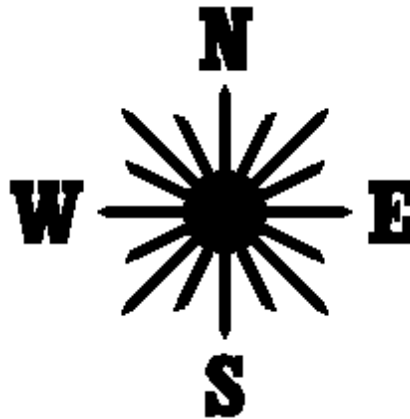


Mission Statement

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

9:03am Tuesday 25th September 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 was held in the Council Chambers, Wilcannia on Tuesday 25th September 2012 commencing at 9:03am.

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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

ABSENT:

Councillors:

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

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

1-09-12 resolved

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

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

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

2-09-12 resolved

That Council suspend standing orders

Standing orders suspended at 9.06am

Jack Beetson CEO Wilcannia Local Aboriginal Land Council (WLALC) addressed Council on food security and the Water and Sewer Project.

Mr Beetson discussed the Water and Sewer Project and advised Council the problems the WLALC had raised. Mr Beetson will be attending meetings with NSW Local Aboriginal Land Council to discuss the project in the near future.

Mr Beetson also raised food security in Wilcannia. The price of food and quality of food is important for the community. The Wilcannia CWP held a meeting last week regarding food security in Wilcannia and it was attended by a number of government departments.

The WLALC intends to open a supermarket in Wilcannia. The WLALC requested whether CDSC would join them to form a model for food security in Wilcannia. Mr Beetson noted the shire could offer administrative support for this venture and encouraged Councils participation.

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

3-08-12 resolved

That Council resume standing orders.

Standing orders resumed at 9.36am

SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

4-09-12 resolved

That the minutes of the Ordinary Meeting of the Council held on the 21st August 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

3.2 STATUS OF COUNCIL RESOLUTIONS – SEPTEMBER 2012

MOTION CARRIED

MOVED CLR ASTILL /CLR SAMMON

5-09-12 resolved

That the Status of Council Resolutions be received and noted.

SECTION 4. MAYORAL MINUTES OR REPORT

22nd-24th August 2012 - Mayor, Clr Page, Clr Linnett attended Murray Darling Association Conference in Mildura.

24th August 2012 – Mayor and Clr Linnett met with Ray Roberts from Bemax Mining for an update on progress regarding the loading facility proposed for Ivanhoe.

28th August 2012 - Mayor and Acting General Manager, Leeanne Ryan met with Susan Ley to discuss issues effecting Council and also the recent temporary closure of the local store and its impact on the community. The issue was also raised of the proposed BMX track funding for Menindee and where the project was up too. Susan Ley's office to check and advise the progress to date.

31st August 2012 - Mayor attended the Wilcannia Literary Graduation Ceremony and Lunch. The event was attended by the Cuban Ambassador to Australia and various other dignitaries including the Member for Murray Darling, John Williams.

4th September 2012 - Mayor met with Graziers living on the Cobar Road affected by the grids upgrade or alternative fencing as prescribed in Council's Policy. Also in attendance were Senior Engineering staff who outlined the policy and the possible time frames for those effected to make a decision.

6th September 2012 - Mayor attended an urgently called meeting of West Darling Arts in Broken Hill with Deputy Mayor, Cr Moya Reid. The matters raised were of significant importance and could impact on both Council and Wilcannia's future concerning the Arts and its funding.

6th September 2012 - Mayor attended the official opening of the Underground Arts Festival in White Cliffs. The Festival organisers and the community of White Cliffs are to be congratulated on presenting such a significant event plus the quality of the works being a credit to all exhibitors from all corners of the Shire area. There is a strong possibility that a similar exhibition depicting the whole of the Council area could be held at the City of Ryde at its Historic Brush Farm Complex. Council will recall that an exhibition by the Wilcannia Art Group was a resounding success with a sustainable amount of their work being sold.

11th September 2012 – Mayor and Clr Clive Linnett attended the Central Darling Bush Fire Management meeting in Ivanhoe. Clr Clive Linnett was the chair for the meeting in his capacity as representative of the NSW Farmers Association. The meeting was addressed by Rural Fire Service Deputy Commissioner, Dominic Lane who outlined the future and present operations of the Rural Fire Service and the outlook for the coming fire season.

18th September 2012 – Mayor and fellow Councillors attended the ICAC workshop in Wilcannia - which was of great benefit to all who attended.

20th September 2012 – Mayor and Acting General Manager attended the Wilcannia Community Working Party meeting. The meeting was held primarily to discuss alternative means to securing food security for Wilcannia. This meeting was well attended with many senior bureaucrats from various Government departments in attendance. The final outcome of this meeting will be presented to the Council meeting by Mr Jack Beetson, CEO of the Wilcannia Local Aboriginal Land Council. This is the body that will progress and access any proposals that are put forward after consultation with the community.

MOTION CARRIED

MOVED CLR LONG /CLR LINNETT

6-09-12 resolved

That the Mayoral Report be received and noted.

SECTION 5. ELECTION OF MAYOR AND DEPUTY MAYOR

5.1 ELECTION OF MAYOR

The Mayor vacated the Chair, the Acting General Manager took the role of Returning Officer and nominations were called. Two nominations were received from Cr Ron Page and Cr Ray Longfellow; both accepted the nominations.

MOTION CARRIED

MOVED CLR LINNETT / CLR SULLIVAN

7-9-12 resolved

That the election for Mayor be conducted by way of an ordinary secret ballot.

The ballot papers were handed out and collected.

Cr Ray Longfellow was elected Mayor as a result of the ordinary secret ballot.

5.2 ELECTION OF DEPTUY MAYOR

The General Manager resumed the chair for the election of the Deputy Mayor and called for nominations for the position of Deputy Mayor. There was one nomination from Cr Peter Sullivan, who accepted the nomination.

No ballot was necessary as only one nomination was received.

Cr Peter Sullivan was declared Deputy Mayor.

SECTION 6. COMMITTEES

6.1 APPOINTMENT OF STANDING COMMITTEES

Council may, at any time, appoint or elect Standing Committees as it may consider necessary.

Council's policy is to appoint the following Standing Committees:

Works Committee

Objectives: To investigate, report and liaise with local communities over matters.

Quorum: Two members of Council.

Meetings: As requested by two or more members of Council, the Mayor or Council.

Delegations: To investigate and report to Council on matters relating to the provision of community works and services.

C.D.S.C. Water Advisory Committee

Spokesperson: vacant

Location: Throughout Shire

Council Representatives: General Manager; Manager Technical and Engineering Services; Mayor; vacant; Cr Sullivan;

Internal Audit Committee DEFERRED UNTIL OCTOBER COUNCIL MEETING

Chairperson:

Location: Wilcannia

Representatives: Mayor, General Manager (no decision making), Finance Manager, Cr Sullivan (as alternate delegate), Mr Vern Hembrow, UHY Haines Norton

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

8-09-12 resolved

That there be four works committees, one for each Town, one water committee . That the internal Audit Committee be deferred and a further report brought back to October meeting.

6.2 STATUS OF SECTION 355 COMMITTEES AS AT 25TH SEPTEMBER 2012 – DELEGATES

Ivanhoe Sale Yards Committee

Function and Purpose of Committee

Management and operation of the Ivanhoe Sale Yards including the collection of income from the users;

Committee Members

Chairperson – David Butcher, Mossgiel

Vice Chairperson –John Vagg, Ivanhoe

Vice Chairperson – Ian Edson, Darnick via Ivanhoe

Secretary/Treasurer – Trudy Edson, Darnick via Ivanhoe

Shire Representative – Cr Clive Linnett, Ivanhoe

Ivanhoe Swimming Pool Committee

Functions and Purpose of Committee

Supporting Council’s operational activities and having input into the running of the Ivanhoe Swimming Pool;

Running the kiosk at the Ivanhoe Swimming Pool;

To plan, organize and conduct Carols by Candlelight;

To plan, organize and conduct Family Fun Nights.

Committee Members

Chairperson – Irene Murphy, Ivanhoe

Secretary – Karyn Truman, Ivanhoe

Treasurer –

Council Representative – Cr Clive Linnett, Ivanhoe

Ivanhoe Hall Committee

Functions and Purpose of Committee

Management and operation of the Ivanhoe Community Hall including the collection of income from users;

To plan, organize and conduct functions and events from time to time at the Ivanhoe Community Hall.

Committee Members

Chairperson – Ray Longfellow, Ivanhoe
Secretary/Treasurer – Fay Linnett, Ivanhoe
Council Representative – Cr Clive Linnett, Ivanhoe

Ivanhoe Revival Committee

Functions and Purpose of Committee

Submit recommendations and advice, articulated by community opinion, to Council and the Community, in respect of the economic, social, tourism and the development of Ivanhoe and its environs;

To plan, organize and conduct functions and events from time to time within Ivanhoe to promote the town.

Committee Members

Chairperson – Ray Longfellow, Ivanhoe
Secretary – Fay Linnett, Ivanhoe
Treasurer – Fay Linnett, Ivanhoe
Council Representative – Cr Clive Linnett
Committee Member – Lyn Howard, Ivanhoe

Darnick Hall & Sports Committee

Functions and Purpose of Committee

Management and operation of the Darnick Community Hall including the collection of income from users;

To plan, organize and conduct functions and events from time to time at the Darnick Community Hall.

Committee Members

Chairperson – Ian Vagg, Ivanhoe
Secretary – Trish Palmer, Ivanhoe
Treasurer – Trish Palmer, Ivanhoe
Council Representative – Cr Clive Linnett, Ivanhoe

Wilcannia Cemetery Committee

Functions and Purpose of Committee

Support Council's operational activities and having input into the running and future development of the Wilcannia Cemetery;

To seek and lobby for the ongoing maintenance and improvements to the Wilcannia Cemetery.

Committee Members

Chairperson – Dulcie Evans, Wilcannia
Secretary – John Pineo, Wilcannia
Treasurer – John Pineo, Wilcannia
Council Representative – Cr Eammon Sammon, Wilcannia

White Cliffs Hall Committee

Functions and Purpose of Committee

Management and operation of the White Cliffs Community Hall including the collection of income from users;

To plan, organize and conduct functions and events from time to time at the White Cliffs Community Hall.

Committee Members

Chairperson – Ron Dowton, White Cliffs
Secretary – Belinda White, White Cliffs
Treasurer – Belinda White, White Cliffs
Council Representative – Cr Honor Liversidge, White Cliffs

White Cliffs Community Association

Functions and Purpose of Committee

Management and operation of the Opal Pioneer Tourist Park (White Cliffs Caravan Park) including the collection of income from users;
To plan, organize and conduct the Australia Day activities within White Cliffs;
To plan, organize and conduct the Senior Citizens Week activities within White Cliffs;
To plan, organize and conduct functions and events from time to time within White Cliffs.

Committee Members

Chairperson – Diana Hoffman, White Cliffs/Broken Hill
Vice Chairperson - Bill Watson, White Cliffs
Secretary – Diana Hoffman, White Cliffs/Broken Hill
Treasurer – Irma Bacot, White Cliffs
Council Representative – Cr Honor Liversidge, White Cliffs

White Cliffs Swimming Pool Committee

Functions and Purpose of Committee

Supporting Council’s operational activities and having input into the running of the White Cliffs Swimming Pool;
Running the kiosk at the White Cliffs Swimming Pool;
To plan, organize and conduct small functions and small events at the White Cliffs Swimming Pool from time to time.

Committee Members

Chairperson – Belinda White, White Cliffs
Secretary – Enid Black, White Cliffs
Treasurer – Enid Black, White Cliffs
Council Representative – Cr Honor Liversidge ,White Cliffs

Menindee Common Committee

Function and Purpose of Committee

Management and operation of the Menindee Common including the collection of income from the users;

Committee Members

Chairperson – Craig Symonds, Menindee
Secretary/Treasurer – Bob Looney, Menindee
Shire Representative – Cr Lorraine Looney, Menindee
Herdsman/Committee Member – Joanne Looney, Menindee

Menindee Development Committee

Functions and Purpose of Committee

Submit recommendations and advice, articulated by community opinion, to Council and the Community, in respect of the economic, social, tourism and the development of Menindee and its environs;

To plan, organize and conduct the Menindee Fishing Challenge.

To plan, organize and conduct functions and events from time to time within Menindee to promote the town.

Committee Members

Chairperson –

Secretary – Collin Doyle, Menindee

Treasurer –

Council Representative – Cr Ron Page, Cr Garry Astill, Cr Lorraine Looney, Menindee

Wilcannia Weir Committee

Function and Purpose of Committee

Committee Members

Chairperson – William Bates

Secretary -

Treasurer -

Council Representative –Cr Peter Sullivan, Cr Eammon Sammon, Cr Ron Page.

6.3 STATUS OF COMMITTEES AS AT 25TH SEPTEMBER 2012 – DELEGATES

Barrier District Emergency Management Committee

Secretary: District Emergency Management Officer (Kelvin Wise)

Location: Broken Hill

Council Representatives: Local Emergency Management Officer (Manager Technical and Engineering Services)

Broken Hill Regional Tourist Association

Chairperson: Naomi Schmidt

Location: Broken Hill

Council Representatives: General Manager

C.D.S.C. Bushfire Senior Management Committee

Chairperson General Manager

Location: Wilcannia

Council Representatives: Clr Linnett; Clr Sullivan, Manager Technical and Engineering Services and Manager of Environmental Services

C.D.S.C. Local Emergency Management Committee

Chairperson: General Manager and LEMO

Location: Wilcannia
Council Representatives: Mayor; General Manager; Manager Technical and Engineering Services; Manager of Environmental Services

C.D.S.C. Tourism and Economic Development Advisory Group

Chairperson:
Location: Throughout Shire
Council Representatives: Clr Longfellow, Clr Page;

C.D.S.C. Traffic Management Committee

Secretary: Manager Technical and Engineering Services
Location: Throughout Shire
Council Representatives: As per Works Committee (only one Council voting representative)

Cobb Highway Action Group

Secretary: Mrs Faye Linnett
Location: Ivanhoe
Council Representatives: Clr Linnett

Western Division of the Shires Association of NSW

President: Clr Peter Laird
Location: Throughout Western Division
Council Representatives: Mayor; General Manager; Clr Linnett

Ivanhoe Corrective Services Consultative Committee

President: Clr Linnett
Location: Corrective Services Centre
Council Representatives: Clr Longfellow

Mallee Bush Fire Prevention Scheme

Secretary: Mrs Robyn Favelle
Location: Mt. Hope Hall
Council Representatives: Clr Linnett

Menindee Food & Fibre Business Association

Chairperson: Paul D’Ettorre
Location: Menindee

Council Representatives: General Manager’s Delegated Representative,

Menindee Health Advisory Council

Secretary: Cheryl Johnson

Location: Menindee

Council Representatives: Clr Astill (member only)

Clr Astill left the meeting at 10.19am returning at 10.22am

Menindee Tourist Association

President: Mr Jack Hanford

Location: Menindee

Council Representatives: Clr Page

Mid-Darling Water Users Association

Chairperson: Justin McClure

Location: Wilcannia

Council Representatives: Clr Sullivan; General Manager

Murray Darling Association

Secretary: Ray Najar

Location: Alternate Locations

Council Representatives: Clr Linnett, Clr Page

Mutawinji National Park Management Committee

Chairman: Mr William Bates

Location: Broken Hill

Council Representatives: Clr Liversidge, Clr Sammon

Outback NSW Tourism Organisation

Chairperson: Mrs Julianne Wutke

Location: Various locations

Council Representatives: General Manager,

West Darling Arts Board

Chairman Ms Christine Adams

Location Various

Council Representatives: General, Clr Standley

White Cliffs Local Emergency Management Committee

Chairperson: TBA
Location: White Cliffs
Council Representatives: Manager Technical and Engineering Services, Manager Community & Economic Development

Wilcannia Community Working Party

Chairperson: Mr William Bates
Location: Wilcannia
Council Representatives: Mayor; General Manager

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

9-09-12 resolved

That Council endorse Central Darling Shire Council's Committee structure as contained in this report, subject to changes and reports being brought back to Council.

SECTION 7. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

Cr Sammon declared a pecuniary interest in the Water and Sewer Project.
Cr Standley declared a non-pecuniary interest in Sunset Strip issues.

Meeting adjourned at 10:25am, resuming at 11:01am

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

10-09-12 resolved

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

SECTION 8. NOTICE OF MOTIONS

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

11-09-12 resolved

That the ordinary secret ballot papers be destroyed for the election of Mayor.

SECTION 9. NOTICE OF RESCISSION MOTIONS

Nil

SECTION 10. ACTING GENERAL MANAGER'S REPORT

MOTION CARRIED

MOVED CLR ASTILL /CLR LOONEY

12-09-12 resolved

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

10.1 INFORMATION ITEMS

ATTACHMENTS 1 & 2

10.1.1 RETURNS DISCLOSING INTERESTS

10.1.2 YES I CAN, ADULT LITERACY PROGRAM

10.1.3 MODERNISATION OF LOCAL GOVERNMENT LEGISLATION

ATTACHMENT 1

10.1.4 COMMUNITY RELATIONS REPORT

10.1.5 NSW AGEING STRATEGY

ATTACHMENT 2

10.1.6 ICAC TRAINING

10.1.7 LOCAL GOVERNMENT REVIEW PANEL

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

13-09-12 resolved

That the Information Items report be received and noted.

10.2 REQUEST FOR FINANCIAL ASSISTANCE

ATTACHMENT 3

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LOONEY

14-09-12 resolved

That the Request for Financial Assistance report be received and noted; and further

That Council grant \$1000 to the Central Darling Arts Association as per their application under Council's Financial Assistance Grant program.

10.3 DRAFT COUNCIL EMPLOYEE HOUSING POLICY

ATTACHMENT 4

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

15-09-12 resolved

That Council defer this policy until it can be discussed at future budget workshop.

10.4 NSW GRANTS COMMISSION - FINANCIAL ASSISTANCE GRANTS 2012/13

ATTACHMENT 5

MOTION CARRIED

MOVED CLR SULLIVAN/CLR SAMMON

16-09-12 resolved

That the report be received and noted, and further;

That Council write to the Australian Minister for Local Government, the Hon Simon Crean MP objecting to the withdrawal of money from this year's budget.

10.5 EMERGENCY SERVICES LEVY FUNDING REVIEW

ATTACHMENT 6

Clr Looney records against the motion.

MOTION CARRIED

MOVED CLR ASTILL /CLR SULLIVAN

17-09-12 resolved

That the Emergency Services Levy Funding Review report be received and noted.

10.6 2012 COMMUNITY BUILDING PARTNERSHIP PROGRAM

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LOONEY

18-09-12 resolved

That the 2012 Community Building Partnership Program report be received and note; and further

That Council lodge an application for funding under the program to renew the playground at White Cliffs Community Hall, the Ivanhoe Amenities at Sahara Oval and the Menindee BMX track.

That Council conduct a review into all its playgrounds regarding softfall with a further report to return to Council.

10.7 2012 COUNCILLOR WORKSHOPS

ATTACHMENT 7

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

19-09-12 resolved

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

That all Councillors and the General Manager attend the Cobar workshop to be held on Thursday 15 November 2012.

10.8 REGIONAL ORGANISATION OF COUNCILS (ROC'S)

ATTACHMENT 8

MOTION CARRIED

MOVED CLR PAGE /CLR ASTILL

20-09-12 resolved

That a motion be put to the Western Division of Councils to form a new ROC for western Councils to be known as WESTROC.

10.9 ORGANISATIONAL STRUCTURE

ATTACHMENT 9

Clr Sullivan moved an amendment to the recommendation

MOTION CARRIED

MOVED CLR SULLIVAN /CLR ASTILL

21-09-12 resolved

That the Organisational Structure report be received and noted; and further, That the Senior staff through MANEX discuss alternate management structures with a workshop as soon as practicable.

Clr Astill left the meeting at 11:37am returning at 11:38am

Clr Page left the meeting at 11:51am returning at 11:56am

Clr Looney left the meeting at 11:55am returning at 11:56am

SECTION 11. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

22-09-12 resolved

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

11.1 INFORMATION ITEMS

ATTACHMENT 10

11.1.1 GRADING PROGRAM

ATTACHMENT 10

11.1.2 2012 FLOOD UPDATE

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

23-09-12 resolved

That the Information Items report be received and noted.

11.2 ROADS REPORT

MOTION CARRIED

MOVED CLR LINNETT /CLR SAMMON

24-09-12 resolved

That the Roads Report be received and noted.

Clr Sammon left the meeting at 12:03pm returning at 12.06pm

11.3 SERVICES REPORT

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

25-09-12 resolved

That the Services Report be received and noted.

11.4 PROJECTS REPORT

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

26-09-12 resolved

That the Projects Report be received and noted.

Clr Astill left the meeting at 12:11pm

11.5 REGIONAL ROADS REPAIR PROGRAM

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LOONEY

27-09-12 resolved

1. That Council source \$396,000 from the allocated \$2,459,000 Regional Roads Block grant 2012/13 to fund Councils share of the 50/50 funding for the Regional Roads Repair Program 2012/13.

2. That Council purchase fencing materials to the value of \$20,000 per grid for the elimination of existing grids as per Council's Public Gates, Grids, Ramps and Stock Races Policy.

11.6 PEDESTRIAN ACCESS MOBILITY PLAN (PAMP)

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

28-09-12 resolved

1. That Council applies for funding from the RMS for the preparation of Councils PAMP.

2. That Council source Councils 50/50 share of the cost from the Footpath repair budget.

11.7 VERGE AND STREET TREE POLICY

ATTACHMENT 11

MOTION CARRIED

MOVED CLR LINNETT /CLR LOONEY

29-09-12 resolved

That Council adopts the draft Street Tree policy and draft Verge Maintenance Policy and resolve to place the draft policies on exhibition for a period of no less than 28 days for public comment.

SECTION 12. MANAGER ENVIRONMENTAL SERVICES REPORT

MOTION CARRIED

MOVED CLR LOONEY/CLR LINNETT

30-09-12 resolved

That the Manager of Environmental Services Report be dealt with.

12.1 INFORMATION ITEMS

12.1.1 WHITE CLIFFS POOL

12.1.2 ROAD GAZETTAL PROCESS – WHITE CLIFFS

MOTION CARRIED

MOVED CLR LINNETT/CLR PAGE

31-09-12 resolved

That the Information Items report be received and noted.

12.2 ENVIRONMENTAL SERVICES DEPT STATISTICS FOR AUGUST 2012

MOTION CARRIED

MOVED CLR LINNETT /CLR LOONEY

32-09-12 resolved

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

12.3 SWIMMING POOL REVIEW OF OPERATIONS

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

33-09-12 resolved

That the Swimming Pool Review of Operations report be received and noted; and further,

That Council invite members of community groups across the Shire to participate in Pool Lifeguard training to be held in October 2012.

That Pool Lifeguard trained Volunteers and Committee members be invited to supervise Council owned and operated swimming pools during the swimming season to enable opening hours to be extended to the general public in accordance with the advice provided by Council Insurance Broker JLT.

Clr Astill returned to the meeting at 12.15pm

12.4 NATIVE TITLE CLAIM NSD 415/2012

ATTACHMENT 12

MOTION CARRIED

MOVED CLR ASTILL/CLR SULLIVAN

34-09-12 resolved

That the Native Title Claim NSD 415/2012 report be received and noted; and further,

That Council complete the relevant forms to become a party to the application.

12.5 KNOX & DOWNS, ASBESTOS REMOVAL

MOTION CARRIED

MOVED CLR SULLIVAN/CLR LINNETT

35-09-12 resolved

That the Knox and Downs, Asbestos Removal report be received and noted; and further,

That Council proceed with the removal of asbestos at Knox and Downs as soon as possible.

12.6 NETWASTE ANNUAL REPORT 2011-2012

ATTACHMENT 13

MOTION CARRIED

MOVED CLR ASTILL /CLR LOONEY

36-09-12 resolved

That the NetWaste Annual Report 2011/2012 be received and noted

12.7 CROWN LAND (R88474) - MENINDEE

ATTACHMENT 14

MOTION CARRIED

MOVED CLR LOONEY/CLR SULLIVAN

37-09-12 resolved

That the Crown Land (R88474), Menindee report be received and noted, and further;

That Council request an alteration to the purpose of use of R88474 to Rural Services, Access and Future Public Requirements.

12.8 FOOD REGULATION PARTNERSHIP

ATTACHMENT 15

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

38-09-12 resolved

That the Food Regulation Partnership report be received and noted.

12.9 DRAFT MENINDEE COMMON MANAGEMENT PLAN

ATTACHMENT 16

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LOONEY

39-09-12 resolved

That the Draft Menindee Common Management Plan be received and noted; and further,

That the Draft Menindee Common Management Plan be amended to include the provisions noted at Option 4 above, and subject to these changes,

That Council adopt the Menindee Common Management Plan.

12.10 SOLAR POWER STATION, WHITE CLIFFS

ATTACHMENT 17

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

40-09-12 resolved

That the Solar Power Station, White Cliffs report be received and noted, and further;

That Council inform Essential Energy that Council accepts the proposal offered regarding the White Cliffs Solar Power Station and will negotiate further the method of transfer.

12.11 DEVELOPMENT APPLICATION – LOT 4 JOHNSON STREET, WHITE CLIFFS

ATTACHMENT 18

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

41-09-12 resolved

That Local Development Application DA 15/12 at Lot 4 Johnson Street, White Cliffs being Lot 4 DP1112614, be approved subject to the following draft conditions;

The Mayor called for a Division:

Upon dividing, the members voting accordingly:

| For | Against |
|----------------|----------------|
| Clr Longfellow | Nil |
| Clr Standley | |

| | |
|-------------|--|
| Clr Sammon | |
| Clr Linnett | |
| Clr Page | |
| Clr Looney | |
| Clr Astill | |

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 Engineering Department. 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 the Council 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 supply 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.
(Reason: 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.
(Reason: To ensure public safety)
18. All asbestos on site shall be removed by an accredited asbestos removalist registered with Occupation Health and Safety Authority..
(Reason: 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.
(Reason: 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 of Council.
(Reason: 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.
(Reason: To ensure conditions of consent have been met)
22. All demolished materials shall be removed from the site. All hazardous materials to be disposed of in a proper and safe manner according to relevant legislation. Materials acceptable for placement at Council's Waste Depot must be done in a satisfactory manner with material segregated into recyclable waste lines where able, with asbestos disposed of as per Workcover requirements.
(Reason: To ensure correct disposal of demolished materials)

SECTION 13. FINANCE MANAGER'S REPORT

MOTION CARRIED

MOVED CLR LINNETT /CLR ASTILL

42-09-12 resolved

That the Finance Managers Report be dealt with.

13.1 INVESTMENTS

MOTION CARRIED

MOVED CLR LINNETT /CLR ASTILL

43-09-12 resolved

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

13.2 RATES COLLECTIONS STATEMENT

MOTION CARRIED

MOVED CLR LINNETT/CLR ASTILL

44-09-12 resolved

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

13.3 HACC SERVICES FUNDING AGREEMENTS

ATTACHMENT 19

MOTION CARRIED

MOVED CLR LINNETT/CLR SULLIVAN

45-09-12 resolved

That Council agree to enter into contracts with the NSW Government Department of Family and Community Services and the Australian Government Department of Health and Ageing for the funding of HACC services for the Ivanhoe Multi Service Outlet for the period 1 July 2012 to 30 June 2015.

That the Mayor and General Manager sign relevant documents as required, and the Council seal be attached if required.

13.4 AMENDMENT TO S355 COMMITTEES OPERATIONAL MANUAL

MOTION CARRIED

MOVED CLR SULLIVAN /CLR LINNETT

46-09-12 resolved

That the requirements of S355 Committees in respect of Goods and Services Tax as detailed in Clause 5.7 of the Section 355 Committees Operational Manual be deleted and that a note is added stating that all amounts in the financial accounts of Committees are, where applicable, to include GST.

SECTION 14. CORRESPONDENCE

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

47-09-12 resolved

That the Correspondence for Council be received and noted.

14.1 MEDIA RELEASES

14.2 CIRCULARS/NEWSLETTERS

SECTION 15. THE RECEIPT OF REPORTS FROM COMMITTEES

MOTION CARRIED

MOVED CLR ASTILL /CLR SAMMON

48-09-12 resolved

That the MANEX Minutes dated 27th August 2012 be received and noted.

MOTION CARRIED

MOVED CLR ASTILL /CLR SAMMON

49-09-12 resolved

That the White Cliffs Hall AGM Minutes dated 27th August 2012 be received and noted.

MOTION CARRIED

MOVED CLR ASTILL /CLR SAMMON

50-09-12 resolved

That the White Cliffs Hall Minutes dated 27th August 2012 be received and noted.

MOTION CARRIED

MOVED CLR ASTILL /CLR SAMMON

51-09-12 resolved

That the MANEX Minutes dated 3rd September 2012 be received and noted.

MOTION CARRIED

MOVED CLR ASTILL /CLR SAMMON

52-09-12 resolved

That the MANEX Minutes dated 10th September 2012 be received and noted.

SECTION 16. DELEGATES' REPORTS

Cr LINNETT

DELEGATE'S REPORT - LONG PADDOCK

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

53-09-12 resolved

That the Delegates' reports be received and noted.

SECTION 17. QUESTIONS WITH NOTICE

MOTION CARRIED

MOVED CLR LOONEY /CLR ASTILL

54-09-12 resolved

That the Councillors' Questions with Notice be received and noted.

17.1 CR LOONEY

1. If the proposed gymkhana at Menindee eventuates considerable time will be needed for people to repair and install infrastructure, who is responsible during this time with public liability as the racecourse is currently being used with a holder of a temporary licence issued by Council.

Answer.

The group of persons responsible would require their own public liability insurance, it would also be considered appropriate that a temporary licence could be entered into during this period.

2. The Barnson report on the Yampoola Crossing on Menindee to Pooncarie road showed option 1 with a causeway with piped causeway is it legal to use pipe on causeways.

Answer.

Any options for improvement works to Yampoola Watercourse will need to be submitted to the NSW Department of Primary Industries for assessment and permit granting. The use of piped culverts is not illegal, however, Council should be aware that with respect to the Woytchugga culvert upgrade works piped culverts were specifically rejected because of fish passage issues. Based on this experience Council can anticipate a similar position by NSW Department of Primary Industries.

3. There are plans to lift the lower section of Irrigation road by 330mm, as the road flooded at 9.21m this will mean the road will be now 9.54m by my calculations. It will get flooded every two out of three floods using levels of previous recorded records since 1890. What section of the 2.7kms will receive polycom? Due to the homes on the flood prone areas required to be built up above flood levels. Does the road legally need to be built up to the level of the houses?

Answer.

At the lowest point on Irrigation Rd it is proposed to lift it 330mm. The road may well still be inundated by flood waters after this work has been completed. At no time has staff reported to Council that the road will be lifted above any flood levels. The works allocation from the local roads grant added to the flood damage restoration grant will allow 1 period of the grading crew, scrapers and Polycom to substantially improve the road formation. To provide a flood proof Irrigation Rd the road would have to be lifted at least half a meter above the 1 in 100 design flood level. The same applies to the Old Pooncarie Rd. Both Irrigation Rd and Old Pooncarie Rd will receive a 500m treatment of Polycom these areas have not been finalised yet. There is no legal obligation on Council to raise Irrigation Road to a level which provides continuous access during flooding events. Habitable areas of new dwellings are required to be built to the design flood level (1 in 100) plus 0.5m freeboard whereas access provision to new dwellings has NO such mandatory requirement. Interruption to access during flooding events is part of life living on a flood plain. Notwithstanding Council is entitled to deal with the issue of access during flooding events but it should be in the context of a comprehensive Floodplain Management Plan which considers all aspects of flooding behaviour in Menindee and which should identify priority works which are costed along with possible funding sources.

Meeting adjourned at 12.55pm, resuming at 1:45pm

SECTION 19. URGENT BUSINESS

Wilcannia News – there is a one page newspaper this week, the committee will be seeking funding and may send a letter to Council in the near future.

That the Delegates for Western Division Mid-Term Meeting in Bourke be the General Manager, Clr Linnett and the Mayor.

Clr Sammon queried the Baker Park playground plans how have they progressed.

MOTION CARRIED

MOVED CLR PAGE /CLR LOONEY

55-09-12 resolved

That the Menindee – Pooncarie Rd Committee be reformed, and be advertised in the Menindee School News for any interested parties.

SECTION 20. 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

MOTION CARRIED

MOVED CLR LINNETT /CLR SULLIVAN

56-09-12 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.

20.1 GARBAGE TRUCKS

ATTACHMENT 19

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.

| Clr Page, Clr Looney , Clr Standley recorded against the motion

MOTION CARRIED

MOVED CLR ASTILL /CLR LINNETT

57-09-12 resolved

That Council resolves to accept the tender price of \$1,004,640 for the acquisition of three new MacDonald Johnson compactor units on three new Isuzu FVR 1000 cab chassis as submitted by Tracserv, Dubbo.

20.2 GRANT FUNDING - WATER SUPPLY AND SEWERAGE PROJECTS

ATTACHMENT 20

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.

| Clr Sammon declared a pecuniary interest and left the meeting at 2:10pm

MOTION CARRIED

MOVED CLR SULLIVAN/CLR ASTILL

58-09-12 resolved

That Council seek legal advice from Councils Legal adviser regarding the water and Sewer Project.

20.3 PERSONNEL MATTER RELATING TO THE GENERAL MANAGER’S CONTRACT OF EMPLOYMENT.

Council will determine this matter in part of the meeting closed to the public pursuant to Sub-Sections 10A (1) & 10A (2) (a) being information that discloses personnel matters concerning particular individuals other than Councillors.

MOTION CARRIED

MOVED CLR LINNETT /CLR ASTILL

59-09-12 resolved

Due to the resignation of Mr Tim Drew, Mrs Leeanne Edith Ryan be appointed as the Council’s Acting General Manager with the inclusion of conditions as discussed.

SECTION 21. DATE AND VENUE FOR NEXT MEETING

The next meeting of Council will be held on the 16th October 2012 in Tilpa commencing at 9:30am.

There being no further business Council meeting closed at 2:49pm