



16 September, 2015

Minutes Of The Ordinary Meeting Of
Murrumbidgee Shire Council Held In The
Council Meeting Room in Coleambally on
Wednesday, September 16, 2015 at 2.00pm

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

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

The meeting opened at 2.00pm with Mayor Austin Evans reading the Council Prayer.

Apologies

Nil

CITIZENSHIP CEREMONY – Mrs Evelyn Nemeno Rose

The Mayor, Cr Evans, as presiding officer of the Citizenship Ceremony, welcomed Mrs Rose and members of her family. He then read a message from Minister for Immigration, Peter Dutton and the preamble and invited Mrs Rose to read the Pledge of Commitment as a Citizen of the Commonwealth of Australia, which she then did. Cr Evans concluded the ceremony with a closing address and congratulated Mrs Rose on become a Citizen of the Commonwealth of Australia.

**DRAFT Minutes Of The Ordinary Meeting Of Murrumbidgee Shire Council Held In
The Council Chambers Darlington Point On Wednesday 19 August At 2.04pm.**

15171. Resolution

Moved Cr Wells Seconded Cr Gilbert

**That the Minutes of the Ordinary Meeting of Murrumbidgee Shire Council
Held on August 19, 2015 be adopted with the following amendments:**

- **Terms of Reference for the Coleambally Townlife Committee -
Community Membership to be five (5).**
- **Amend the date on the header to August 19, 2015.**

Carried (6-0)

Business Arising from Minutes

Nil

Declarations of Interest

Nil

Petitions and Presentations

1. Economic Development Officer Report to Council

Did not proceed as the Economic Development Officer was unwell.

Information Reports

1. MAYOR'S REPORT
2. INCOMING CORRESPONDENCE
3. COMPANION ANIMALS REPORT

15172. Resolution

Moved Cr Black Seconded Cr Chirgwin.

That Council notes the contents of the Mayor's Annual Report, Incoming Correspondence and Companion Animals Report for information.

Carried (6-0)

General Manager's Report

The Acting General Manager, as returning officer for the following two items, assumed the chair at 2.19pm for the purposes of conducting the elections of the Mayor and Deputy Mayor.

1. ELECTION OF THE MAYOR

15173. Resolution

Moved Cr Evans, Seconded Cr Black

That:

- a) Council conduct an election for the Mayor for the next 12 months.
- b) The method of voting in the election be by way of ordinary ballot.
- c) The result of the election be sent to the Office of Local Government, Department of Premier and Cabinet and Local Government NSW.

Carried (6-0)

As a result of the ballot, Councillor Austin Evans was elected as Mayor for the ensuing 12 months following a draw from the hat.

2. ELECTION OF DEPUTY MAYOR

15174. Resolution

Moved Cr Black, Seconded Cr Curphey

That Council:

- a) **Note the report on the appointment of and procedure for the election of a Deputy Mayor;**
- b) **Hold an election for that position on the same basis as for the Mayoral position; and**
- c) **Determine if a fee is to be paid to the Deputy Mayor.**
- d) **That the Returning Officer read out publicly the final vote count.**

Carried (6-0)

As a result of the resolution and as there was only one nomination for the position, Cr Phillip Wells was elected unopposed to the position of Deputy Mayor.

15175. Resolution

Moved Cr Black, Seconded Cr Curphey

That the nomination forms and ballot papers be destroyed.

Carried (6-0)

3. COUNCIL DELEGATIONS TO THE MAYOR

15176. Resolution

Moved Cr Chirgwin Seconded Cr Curphey

That Council:

- a) **Note the report on Mayoral Delegations; and**
- b) **Pursuant to Section 377 of the Local Government Act 1993 delegate to its Mayor, and in the absence of the Mayor to the Deputy Mayor, the following powers, duties and functions:**
 - (i) **To appoint a person to act as General Manager where the position is vacant, or the holder of the position is suspended from duty, is sick, on leave or absent.**
 - (ii) **The power to determine applications by the General Manager for leave.**
 - (iii) **To issue press releases and reply to press criticisms of the Council.**
 - (iv) **To determine the conferences and seminars that Councillors may attend as Council's representatives where time does not permit Council to so determine.**
 - (v) **The power to expel persons (whether a Councillor or another person) from a meeting of the Council or Council Committee over which he/she presides as Chairman, in accordance with Section 10(3) of the Local Government Act 1993.**
 - (vi) **Write correspondence on behalf of Council.**
 - (vii) **Pursuant to the contract of employment with the General Manager the power to vary the structure of the salary package but not the value of the total package.**
 - (viii) **To authorise expenditure from Mayoral expense account for the general functions of Council.**

- (ix) To authorise emergency expenditure, for any purpose of up to \$50,000.
- (x) To approve and tender Civic Receptions where the Mayor considers it appropriate and the period for arranging the Reception does not permit time for a decision to be made by the Council.
- (xi) To call extraordinary meetings of the Council in terms of Council's Code of meeting procedure.
- c) The Mayor to include information on ceremonial and expenditure matters undertaken through this delegation as part of a monthly report to Council.

Carried (6-0)

4. COUNCIL DELEGATIONS – GENERAL MANAGER

15177. Resolution

Moved Cr Black Seconded Cr Wells

- a) The Council delegate to the person holding the position, acting in or performing the duties of General Manager, the powers, duties and functions set out in the attached (*Attachment 1*) Instrument of Delegation to the General Manager subject to the conditions and limitations specified in that Instrument.
- b) The Instrument of Delegation to the Acting General Manager comes into force immediately the Common Seal of Council is affixed.
- c) On the coming into force of the instrument all previous delegations to the General Manager are revoked.
- d) 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.
- e) 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)

5. COUNCIL COMMITTEE STRUCTURE 2015-2016

15178. Resolution

Moved Cr Black, Seconded Cr Gilbert

- a) That Council endorse the Committee membership as per Attachment A:
- b) The General Manager be delegated the authority to finalise community representation so as to form the Committees (in consultation with Councillor representatives on each Committee); and

- c) **The General Manager assign a suitable staff member to convene and assist the Committees in its work for the community.**

Standing and Special Committees of Council				
Committee Name	Purpose	Meeting Cycle	Councillors/Council staff	Community Representatives
Audit Committee	As per terms of reference	Quarterly	Mayor, Deputy Mayor	Two Community representatives
Conduct Committee	To undertake investigations and reviews in accordance with Council's adopted Code of Conduct	As required	RAMROC Conduct Review Panel (covered by Councils adopted Code of Conduct, Minute Number 151/14)	Nil
Darlington Point Caravan Park Committee	TBC	Quarterly	All Councillors	Two community representatives
Darlington Point Levee Committee	TBC	Bi-monthly	Cr Curphey, Cr Gilbert, Cr Wells General Manager, Director of Community Infrastructure and Sustainability	One Community representative DECC Representatives
Plant Committee	TBC	Quarterly	Cr Gilbert, Cr Wells, Cr Curphey, General Manager Director of Community Infrastructure and Sustainability, Operations Manager	Nil
Student Scholarship Committee	To award scholarships to local students	Annually	Cr Chirgwin, Cr Gilbert, General Manager	Nil
Tourism Committee	As per terms of reference	Quarterly	Cr Curphey, Cr Gilbert, Cr Chirgwin, General Manager,	Three community representatives (1 x Darlington Point, 1 x Coleambally and 1 x Rural)
Works and Planning Committee	As per Terms of Reference	Quarterly	All Councillors	Nil
Traffic Committee	As per Terms of Reference	Quarterly	Cr Curphey, Cr Black, Cr Wells Director of	

Minutes Of The Ordinary Meeting Of Murrumbidgee Shire Council Held In
The Council Meeting Room at Coleambally On Wednesday 16 September At 2.00pm

			Community Infrastructure and Sustainability, Road Safety Officer	
--	--	--	--	--

Section 355 Committees of Council				
Committee Name	Purpose	Meeting Cycle	Councillors	Community Representatives
Coleambally Australia Day Committee	To organise Australia Day events and activities for Coleambally community	Monthly from Sept-Feb	Cr Chirgwin, Director Corporate Performance and Community	Three/Four community representatives
Coleambally Townlife Committee	As per Terms of Reference	Bi-monthly	Cr Chirgwin, Cr Evans, Director Corporate Performance and Community	Five community representatives
Darlington Point Townlife Committee	As per Terms of Reference	Monthly	Cr Gilbert, Cr Wells, Director Corporate Performance and Community	Three/Four community representatives
Heritage Darlington Point	As per Terms of Reference	Monthly	Cr Curphey, Manager Health Building and Planning	Three/Four community representatives
Tiddalik Wetlands Committee	As per Terms of Reference	Quarterly	Cr Curphey, Director Corporate Performance and Community	Two/Three community representatives
External Committees with Council representation				
Committee Name	Councillors			
Coleambally Irrigation Co-operative Ltd	Cr Wells and General Manager			
Kidman Way Promotional Committee	Cr Chirgwin and General Manager			
MIA Zone Bushfire Management Committee	Cr Black & Manager Health, Building & Planning			
MIA Zone Rural Fire Service Liaison Committee	Cr Wells and General Manager			
Murray Darling Association	Cr Evans and General Manager			
Western Riverina Libraries Committee	Cr Evans Director Corporate Performance and Community			
Western Riverina Arts	Cr Chirgwin and Cr Curphey Director Corporate Performance and Community			

Carried (6-0)

6. UPDATED DISCLOSURE OF INTEREST RETURNS

15179. Resolution

Moved Cr Black Seconded Cr Chirgwin

That the tabling of the updated 2013/2014 Disclosure of Interest Returns for Councillors Wells, Curphey and Gilbert be noted.

Carried (6-0)

7. CHRISTMAS AND NEW YEAR OFFICE CLOSURES 2015-2016

15180. Resolution

Moved Cr Black, Seconded Cr Gilbert

That Council:

- a) Approves the closure of its administration offices and non-essential operations for the period between Friday, December 25, 2015 and Friday, January 1, 2016 inclusive, re-opening on Monday, January 4 2016.
- b) Approves the closure of its administration offices and non-essential operations for the period from midday on Friday, December 18, re-opening on Monday, December 21, 2015.
- c) The General Manager advertises Council's closure over the Christmas/New Year period.

Carried (6-0)

8. COUNCIL WARD BOUNDARIES REVIEW

15181. Resolution

Moved Cr Black, Seconded Cr Wells

That Council:

- a) Receive the report and note the information contained within.
- b) Undertake a review of registered voter numbers within each of the Council wards in September 2017 should the difference between Wards exceed the 10% quota.

Carried (6-0)

9. REQUEST FOR FEE WAIVER – TEACHERS, TRADIES AND TOWNIES GAMES 2015

15182. Resolution

Moved Cr Curphey, Seconded Cr Gilbert

- a) That Council agree to waive the venue hire fees for the Council facilities to be used for the Teachers, Tradies and Townies Games 2015 to be held on 23-25 October, 2015 as requested by organisers for this year's event.
- b) That the required security deposits not be waived.

Carried (6-0)

10. KEEP AUSTRALIA BEAUTIFUL COUNCIL (NSW) MEMBERSHIP

15183. Resolution

Moved Cr Gilbert, Seconded Cr Chirgwin

- a) That Murrumbidgee Shire Council become a Member of Keep Australia Beautiful Council (NSW) – Trading as Keep NSW Beautiful (KNSWB).

- b) That Council appoint the General Manager or his delegate as the nominated representative to liaise with KNSWB on behalf of Murrumbidgee Shire.

Carried (6-0)

11. GRAIN HARVEST MANAGEMENT SCHEME

15184. Resolution

Moved Cr Black, Seconded Cr Chirgwin

1. That Council give consent for the Grain Harvest Management Scheme to continue until the 30 June, 2016 with the following conditions:
 - a. Period of participation which could be for the whole of the duration or shorter period, based on harvests in our area
 - b. No heavy vehicle movements during wet weather and a minimum of 48 hours after the rain has ceased,
 - c. 80 km/h speed restrictions
2. That the General Manager be authorised to complete and sign the required written statement of Roads Manager Consent.

Carried (6-0)

12. GIPAA ANNUAL REPORT

15185. Resolution

Moved Cr Gilbert, Seconded Cr Chirgwin

That Council receive the report for information.

Carried (6-0)

13. CODE OF CONDUCT COMPLAINTS 2014-2015 ANNUAL REPORT

15186. Resolution

Moved Cr Curphey, Seconded Cr Gilbert

That the Code of Conduct complaints Annual report be received and noted.

Carried (6-0)

14. FINANCIAL STATEMENT BY COUNCIL

15187. Resolution

Moved Cr Curphey, Seconded Cr Chirgwin.

- a) That the statement required by Section 413(2)(c) of the Local Government Act, 1993 in relation to Council's Financial Statements for the period ending 30 June 2015 be completed on receipt of the auditor's certificate.
- b) That Crowe Horwath Australia be invited (in accordance with regulations) to complete the audit and present the final report to Council's November meeting.

Carried (6-0)

Having previously advised, Cr Black left the meeting room, the time being 2.51pm.

15. FINANCE AND INVESTMENT REPORT FOR AUGUST, 2015

15188. Resolution

Moved Cr Curphey, Seconded Cr Wells

- a) That Council notes the investment income for August, 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 August, 2015.

Carried (5-0)

16. DEVELOPMENT APPLICATIONS APPROVED UNDER DELEGATION – AUGUST, 2015

15189. Resolution

Moved Cr Chirgwin Seconded Cr Wells

That Council note the report for information.

Carried (5-0)

17. LATE REPORT - COUNCIL PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY

15190. Resolution

Moved Cr Wells, Seconded Cr Gilbert

- 1. That Council reconfirm its adoption of GRPP 02.01.07– Councillors Payment of Expenses and Provision of Facilities policy.
- 2. That the Office of Local Government be advised accordingly of Council's decision.

Carried (5-0)

18. LATE REPORT – AMENDMENT TO FEES AND CHARGES FOR 2015/2016

15191. Resolution

Moved Cr Gilbert, Seconded Cr Chirgwin

- a) That Council amends the Revenue Policy (Fees & Charges) in accordance with the suggested price revisions in Attachment A.
- b) That the amended Fees and Charges for 2015-2016 be placed on public exhibition for 28 days.

Carried (5-0)

Motions Pursuant to Notice

1. CR CHRISTINE CHIRGWIN

15192. Resolution

Moved Cr Chirgwin, Seconded Cr Curphey

That Council change the time of monthly meetings to 4pm, with Strategy Meetings starting at 2pm.

Carried (4-1)

Questions Pursuant to Notice

Nil

Councillor Questions

Nil

Notice Of Intention To Deal With Matter In Confidential Session

15193. Resolution

Moved Cr Gilbert Seconded Cr Curphey.

That the meeting is closed during the discussion of the matters Items IC1, IC2, IC3 and IC4 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:
IC1 - Request for financial assistance for rate relief A the matters and information are:

(b)The personal hardship of any resident or ratepayer

(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it,

IC 2 - Bequest for financial assistance for rate relief B the matters and information are:

(b) The personal hardship of any resident or ratepayer

IC 3 - Senior Staff Contracts the matters and information are:

(a)personnel matters concerning particular individuals (other than Councillors).

IC 4 - Community Recycling Centre Quotations the matter and information are:

(d) commercial information of a confidential nature that would, if disclosed:

(i) prejudice the commercial position of the person who supplied it.

Carried (5-0)

Having so resolved, the meeting was closed to the public, the time being 3.01pm and unrequired staff left the meeting room.

In Committee Reports

1. REQUEST FOR FINANCIAL ASSISTANCE FOR RATE RELIEF A

15194. Resolution

Moved Cr Chirgwin, Seconded Cr Curphey

- 1. That Council write off any accrued interest on Customer Reference 8169/Meter Number 96001 assessment.**
- 2. That Council offer an interest free payment plan of 2 years, with estimated monthly payments of \$165/ month, which will clear the arrears and potentially cover the water access and consumption for 2015/2016.**
- 3. That Council meet with the proponents to look at other avenues that may assist in them reaching an improved financial position.**

Carried (5-0)

2. REQUEST FOR FINANCIAL ASSISTANCE FOR RATE RELIEF B

15195. Resolution

Moved Cr Chirgwin, Seconded Cr Wells

That Council:

- 1. Under Section 567 of the Local Government Act 1993 (NSW) and Clause 131 (4)(d) of the Local Government (General) Regulation 2005 (NSW) write off the 2015/2016 Council rates, sewer access and water access charges for Lot 512 DP 1032200.**
- 2. That the owner be advised that the Domestic Waste and Recycling Charge are not being written off**
- 3. That the owner be advised that they will need to make applications annually for Council to consider any further rate write offs.**

Carried (5-0)

3. SENIOR STAFF CONTRACTS

15196. Resolution

Moved Cr Chirgwin, Seconded Cr Gilbert

That Council receive and note the General Manager's report of Senior Staff contractual conditions.

Carried (5-0)

4. COMMUNITY RECYCLING CENTRE QUOTATIONS

15197. Resolution

Moved Cr Gilbert, Seconded Cr Chirgwin

That Council, on behalf of the Riverina Waste Group, accept the Quotation of Company 1 for the quoted amount of \$88,500 for the supply and

**construction of 5 (five) Community Recycling sheds using grant funds
supplied by the Environmental Protection Authority.**

Carried (5-0)

15198. Resolution

Moved Cr Chirgwin, Seconded Cr Gilbert

That the meeting move into open Council.

Carried (5-0)

Being so resolved, the meeting opened to the public at 3.11pm.

On resuming open Council, the Mayor reported the following business had been dealt with by the Council.

1. REQUEST FOR FINANCIAL ASSISTANCE FOR RATE RELIEF A

15194. Resolution

Moved Cr Chirgwin, Seconded Cr Curphey

- 4. That Council write off any accrued interest on Customer Reference 8169/Meter Number 96001 assessment.**
- 5. That Council offer an interest free payment plan of 2 years, with estimated monthly payments of \$165/ month, which will clear the arrears and potentially cover the water access and consumption for 2015/2016.**
- 6. That Council meet with the proponents to look at other avenues that may assist in them reaching an improved financial position.**

Carried (5-0)

2. REQUEST FOR FINANCIAL ASSISTANCE FOR RATE RELIEF B

15195. Resolution

Moved Cr Chirgwin, Seconded Cr Wells

That Council:

- 4. Under Section 567 of the Local Government Act 1993 (NSW) and Clause 131 (4)(d) of the Local Government (General) Regulation 2005 (NSW) write off the 2015/2016 Council rates, sewer access and water access charges for Lot 512 DP 1032200.**
- 5. That the owner be advised that the Domestic Waste and Recycling Charge are not being written off**
- 6. That the owner be advised that they will need to make applications annually for Council to consider any further rate write offs.**

Carried (5-0)

3. SENIOR STAFF CONTRACTS

15196. Resolution

Moved Cr Chirgwin, Seconded Cr Gilbert

That Council receive and note the General Manager's report of Senior Staff contractual conditions.

Carried (5-0)

4. COMMUNITY RECYCLING CENTRE QUOTATIONS

15197. Resolution

Moved Cr Gilbert, Seconded Cr Chirgwin

That Council, on behalf of the Riverina Waste Group, accept the Quotation of Company 1 for the quoted amount of \$88,500 for the supply and construction of 5 (five) Community Recycling sheds using grant funds supplied by the Environmental Protection Authority.

Carried (5-0)

There being no further business, the meeting concluded at 3.25pm.