dam and requested Council follow up on the water rights.

Mr Herb Hemley, thanked the Council for the building a bank during the recent floods, Mr Hemley stated a load of gravel was required for the top of the bank.

Mrs Belinda White, from White Cliffs addressed the Council in regards to the importance of the White Cliffs Swimming Pool to the Community and strongly urged the Council to consider the Swimming pool repairs or construction of a new pool before the incoming pool season.

Michael McInerney addressed the meeting and thanked Council for the work that has been completed on the Tilpa – Tongo Rd and also for Councils help with funding the Tilpa Weir. Mr McInerney asked on behalf of Leon Zanker if Council was still committed to putting gravel on the Paroo crossings. Mr McInerney also noted problems at the Tilpa Hall with the new oven and a leaking roof. He stated that the road to the airstrip had a gutter at the approach and the light at the parking areas aren't working to well and the weeds around the lights need removing. He also asked if Council could consider animal fencing around the airstrip.

MOTION CARRIED

MOVED CLR LINNETT/CLR SULLIVAN

2-10-12 resolved

That Council resume standing orders.

Standing orders resumed at 9.54am

SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION CARRIED

MOVED CLR ASTILL /CLR SULLIVAN

3-10-12 resolved

That the minutes of the Ordinary Meeting of the Council held on the 25th September 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

MOTION CARRIED

MOVED CLR ASTILL /CLR STANDLEY

4-10-12 resolved

That Council nominate two Councillors to the Local Emergency Management Committee, being Clr Linnett and Clr Sullivan.

3.2 STATUS OF COUNCIL RESOLUTIONS – OCTOBER 2012

MOTION CARRIED

MOVED CLR LOONEY /CLR LINNETT

5-10-12 resolved

That the Status of Council Resolutions be received and noted

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

6-10-12 resolved

That Council suspend standing orders

Standing orders suspended at 10:07am

Mr Richard Allen addressed the Council regarding the White Cliffs Pool and the importance of the facility to the White Cliffs Community.

Ms Enid Black addressed to Council and congratulated incoming Councillors. She stated on tourist brochures it is advertised that a pool is available in White Cliffs. Enid spoke about the importance of AusSwim to the local children. She also noted the importance of a swimming pool for the town as the old one is broken beyond repair. Pear Tank is not safe for children. Enid stated that the White Cliffs community will fundraise if required.

MOTION CARRIED

MOVED CLR ASTILL/CLR LINNETT

7-10-12 resolved

That Council resume standing orders.

Standing orders resumed at 10.17am

SECTION 4. MAYORAL MINUTES OR REPORT

Due to the Short turn around between our last meeting and this the October meeting, there is little to report re meetings.

10th October 2012 – Mayor and Acting General Manager attended the Ivanhoe Working Party Meeting, where an address was given by Bemax Executives outlining the proposed loading facilities at Ivanhoe and the progress to date with projections for the operations and time frames for the operations of the mine site. It is worthy of noting that there has been a change in the name of the company is no longer listed on the Stock Exchange and is predominately owned by Saudi Arabian interest.

I would like to bring to all Councillors attention, Council policy concerning interacting with the media. The Mayor and General Manager in this case the Acting General Manager are the only delegated persons to speak on behalf of Council.

Another matter is the enacting of the status of the confidential section of any meeting involving Council and interaction by Councillors. If Councillors discuss the content of any matter discussed in Confidential outside the said meeting, it is deemed a violation of Code of Conduct and is a major infringement on not only Councils policy but also of the Local Government Act; and carries major ramifications if any Councillors or Staff Member is proven to have transgressed.

SECTION 5. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

Clr Sammon declared a pecuniary interest in the Wilcannia Water and Sewer Project.

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

8-10-12 resolved

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

SECTION 6. NOTICE OF MOTIONS

Nil

SECTION 7. NOTICE OF RESCISSION MOTIONS

Nil

SECTION 8. ACTING GENERAL MANAGER'S REPORT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

9-10-12 resolved

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

8.1 INFORMATION ITEMS

8.1.1 RETURNS DISCLOSING INTERESTS

8.1.2 2013 NATIONAL GENERAL ASSEMBLY

8.1.3 STATUS OF COMMITTEES – MENINDEE FOOD & FIBRE ASSOCIATION

8.1.4 PROMOTING BETTER PRACTICE REVIEW

8.1.5 IPART'S RED TAPE REVIEW

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

10-10-12 resolved

That the Information Items report be received and noted.

8.2 REQUEST FOR SPONSORSHIP/FINANCIAL ASSISTANCE

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

11-10-12 resolved

That Council provide Gold Sponsorship for the 2013 White Cliffs Gymkhana and Rodeo with the preference being sponsorship of the Open Bull Ride.

8.3 2012 SHIRES ASSOCIATION CONFERENCE - MOTION

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

12-10-12 resolved

That the 2012 Shire Association Conference - Motion report be received and noted.

8.4 BAKER PARK FAMILY RECREATION AREA UPGRADE FUNDING AGREEMENT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

13-10-12 resolved

That the Baker Park Family Recreation Area Upgrade report be received and noted, and further;

That relevant signatures and Council seal be applied to the funding agreement as required.

8.5 INTERNAL AUDIT COMMITTEE

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

14-10-12 resolved

That this matter be deferred to the November Council Meeting.

8.6 COUNCILLOR WORKSHOP

MOTION LOST

MOVED CLR LOONEY /CLR SAMMON

15-10-12 resolved

That the 2012 Councillor Workshop report be received and noted; and further,

That interested Councillors nominate their attendance with the Acting General Manager to enable bookings to be made as required.

Meeting adjourned at 10:35am, resuming at 11:06 am

Clr Linnett / Clr Sullivan

MOTION CARRIED

MOVED CLR LINNETT/CLR SULLIVAN

16-10-12 resolved

That Council suspend standing orders

Standing orders suspended at 11:06am

Mayor presented Belinda Bennett and Carole Williams with a Australia Day Award for the Women of the Tilpa District for their contribution to the Tilpa Community.

MOTION CARRIED

MOVED CLR ASTILL/CLR LINNETT

17-10-12 resolved

That Council resume standing orders.

Standing orders resumed at 10:17am

8.7 LONG PADDOCK ANNUAL CONTRIBUTION 2012-13

Clr Page moved an Amendment to the motion to include the White Cliffs, Wilcannia and Menindee Tourist Association through provision of \$5000 to these organisations also.

MOTION CARRIED

MOVED CLR PAGE /CLR LOONEY

18-10-12 resolved

That the Long Paddock report be received and noted, and further;

That the Long Paddock project be supported through provision of \$5,000 as Council's contribution for the 2012/13 financial year.

That White Cliffs , Wilcannia and Menindee Tourist Association have \$5,000 also allocated to their organisations.

| Clr Page called for a divison

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

8.8 ASSESSMENT OF FINANCIAL SUSTAINABILITY

MOTION CARRIED

MOVED CLR ASTILL /CLRSULLIVAN

19-10-12 resolved

That the Assessment of Financial Sustainability report be received and noted.

SECTION 9. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

MOTION CARRIED

MOVED CLR ASTILL /CLR LOONEY

20-10-12 resolved

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

9.1 INFORMATION ITEMS

9.1.1 GRADING PROGRAM

9.1.2 PUBLIC ACCESS QUESTIONS

Clr Looney requested letters be sent out to the people that attended the Menindee Council Meeting who addressed the Council in the Public Access. The letters will provide answers to questions asked in Public Access.

Clr Astill also requested answers to his questions from the Menindee Council Meeting. Acting General Manager will answer these questions with a report to the November Council Meeting.

MOTION CARRIED

MOVED CLR LINNETT /CLR ASTILL

21-10-12 resolved

That the Information Items report be received and noted.

9.2 ROADS REPORT

Clr Sullivan queried funding for Porters Crossing, Manager Technical and Engineering Services to follow up and report back to the November Council Meeting.

MOTION CARRIED

MOVED CLR LINNETT /CLR ASTILL

22-10-12 resolved

That the Roads Report be received and noted.

9.3 SERVICES REPORT

MOTION CARRIED

MOVED CLR ASTILL /CLR LOONEY

23-10-12 resolved

That the Services Report be received and noted.

9.4 PROJECTS REPORT

*Clr Sammon declared a Pecuniary Interest and left the meeting at 11:38am
returning 11:40am*

Clr Astill left the meeting at 11:38am returning 11:44am

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

24-10-12 resolved

That the Projects Report be received and noted.

9.5 ROAD HEIRARCHY, SERVICE LEVELS AND MAINTENANCE STANDARDS –

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LIVERSIDGE

25-10-12 resolved

1. That Council adopts the draft Road Hierarchy, Service Levels and Maintenance Standards in-principle for the purpose of obtaining community comment and place the draft document on exhibition for a period of no less than 28 days.

2. That Council consider community feedback in conjunction with an estimate of costs to deliver this service level.

SECTION 10. MANAGER ENVIRONMENTAL SERVICES REPORT

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

26-10-12 resolved

That the Manager Environmental Services Report be dealt with.

10.1 INFORMATION ITEMS

10.1.1 SWIMMING POOLS

10.1.2 INDIGENOUS SURF'S UP PROGRAM 2012-13

MOTION CARRIED

MOVED CLR LOONEY /CLR SAMMON

27-10-12 resolved

That the Information Items report be received and noted.

10.2 ENVIRONMENTAL SERVICES DEPT STATISTICS FOR SEPTEMBER 2012

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

28-10-12 resolved

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

10.3 WHITE CLIFFS HALL FEES

MOTION CARRIED

MOVED CLR LOONEY /CLR LIVERSIDGE

29-10-12 resolved

*That the White Cliffs Hall fees report be received and noted; and further,
That Council increase the White Cliffs Hall Hire fees as per this report, and
that the new fees be included in Council's 2013/12 Operational Plan.*

10.4 FRUIT FLY CONTROLS IN NSW

Clr Sullivan requested a letter to be sent to the Local Member regarding the signage for fruit fly on the Wilcannia - Broken Hill Road.

MOTION CARRIED

MOVED CLR LINNETT/CLR LOONEY

30-10-12 resolved

That the Fruit Fly Controls in NSW report be received and noted.

10.5 GAZETTAL OF ROADS – WHITE CLIFFS

MOTION CARRIED

MOVED CLR ASTILL /CLR SULLIVAN

31-10-12 resolved

That the Gazettal of Roads – White Cliffs report be received and noted; and further,

That Council sign and seal documents as required enabling the gazettal of roads at White Cliffs to be finalised.

10.7 WHITE CLIFFS SWIMMING POOL

MOTION CARRIED

MOVED CLR ASTILL /CLR SULLIVAN

32-10-12 resolved

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

That Council fund the excess payment of \$100,000 to enable replacement of the pool to commence during November 2012, and further;

That Council write to the Statewide Mutual board seeking assistance to cover the cost of the \$100,000 excess.

That Council write to the NSW State and Commonwealth Governments seeking financial assistance to cover the cost of the \$100,000.

SECTION 11. FINANCE MANAGER'S REPORT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR SAMMON

33-10-12 resolved

That the Finance Managers Report be dealt with.

11.1 INVESTMENTS

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

34-10-12 resolved

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

11.2 RATES COLLECTIONS STATEMENT

MOTION CARRIED

MOVED CLR ASTILL /CLR LOONEY

35-10-12 resolved

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

SECTION 12. CORRESPONDENCE

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

36-10-12 resolved

That the Correspondence for Council be received and noted.

12.1 MEDIA RELEASES

14.2 CIRCULARS/NEWSLETTERS

SECTION 13. THE RECEIPT OF REPORTS FROM COMMITTEES

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

37-10-12 resolved

That the Receipt of Reports from Committees be dealt with.

MOTION CARRIED

MOVED CLR PAGE/CLR LIVERSIDGE

38-10-12 resolved

That the MANEX Minutes dated 17th September 2012 be received and noted.

MOTION CARRIED

MOVED CLR PAGE /CLR LIVESIDGE

39-10-12 resolved

That the MANEX Minutes dated 24th September 2012 be received and noted.

SECTION 14. DELEGATES' REPORTS

Nil

SECTION 15. QUESTIONS WITH NOTICE

Nil

SECTION 16. URGENT BUSINESS

MOTION CARRIED

MOVED CLR ASTILL/CLR LIVERSIDGE

40-10-12 resolved

That the Urgent Business be dealt with.

COMMITTEE FOR THE MENINDEE -POONCARIE ROAD

That an advertisement to be placed around Menindee seeking interest from interested persons to create a Menindee – Pooncarie Road Committee. The notice is also to state it is possible that a S355 committee may be formed.

REGIONAL ROADS REPAIR PROGRAM

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

41-10-12 resolved

That Council resolves to submit an application for the Regional Roads Repair Program 2013/14 for works on MR433 Ivanhoe-Menindee Rd and that Councils contribution of 50% for the cost of the works be funded from the Regional Road Block Grant.

MOTION CARRIED

MOVED CLR LINNETT/CLR SULLIVAN

42-10-12 resolved

That the Ivanhoe Tourist Association be provide \$5,000.

Clr Sullivan foreshadowed an amendment to the motion to include the Villages of Tilpa and Sunset Strip to be provided \$5,000 as well

MOTION CARRIED

MOVED CLR LINNETT/CLR SULLIVAN

43-10-12 resolved

That the Villages of Tilpa and Sunset Strip be provided \$5,000 as well.

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.

Reports to be Considered in Closed Council

Clr Sammon declared a Pecuniary interest 12:03pm and left the meeting at returning

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

44-10-12 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 12.03PM

17.1 WILCANNIA WATER & SEWER PROJECT

ATTACHMENT 13

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 PAGE

45-10-12 resolved

1. That Council concurs with the tender panels evaluation of the tenders received to upgrade Wilcannia Water Treatment Plant (WTP) and pursuant to

Section 55 of the Local Government Act, 1993 the contract upgrade Wilcannia WTP be awarded to Liquitek Pty Ltd.

2. That Council concurs with the tender assessment undertaken with respect to the Wilcannia Filtered Reservoir Internal Relining Project and pursuant to Section 55 of the Local Government Act, 1993 the contract to reline the internal surface of the Wilcannia Filtered Water Reservoir be awarded to TA TAYLOR (AUST) Pty Ltd.

3. That the tender process for the Civil Works component of the project be aborted.

| Clr Sullivan records against the motion

17.2 WILCANNIA LOCAL ABORIGINAL LAND COUNCIL

ATTACHMENT 14

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 PAGE

46-10-12 resolved

That the Wilcannia Local Aboriginal Land Council report be received and noted, and further;

That further information is sought from the Wilcannia Local Aboriginal Land Council on their proposal.

MOTION CARRIED

MOVED CLR LINNETT/CLR SULLIVAN

47-10-12 resolved

That Council move back into Open Council.

Council resumed in open session at 12:38pm

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

48-10-12 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 20th November 2012 in White Cliffs commencing at 9:30am.

There being no further business, Council meeting concluded 12:40pm
