



18 February, 2016

Minutes Of The Ordinary Meeting Of Murrumbidgee Shire Council Held In The Council Chambers at Darlington Point commencing at 4.00pm on 17 February, 2016

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

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

The meeting opened at 4.00pm with Mayor Austin Evans reading the Council Prayer.

APOLOGIES

Nil

1. DRAFT MINUTES OF THE ORDINARY MEETING OF MURRUMBIDGEE SHIRE COUNCIL FROM 20 JANUARY, 2016

16018. Resolution

Moved Cr Chirgwin, Seconded Cr Curphey

That the minutes of the Ordinary Meeting of Murrumbidgee Shire Council from 20 January, 2016 be confirmed with the inclusion of Phil Pinyon (Project Officer).

CARRIED (6-0)

2. BUSINESS ARISING FROM MINUTES

Cr Evans: What type of flood event is the levee bank designed to address. The Asset Manager advised it was a 1 in 100 year flood.

3. DECLARATIONS OF INTEREST

Executive Officer: General Manager's Report Item 6.4. Non-significant, non-pecuniary interest – The Executive Officer spoke at the public inquiry at Coleambally on the impact of the Minister's merger proposal and the potential for rating changes on the Murrumbidgee community. Having made a declaration, the Executive Officer will remain in the meeting.

4. INFORMATION REPORTS

16019. Resolution

Moved Cr Gilbert, 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)

5. COMMITTEE MINUTES

16020. Resolution

Moved Cr Chirgwin, Seconded Cr Gilbert

That Council notes the minutes of the Coleambally Australia Day Committee and the Darlington Point Townlife Committee for information.

CARRIED (6-0)

The Acting Director Health Building and Planning left the meeting, the time being 4.17pm.

6. GENERAL MANAGER'S REPORT

6.1 AMENDMENT TO 2016 COUNCIL MEETING SCHEDULE

16021. Resolution

Moved Cr Wells, Seconded Cr Chirgwin

That Council hold its March 2016 meeting on Wednesday, March 16.

CARRIED (6-0)

6.2 PHASE 1 AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1993

16022. Resolution

Moved Cr Chirgwin, Seconded Cr Wells

That Council:

- a) Endorses the response to the proposed amendments to the Local Government Act 1993.**
- b) Lodges the response via the online Fit for the Future portal by the close of consultation on 15 March, 2016**

CARRIED (6-0)

6.3 EXPRESSION OF INTEREST-2016 *CARPE DIEM* TOUR

16023. Resolution

Moved Cr Chirgwin, Seconded Cr Gilbert

That:

- a) Council lodge an Expression of Interest to the 2016 *Carpe Diem* Tour for a performance to be held within Murrumbidgee Shire.**
- b) Council allocates an amount of \$1000, consisting of cash and in kind, to assist in enabling the 2016 *Carpe Diem* Tour to be performed within the Murrumbidgee community.**

- c) Should Murrumbidgee be included in the tour schedule, that the event be referred to the relevant Townlife committee for further assistance.**

CARRIED: (6-0)

6.4 FIT FOR THE FUTURE – MINISTER’S PROPOSAL

Cr Gilbert moved the following motion, seconded Cr Curphey

That Council:

- a) Endorses the contents of the submission to support the proposal to merge Murrumbidgee Shire Council with the portion of Jerilderie Shire north of Yanco Creek (Attachment A).***
- b) Lodge the submission with the Council Boundary Review ahead of the February 28, 2016 deadline.***

Cr Black moved the following amendment, seconded by Cr Chirgwin

That Council:

- a) Endorses the contents of the submission to support the proposal to merge Murrumbidgee Shire Council with the portion of Jerilderie Shire north of Yanco Creek with the removal of the following sentence:
“It also outlines how research undertaken by this Council during the Fit for the Future process lends weight to the Minister’s proposal to merge our shire with the northern section of Jerilderie Shire above Yanco Creek.”***
- b) Lodge the submission with the Council Boundary Review ahead of the February 28, 2016 deadline.***

The amendment was passed on the Mayor’s casting vote. The amendment became the motion.

16024. Resolution

Moved Cr Black, Cr Chirgwin

That Council:

- a) Endorses the contents of the submission to support the proposal to merge Murrumbidgee Shire Council with the portion of Jerilderie Shire north of Yanco Creek with the removal of the sentence:
“It also outlines how research undertaken by this Council during the Fit for the Future process lends weight to the Minister’s proposal to merge our shire with the northern section of Jerilderie Shire above Yanco Creek”.***
- b) Lodge the submission with the Council Boundary Review ahead of the February 28, 2016 deadline.***

The vote on the motion was tied three all and was carried on the casting vote of the Mayor.

6.5 FIT FOR THE FUTURE – JERILDERIE PROPOSAL

Cr Wells moved the following motion, seconded by Cr Gibert

That Council not support the Jerilderie proposal and confirm this in writing to the Mayor and Councillors of Jerilderie advising that Murrumbidgee Shire's preference is the proposal presented by the Minister for a boundary adjustment to Yanco Creek.

Cr Evans foreshadowed a motion, being option b) as noted in the Council Agenda should the motion fail.

The vote on the motion was tied three all and lost on the Mayor's casting vote.

The Council meeting was adjourned on the request of Cr Wells for a short period of time at 5.14pm. The meeting resumed at 5.20pm.

Cr Black moved the following motion, seconded by Cr Chirgwin

That Council:

- a) defer a decision on support of the Jerilderie proposal as requested in their letter dated 26/1/16 so as to be until there is:***
 - clarity on the response from the Minister for Local Government to that proposal;***
 - an identified process advised by the Office of Local Government as to how that proposal will be dealt with;***
 - an opportunity for Council to consult with the Murrumbidgee Shire Council community regarding the Jerilderie proposal to assist Council in formulating a response to that proposal.***
- b) authorise the Interim General Manager to investigate the Jerilderie proposal to answer the questions raised by the community and councillors regarding the viability and financial merit of the proposal.***
- c) allocate up to \$10,000 to undertake the investigation.***

Cr Curphey moved the following amendment, seconded by Cr Gilbert:

That Council:

- a) defer a decision on support of the Jerilderie proposal as requested in their letter dated 26/1/16 until there is:***
 - clarity on the response from the Minister for Local Government to that proposal;***
 - an identified process advised by the Office of Local Government as to how that proposal will be dealt with;***
 - an opportunity for Council to consult with the Murrumbidgee Shire Council community regarding the Jerilderie proposal to assist Council in formulating a response to that proposal.***
- b) authorise the Interim General Manager to investigate the Jerilderie proposal to answer the questions raised by the community and councillors regarding the viability and financial merit of the proposal.***
- c) allocate up to \$10,000 to undertake the investigation.***
- d) Defer the expenditure and investigation until the Minister has made a determination to refer the proposal from Jerilderie Shire Council of January 26, 2016 to the Chief Executive of the Office of Local Government and the public inquiry process is initiated.***

The amendment was carried (4-2). The amendment then became the motion.

16025. Resolution

Moved Cr Curphey, Cr Gilbert

That Council:

- a) defer a decision on support of the Jerilderie proposal as requested in their letter dated 26/1/16 until there is:
 - clarity on the response from the Minister for Local Government to that proposal;
 - an identified process advised by the Office of Local Government as to how that proposal will be dealt with;
 - an opportunity for Council to consult with the Murrumbidgee Shire Council community regarding the Jerilderie proposal to assist Council in formulating a response to that proposal.
- b) authorise the Interim General Manager to investigate the Jerilderie proposal to answer the questions raised by the community and councillors regarding the viability and financial merit of the proposal.
- c) allocate up to \$10,000 to undertake the investigation.
- d) defer expenditure and investigation until the Minister has made a determination to refer the proposal from Jerilderie Shire Council of January 26, 2016 to the Chief Executive of the Office of Local Government and the public inquiry process is initiated.

CARRIED (6-0)

6.6 DELIVERY PROGRAM AND OPERATIONAL PLAN REVIEW

16026. Resolution

Moved Cr Chirgwin, Seconded Cr Curphey

That the progress report on the delivery of projects, including capital, operational plans, and programs and services against the adopted Delivery Program 2013-17 for the period 1 July 2015 to 31 December 2015 be noted.

CARRIED (6-0)

6.7 FINANCE AND INVESTMENT REPORT FOR JANUARY, 2016

16027. Resolution

Moved Cr Black, Seconded Cr Wells

That Council:

- a) Notes the investment income for January, 2015.
- b) Notes 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 January, 2015.

CARRIED (6-0)

6.8 Quarterly Budget Review Statement – December 2015

16028. Resolution

Moved Cr Chirgwin, Seconded Cr Gilbert

That Council adopt the proposed revotes for income and expenditure shown in the financial report ended 31 December, 2015.

CARRIED (6-0)

7. COUNCILLOR QUESTIONS

Cr Black:

There is a large burrow being created at Coleambally tip. Has there been any consideration given to building a bund around the property?

Cr Gilbert:

Letter of complaint to be drafted to State Water regarding the flow of recreational water for Riverina Classic Fishing Comp.

COMMENT: This competition has been promised a 1.8 to 2.2m high river for the 3 years running. With each year not delivered. This year we had an environmental flow a week before and a rise 2 days later.

16029. Resolution

Moved Cr Gilbert, Seconded Cr Curphey

That Council write to Water NSW expressing Council's disappointment with the inconsistency of river levels at the time of the Riverina Classic and requesting that there be liaison prior to changes in releases into the river system ahead of this annual event.

CARRIED (6-0)

16030. Resolution

Moved Cr Curphey, seconded Cr Gilbert

That Council write to DPI Water and the environmental water holders to ensure the community has access to recreational water to ensure sufficient river levels to coincide with the Riverina Classic.

CARRIED (6-0)

8. NOTICE OF INTENTION TO DEAL WITH MATTER IN CONFIDENTIAL SESSION

16031. Resolution

Moved Cr Chirgwin, Seconded Cr Wells

That the meeting is closed during the discussion of the matters IC1 – Darlington Point Caravan Park Lease 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 this matter 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, Council moved into Closed Session, the time being 5:59pm.

16032. Resolution

Moved Cr Chirgwin, Seconded Cr Gilbert
That Open Council be resumed.

CARRIED (6-0)

Having so resolved, the Council meeting was re-opened to the public, the time being 6.11pm. On resuming Open Council, the Mayor read the following resolutions that were passed in Closed Council as follows:

IC1 – DARLINGTON POINT CARAVAN PARK LEASE

16033. Resolution

Moved Cr Black, Seconded Cr Chirgwin

That:

- a) The Darlington Point Caravan Park be leased to the person named within the report for a period of five years from 1 January, 2016 with an option for a further five years and the annual rental for the Darlington Point Caravan Park be the amount listed in the report for 2016 and thereafter be adjusted annually by movement in the Sydney Consumer Price Index for the preceding year ending 30 September.**
- b) The proposed amendments outlined in the report be adopted.**
- c) The draft Leases, as adjusted, be forwarded to the Lessee for comment.**
- d) The draft Lease relating to the Crown Land section of the caravan park be forwarded to the Department of Primary Industries – Lands for the Minister's consent.**

CARRIED (5-1)

There being no further business, the meeting closed at 6.12pm.