



9 December, 2015

Minutes Of The Ordinary Meeting Of
Murrumbidgee Shire Council Held In The
Council Meeting Rooms at Coleambally on
Wednesday, 20 January, 2016|
commencing at 4.01pm

PRESENT: Councillors Austin Evans, Phillip Wells, Robert Black, Christine Chirgwin, Gavin Gilbert and Robert Curphey

IN ATTENDANCE: Kerry McMurray (Acting General Manager)
Sue Mitchell (Director Corporate Performance and Community)
Susan Appleyard (Acting Director, Health, Building and Planning)
Alison Balind (Executive Assistant – Minute Secretary)
Stephen Goodsall (GIS/Assets Officer)
Gary Randhawa (Project Officer)
Phil Pinyon (Project Officer)

The meeting opened at 4.01pm with Mayor Austin Evans reading the Council Prayer.

APOLOGIES
Nil

1. MINUTES OF THE EXTRAORDINARY MEETING OF MURRUMBIDGEE SHIRE COUNCIL FROM 7 DECEMBER, 2015

Cr Wells highlighted that the Minutes of the Extraordinary Meeting from 7 December, 2015 had been previously confirmed at the December Ordinary Meeting. No further action was required for this item.

2. BUSINESS ARISING FROM MINUTES

Nil

3. MINUTES OF THE ORDINARY MEETING OF MURRUMBIDGEE SHIRE COUNCIL FROM 9 DECEMBER, 2015

CARRIED (6-0)

16001. Resolution

Moved Cr Chirgwin , Seconded Cr Wells

That the minutes of the Ordinary Meeting of Murrumbidgee Shire Council from 9 December, 2015 be confirmed with the following amendment:

15238. Resolution

Moved Cr Gilbert, Seconded Cr Wells

That Council accept Cr Black's apology for the meeting of 9 December, 2016 and a leave of absence be granted.

CARRIED (6-0)

4. BUSINESS ARISING FROM MINUTES

Cr Evans – Re: Murray Darling Economic Diversification Program.
Cr Evans sought an indication from the Councillors as to whether they were supportive of Council providing a letter of support to Pasco Maintenance of Coleambally to make application to the program. The Council indicated it was happy to support the application.

5. DECLARATIONS OF INTEREST

Nil

6. INFORMATION REPORTS

16002. Resolution

Moved Cr Chirgwin, Seconded Cr Curphey

That Council notes the contents of the Incoming Correspondence, Companion Animals Report and Development Applications Approved Under Delegation for information.

CARRIED (6-0)

7. COMMITTEE MINUTES

16003. Resolution

Moved Cr Gilbert, Seconded Cr Chirgwin

That Council receive the Minutes of Ordinary Meeting of Heritage Darlington Point, 13 December 2015 and Coleambally Australia Day 2016 Committee Meeting Minutes 7 January, 2016 for information.

CARRIED (6-0)

8. MAYORAL MINUTES

The Mayoral Minute was held over to be dealt with in Closed Council.

9. GENERAL MANAGER'S REPORT

9.1 COUNCIL DECISION MAKING DURING MERGER PROPOSAL PHASE

16004. Resolution

Moved Cr Curphey, Seconded Cr Chirgwin

That Council note the information contained within the report.

CARRIED (6-0)

9.2 REVIEW OF NSW LOCAL GOVERNMENT RATING SYSTEM

Cr Curphey left the meeting room at 4.22pm.

16005. Resolution

Moved Cr Wells, Seconded Cr Gilbert

That Council note the information contained within the report.

CARRIED (5-0)

9.3 PHASE 1 AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993

Cr Curphey returned to the meeting room at 4.23pm.

16006. Resolution

Moved Cr Black, Seconded Cr Wells

That Council:

- a) Notes the information contained within this report**
- b) Prepares a collective response to the proposed amendments to the Local Government Act 1993 for endorsement at the February 17 meeting of Council.**

CARRIED (6-0)

9.4 COUNCIL POLICIES

16007. Resolution

Moved Cr Chirgwin, Seconded Cr Gilbert

1. That Council endorses the following documents:

- DRAFT GRPP.02.01.08 Privacy Management Policy (Attachment A)**
- DRAFT GRPP.02.01.10 Complaints Management Policy (Attachment B)**
- DRAFT GRPP.02.01.11 Record Management Policy (Attachment C)**

2. That Council place the documents on Public Exhibition in accordance with Section 160 of the Local Government Act to allow for input into the policy documents from the community.

CARRIED (6-0)

9.5 QUOTATION FOR DRAINAGE APPLICATION FOR BARWIDGEE BOULEVARD

16008. Resolution

Moved Cr Wells, Seconded Cr Gilbert

That Council, accept the Quotation of ACO Polycrete Pty Ltd for the amount specified (excluding GST) for the supply and delivery of *Traffikdrain*, under section 55 (3) (i) of the Local Government Act 1993.

CARRIED (6-0)

9.6 FINANCE AND INVESTMENT REPORT FOR JANUARY, 2016

16009. Resolution

Moved Cr Curphey, Seconded Cr Wells

- a) That Council notes the investment income for December, 2015.
- b) Note the investments have been made in accordance with the Local Government Act 1993, the Local Government General Regulations and Council's investment policy.
- c) Adopt the Investment Report for the month of December, 2015.

CARRIED (6-0)

10. GENERAL MANAGER'S LATE REPORTS

LR1: FIT FOR THE FUTURE – MOVING FORWARD

16010. Resolution

Moved Cr Curphey, Seconded Cr Wells

That Council:

- a) Support the proposed merger of Murrumbidgee Shire Council and the part of Jerilderie Shire Local Government Area north of Yanco Creek.
- b) Make a submission on the proposed merger.
- c) Council register to present to the Public Inquiry on February 11 at the Coleambally Community Club.
- d) Request the General Manager to prepare the submission and submit it to the February 17, 2016 Council meeting for consideration.

CARRIED (6-0)

LR2: MURRUMBIDGEE SHIRE COUNCIL AUDIT COMMITTEE AMENDMENTS

16011. Resolution

Moved Cr Chirgwin, Seconded Cr Black

That Council:

- a) Amends the name of its Audit Committee to Audit and Risk Committee
- b) Amends the membership of the Committee to one Councillor and two community representatives.
- c) Adopts the Draft Audit and Risk Committee Charter and places it on public exhibition in accordance with Section 160 of the Local Government Act to allow for input into the policy documents from the community.
- d) Calls for Expressions of Interest from the Murrumbidgee Shire community for representation on the Audit and Risk Committee.
- e) Allocate funds as part of the 2016-2017 budget process and ongoing to cover costs associated with the internal audit process, specifically for the purposes of engaging an Internal Audit consultant.

CARRIED (6-0)

**LR3: DARLINGTON POINT FLOODPLAIN MANAGEMENT – RECONSTRUCTION OF LEVEES
(AREAS 3 – 5A) GRANT FUNDING**

16012. Resolution

Moved Cr Wells, Seconded Cr Gilbert

That Council;

- a) formally accept the grant of \$3,664,000 offered for the reconstruction of levees (Areas 3 – 5A) under the 2015-2016 Floodplain Management Program**
- b) execute the agreement with NSW Public Works for the provision of project management services for the reconstruction of levees (Areas 3 – 5A) up to the maximum value detailed in the Confidential Attachment.**
- c) authorise the Acting General Manager to sign the funding and project management agreement documents on behalf of Murrumbidgee Shire Council.**

CARRIED (6-0)

LR4: DARLINGTON POINT FLOODPLAIN MANAGEMENT – FLOOD STUDIES FUNDING

16013. Resolution

Moved Cr Gilbert, Seconded Cr Chirgwin

That Council;

- a) formally accept the grant of \$132,857 offered for Internal and External Flood Studies under the 2015-2016 Floodplain Management Program**
- b) authorise the Acting General Manager to sign the funding agreement on behalf of Murrumbidgee Shire Council.**

CARRIED (6-0)

LR5: FUNDING FOR COLEAMBALLY LANDFILL FACILITY

16014. Resolution

Moved Cr Black, Seconded Cr Chirgwin

That Council:

- a) formally accepts the offer of funding of \$80,940 from NSW Environmental Trust.**
- b) authorise the Acting General Manager to sign the funding agreement on behalf of Murrumbidgee Shire Council.**

CARRIED (6-0)

11 MOTIONS PURSUANT TO NOTICE

Nil

12 QUESTIONS PURSUANT TO NOTICE

Nil

13 COUNCILLOR QUESTIONS

Nil

14. NOTICE OF INTENTION TO DEAL WITH MATTERS IN CONFIDENTIAL SESSION

16015. Resolution

Moved Cr Gilbert, Seconded Cr Chirgwin

That the meeting is closed during the discussion of the matters Item Mayoral Minute 1 as on balance, the public interest in preserving the confidentiality of information outweighs the public interest in maintaining openness and transparency in Council decision-making because the disclosure of this information would prejudice Council and individuals from achieving a 'best' outcome for the community and individuals involved;

The decision to close the meeting to consider; is recorded as follows:

- 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,*

CARRIED (6-0)

Having so resolved, the Council went into Closed Council, the time being 4.48pm.

Note that Phil Pinyon (Project Officer) left the meeting prior to item MM1 being dealt with.

16019. Resolution

Cr Chirgwin, Cr Black

That Open Council be resumed.

CARRIED (6-0)

Having so resolved, the Council meeting was re-opened to the public, the time being 5.32pm. On resuming Open Council, the Mayor read the following resolutions that were passed in Closed Council as follows:

IC1 – DARLINGTON POINT CARAVAN PARK

16016. Resolution

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MAYOR

Moved Cr Chirgwin, Seconded Cr Curphey

That Council defer making a decision on this matter until the next meeting of Council to obtain clarification on the lease documentation.

CARRIED (6-0)

MAYORAL MINUTE

MM1: IN COMMITTEE – ACTING GENERAL MANAGER

16017. Resolution

Moved Cr Chirgwin, seconded Cr Curphey

- a) That council appoint Phil Pinyon to the position of Interim General Manager for a minimum term of one month to a maximum term of 12 months or until the appointment of a General Manager, whichever occurs first in accordance with the contract of employment (Attachment A) with the following amendments:
- Start date of the contract to be 27 January, 2016.
 - Schedule B: TRP to be amended to include the wording “which will be paid pro-rata fortnightly”.
 - Removal of travel expenses.
 - The title be amended to Interim General Manager.
- b) The council delegate to the person holding the position, acting in or performing the duties of Interim General Manager, the powers, duties and functions set out in the attached instrument of delegation (Attachment B) to the Interim General Manager subject to the conditions and limitations specified in that instrument.
- c) The instrument of delegation to the Interim General Manager comes into force upon resolution of council.
- d) On the coming into force of the instrument, all delegations to the previous Acting General Manager are assigned to the new Interim General Manager.
- e) The duties and functions set out in the abovementioned instruments must be performed, and the powers set out in the instruments must be executed in accordance with any guidelines or policies of council that it may from time to time adopt.
- f) Council note that the instrument under the Local Government Act includes a power of delegation to other persons or bodies in accordance with section 378(2) of the act.

CARRIED (6-0)

There being no further business, the meeting closed at 5.35pm.