



19 August, 2015

Minutes Of The Ordinary Meeting Of
Murrumbidgee Shire Council Held In The
Council Chambers Darlington Point on
Wednesday, August 19, 2015 at 2.04pm

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 2.04pm with Mayor Austin Evans reading the Council Prayer.

Apologies

Nil

Pecuniary Interest Declarations

Cr Curphey declared a Pecuniary Conflict of Interest in relation to IC2. Cr Curphey will make the declaration, not participate in the item, leave the meeting during the discussion and not return until the matter is resolved. The nature of the conflict is that Cr Curphey provides goods to the business mentioned in the report.

Suspension of Standing Orders

15152. Resolution

Moved Cr Chirgwin, Seconded Cr Wells

That standing orders be suspended to allow for Council to discuss In Committee Items 1 and 2.

Carried (6-0)

NOTICE OF INTENTION TO DEAL WITH MATTER IN CONFIDENTIAL SESSION

Ordinary Meeting

19 AUGUST 2015

KM:KM – Notice of Intention to Deal with Matter in Confidential Session

15153. Resolution

Moved Cr Chirgwin, Seconded Cr Wells

That Council go into committee for the following:

That the meeting is closed during the discussion of the matters Items IC1 and IC2 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;

Item IC1 – Darlington Point Tip Operations - The matters and information are:
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business
(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Item IC2 – Legal Matters – The matters and information are:

(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege

Carried (6-0)

Having so resolved, the meeting was closed to the public, the time being 2.06pm.

IC1 – Darlington Point Tip Operations

Ordinary Meeting 19 August 2015 SA: ADHBP – DARLINGTON POINT TIP OPERATIONS
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15154. Resolution

Moved Cr Gilbert, Seconded Cr Curphey

- a. That Council endorse the actions of the General Manager and the Acting Director of Health Building and Planning.
 - b. That delegated authority be granted to the General Manager to enact the following action plan:
 1. Lots 7005 and 7006, DP 1024219 and Lot 7034, DP 1146863 are to be surveyed in the next week.
 2. A soil test be undertaken on all the lots
 3. Consultants to be engaged to undertake a risk assessment of the existing and any future expansion of the tip. Assessment to include options to limit the environmental impact of the waste management facility operations on the site. Council has prepared a draft brief for the Authority to review.
 4. Status report to be presented to the August Strategic Workshop meeting of Council
 5. Crown Lands and Local Land Services be contacted regarding the land ownership and legacy issues with regard to Lot 7304, DP 1146863.
- Council to request:**

- (a) owners consent to upgrade the existing facilities that are located within the boundaries of Lot 7304; and
 - (b) purchase of part of the reserve.
6. A plan of the area and the future works proposed for all three lots be prepared and presented to Council, EPA, the Crown and LLS for consideration.

Carried (6-0)

Cr Curphey, having declared a pecuniary interest in IC2, left the chamber, the time being 2.09pm.

IC2 – Legal Matters

Ordinary Meeting 19 August 2015 SA:ADHBP – UPDATE ON DEVELOPMENTS
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15155. Resolution

Moved Cr Chirgwin, Seconded Cr Gilbert

RECOMMENDATION

1. That Council endorse the actions of the General Manager and Acting Director of Health, Building and planning in referring the matter to Council's solicitor's Kell Moore;
2. That delegated Authority be granted to the General Manager to negotiate with the developer, the developer's solicitor and Council's solicitors.
3. That the matter be reported back to Council in due course outlining the actions taken to resolve the outstanding development issues at the (Developer's) Site.

Carried (5-0)

15156. Resolution

Moved Cr Gilbert, Seconded Cr Chirgwin

That standing orders and open Council be resumed.

Carried (5-0)

Having so resolved, the meeting re-opened to the public, the time being 2.13pm and the above resolutions were read to the meeting.

Cr Curphey returned to the Chamber, the time being 2.13pm.

Confirmation of Minutes – Ordinary Meeting Wednesday 15 July, 2015

15157. Resolution

Moved Cr Chirgwin Seconded Cr Black

**That the Minutes of the Ordinary Meeting of Murrumbidgee Shire Council Held on
July 15, 2015 be adopted.**

Carried (6-0)

Business Arising from Minutes of the Ordinary Meeting

Cr Chirgwin: Resolution 15150 – the CCTV camera, has there been movement on installing
this camera?

GM – Not as yet.

Cr Wells: Will the camera be one that is portable for use in other locations?

GM – Will investigate all options. Will require the creation of appropriate policy and
notification of intention to install cameras.

Cr Evans: Any update on the Levee Bank Funding?

GM – Documents for easement have come in, property owners to be notified. Have not
spoken with funding authority as calls to them have not yet been returned.

Information Reports

15158. Resolution

Moved Cr Gilbert, Seconded Cr Curphey

**That Council notes the Mayor's Report, Incoming Correspondence and
Companion Animals, Electoral Commission and 2013/2014 WHS Financial
Incentive reports for information.**

Carried (6-0)

Minutes from Committees

15159. Resolution

Moved Cr Curphey, Seconded Cr Chirgwin

**That the Minutes of Heritage Darlington Point AGM from August 9, 2015 be
adopted.**

Carried (6-0)

15160. Resolution

Moved Cr Curphey, Seconded Cr Gilbert

**That the Minutes of Heritage Darlington Point Ordinary Meeting from August 9,
2015 be adopted.**

Carried (6-0)

15161. Resolution

Moved Cr Gilbert, Seconded Cr Wells

That the Minutes of the Darlington Point Townlife Committee Minutes from the Meeting of 14 July, 2015 be adopted and endorse the recommendation contained therein.

Carried (6-0)

15162. Resolution

Moved Cr Gilbert, Seconded Cr Wells

That the Minutes of the Darlington Point Townlife Committee Minutes from the Meeting of 11 August, 2015 be adopted and endorse the recommendation contained therein.

Carried (6-0)

15163. Resolution

Moved Cr Black, Seconded Cr Gilbert

That the Minutes of the Plant Committee from the Meeting of 15 August, 2015 – with the amendment to the following recommendations

Item 3.3 Sewer Jetter to read

“That Council purchases the Sewer Jett R50D-70 as quoted by Sewerquip for \$59,980.00 ex GST”.

Item 3.4 to read

That Council purchase the Toyota Tarago GLX as quoted by Owen Toyota for \$51,661.73 including GST and trade in the Volkswagon Multivan \$34,000 with a changeover value of \$17,661.73.

Carried (6-0)

3.1 Delivery Program & Operational Plan Update

Council Meeting 19 August, 2015 KM:GM – Delivery Program & Operational Plan Update

15164. Resolution

Moved Cr Wells, Seconded Cr Chirgwin

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 2014 to 30 June 2015 be noted.

Carried (6-0)

3.2 Council Policies – Gifts & Benefits, Enterprise Risk Management

Council Meeting Date April 15, 2015 KM:KM – Council Policies

15165. Resolution

Moved Cr Chirgwin, Seconded Cr Black

- 1. That Council endorses the GRPP.02.02.06 (Attachment A) – Draft Gifts & Benefits Policy and places it on Public Exhibition for a period of 28 days for community comment to be received.**
- 2. That Council adopt the GRPP.02.01.02 (Attachment B) – Enterprise Risk Management Policy.**

Carried (6-0)

3.3 Coleambally Townlife Committee Terms of Reference

Ordinary Meeting of Council 19 August, 2015 SM:DCP&C - Coleambally Townlife Committee
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15166. Resolution

Moved Cr Seconded Cr

That Council;

- a) Endorses the attached Draft Coleambally Townlife Terms of Reference and refers to the Coleambally Townlife Committee for review and comment, with a further report to be brought back to Council for adoption.**
- b) Sets a meeting date for the Committee's first meeting, that date being August 25, 2015, at 7pm at Coleambally Meeting Room and advises all five community members of the Committee accordingly.**

Attachment A: Coleambally Townlife Committee DRAFT Terms of Reference

COLEAMBALLY TOWNLIFE COMMITTEE

DRAFT TERMS OF REFERENCE

1. Name of Committee

The Committee shall be known as the "Coleambally Townlife Committee".

2. Purpose of the Committee

- To promote effective communication between Council and the Community, particularly in relation to celebrations within the Coleambally township area.
- To advise Council on the venue and form of celebrations and events.
- To be involved in the preparation of the celebrations for events and activities as well as their promotion.
- To ensure effective coordination and liaison with relevant peak bodies, such as the Australia Day Council of NSW, Regional Development Australia Riverina and others as required per event.

3. Objectives of the Committee

- (i) To ensure that events and activities within the Coleambally township are effectively planned and implemented within budgetary constraints.
- (ii) To ensure that Council's Australia Day celebration includes the Official Ceremony where the Citizenship and the Australia Day Awards are carried out.
- (iii) To provide a forum for community input into venues of celebrations and the activities.
- (iii) To ensure that the celebration venues alternate from urban to rural where possible.
- (iv) To provide a link between service clubs and other organisations with Committee and Council.
- (v) To promote the activities and national days of significance to the wider community.

4. Strategies of the Committee

- (i) Evaluate the venues suggested by the community and to make recommendations to Council.
- (ii) Oversee the outcome of celebrations and to provide feedback to Council.

- (iii) Advise Council on mechanisms to increase participation by the community at celebrations.
- (iv) To suggest initiatives relevant to the promotion of events and activities.
- (v) To suggest initiatives relevant to the promotion of Australia Day and its significance.

5. Membership

The Membership of the Committee shall comprise:

- (i) Up to two (2) elected representatives of Council
- (ii) General Manager or representative.
- (iii) Minimum of five (5) or more Community Representatives.

Council's elected representatives to the Committee and those of the Community shall be reviewed following each Ordinary Election of Council or upon a vacancy occurring on the Committee.

In the case of Council's elected representatives, the selection of new members shall be by Council resolution. In other cases, nomination will be sought by public advertisement and selection made in a manner to be determined by the Council representatives on the Committee.

The selection process will have regard to the Committee's role, and how the nominee can contribute to local events and celebrations.

6. Attendance and Participation of Non Members

The Committee may from time to time invite other Community members to assist with the preparation of the celebrations. These members will be from organisations especially those connected with the venue chosen.

7. Meetings

The Committee shall meet on ##### at #####pm on no less than six occasions each year. Special meetings may be called at the discretion of the Chairperson and when required.

The outcome of meetings shall be reported to Council after each meeting.

8. Agendas

- (i) The ##### will be responsible for the preparation and distribution of the Agenda.
- (ii) Seven days written notice of meeting venues, times and agendas is to be given to members. Any items or reports for inclusion in agendas are to be given to the ##### at least 10 days before scheduled meeting dates.

- (iii) Matters of a “General Business” nature may be identified for discussion at the following meetings, so that more detailed reports can be prepared on specific issues. Matters of a more urgent nature not identified on meeting agendas may be discussed under “General Business”, or preferably at special meetings.

9. Quorum

A quorum shall be more than half the members of the Committee.

10. Chairperson

- (i) The Chairperson will preferably be an elected representative of Council. The Chairperson may invoke the provisions of the Council’s adopted “Code of Meeting Practice” if deemed necessary for the orderly conduct of meetings.
- (ii) The Chairperson shall preside at all meetings and shall ensure that all decisions of the Committee are conveyed to Council. The Committee may elect a Deputy Chairperson who shall act in the absence of the Chairperson.

11. Voting

This Committee shall operate in a democratic manner keeping formalities to a minimum. However, should a matter require a formal recommendation to Council, the matter shall be put to members in the form of a Motion, which must be seconded and then voted upon. A simple majority vote by members present shall carry the Motion. The Chairman shall have a casting vote if necessary but should first consider these Terms of Reference and the “status quo”.

Any members dissenting from a decision to make a certain recommendation to Council may have their names recorded if they so wish.

12. Minutes Secretary

The ##### will be responsible for the recording and distribution of the Minutes. Minutes shall be distributed to all members within seven days of the meeting being held.

13. Conflicts of Interest

Committee members shall abide by Council’s adopted Code of Conduct during all meetings of the Committee and in all matters relating to their participation on the Committee.

14. Changing Terms of Reference

The terms of reference of the Committee may only be changed by Council resolution, which may arise from a recommendation from the Committee.

3.4 Riverina Classic Request for Support

Council Meeting 19 August, 2015 KM:GM – Riverina Classic Request for Support

15167. Resolution

Moved Cr Gilbert, Seconded Cr Wells

RECOMMENDATION

That Council provide assistance to the Riverina Classic Committee in the following areas:

- a) Event Traffic Control/Traffic Management Control**
- b) Use of additional areas in the advent of inclement weather on event weekend.**
- c) Use of the Apex/Lions Park for Event Registration all weekend including power/facilities on-site.**
- d) Advice on operation of the site from garbage, signage, toilets and emergency action planning perspective as well as other matters the Shire may foresee could become an issue.**
- e) Access to the flagpoles on the Darlington Point Bridge for promotional material in accordance with Council's standard operating procedures.**

Carried (6-0)

3.5 Darlington Point Pool

Council Meeting 19 August, 2015 KM:GM – Darlington Point Pool
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15168. Resolution

Moved Cr Black, Seconded Cr Wells

That Council allocate \$160,000 from the Pool Reserve to addressing the backlog and maintenance matters issues at Darlington Point Memorial Pool in 2015/2016 and refinance the funding model for the Coleambally Pool improvements by utilising \$60,000 from the Coleambally Town Improvement Reserve, to increase available funding from the Pool Reserve.

Carried (6-0)

3.6 Lease of 19 Carrington Street

Council Meeting 19 August, 2015 KM:GM – Lease of 19 Carrington Street, Darlington Point
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15169. Resolution

Moved Cr Gilbert, Seconded Cr Curphey

That Council:

- 1. Agree to the extension of the lease of 19 Carrington Street, Darlington Point for two years until 15 July, 2018.**
- 2. That the General Manager be authorised to execute the lease documentation for 19 Carrington Street, Darlington Point**

Carried (6-0)

3.7 Barwidgee Boulevard reconstruction

Council Meeting 19 August, 2015 KM:GM – Barwidgee Boulevard Reconstruction

15170. Resolution

Moved Cr Curphey, Seconded Cr Gilbert

- 1. That Council note the report.**
- 2. That the Barwidgee Boulevard reconstruction project be carried out in full in early 2016 with Option 1.**
- 3. That the balance of required funds, \$250,000 be funded from the Infrastructure reserve with the reserve being replenished in 2016/2017 with the monies allocated in that budget to Barwidgee Boulevard.**

Carried (6-0)

3.8 Fit for the Future Contingency

Council Meeting 19 August, 2015 KM:GM – Fit for the Future Contingency

15171. Resolution

Moved Cr Gilbert, Seconded Cr Curphey

- 1. That Murrumbidgee Shire Council continue to monitor developments as Fit for the Future outcomes become clearer**

2. That Council allocate \$15,000 to a Fit for the Future Contingency, in order to be able to respond quickly, and as required, to any issues or likely outcomes and seek any legal advice and guidance as deemed necessary by the General Manager.

Carried (6-0)

3.9 Revotes of Budget

Ordinary Meeting of Council 19 August, 2015 SM:SM – Revotes and Carryovers

15172. Resolution

Moved Cr Chirgwin, Seconded Cr Black

That Council;

Endorses the following list of revotes and carryovers from the 2014/15 financial year to the 2015/16 financial year budget:

Project Name	Amount	Revote/Carryover	Reason
Public Works Plant	\$101,376	Carryover	Plant replacement, as per program, not completed
One Key System	\$15,000	Revote	Unavailability of contractor during year
Coleambally Swimming Pool Refurbishment	\$20,000	Revote	Project manager appointed – work progressing
Coleambally Swimming Pool Solar Hot Water	\$30,020	Revote	To be completed as part of overall project
Coleambally Netball Court Resurfacing	\$7,347	Carryover	Carryover remaining funds to complete second court
Anderson Road Rehabilitation	\$242,246	Carryover	Work not completed due to wet weather
Darlington Point Shire Hall Upgrade	\$25,000	Revote	Project manager appointed – quotes being obtained
Coleambally Community Hall Upgrade	\$32,958	Carryover	Work progressing – verandah being replaced
Township Signage Project	\$10,000	Revote	Signs ordered – working with RMS
CWA Hall Chairs	\$1,000	Revote	Darlington Point Townlife to supplement amount - to allow purchase of more chairs

Doctors Surgery Upgrade Coleambally	\$10,000	Revote	Problems with design/ sewerage – Project Manager to be appointed
Coleambally Cemetery – Next Stage	\$15,000	Revote	Operations Manager appointed as Project Manager
Bencubbin Avenue – Pavement Investigation Design	\$10,000	Revote	Project Engineer to design
Crack Mapping	\$10,000	Revote	Issues obtaining contractor – new contractor now available
Coleambally Office Verandah	\$30,000	Revote	Quotations to be revised – discussions with Area Health Service to be held
Brolga Place Shop Entrances	\$142,700	Carryover	Levels taken – Director Health & Building investigating design
Design of Aerator/ Chlorinator Darlington Point Water	\$20,000	Revote	Consultant to be engaged
Effluent Re-Use Scheme Design Darlington Point Sewer	\$10,000	Revote	To be done in conjunction with NSW Public Works
Irrigation System Darlington Point Sewer Treatment Plant	\$10,000	Revote	Completed during July
Coleambally Sewerage Upgrade – Rip Rap Ponds/Oxidation Pond/ Trees	\$27,631	Carryover	Work progressing - screening trees to be purchased

Carried (6 - 0)

3.10 July Finance and Investment Report

<p>Ordinary Meeting of Council 19 August, 2015 SM:DCP&C – July Finance and Investment Report</p>

15173. Resolution

Moved Cr Wells, Seconded Cr Curphey

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

Carried (6-0)

3.11 Environmental Improvements Grants for Coleambally Landfill

Council Meeting: August

Date of meeting: 18.08.2015

GR: PE – Environmental Improvements Grants for Coleambally Landfill

15174. Resolution

Moved Cr Chirgwin, Seconded Cr Gilbert

That Council endorse the actions of the General Manager in submitting an application for an Environmental Improvement Grant for works required at Coleambally Landfill.

Carried (6-0)

Motions Pursuant to Notice

4.1 Cr Curphey

15170. Resolution

Moved Cr Curphey, Seconded Cr Black

- a) That Council review current B-double access routes within the Coleambally township.
- b) That as part of the review, investigations be undertaken into alternative options appropriate to business and community needs for B-doubles.
- c) That as part of the review, Council engages the business community of Coleambally to determine the level of need for B-double access.
- d) That a report on this review be presented to the October meeting of Murrumbidgee Shire Council.

Carried (6-0)

4.1 Cr Black

Cr Black moved, seconded by Cr Curphey, that Council increase the vote for Maintenance Grading and Gravel Re-sheeting on Rural roads in 2015/2016 by \$250,000.00. Following discussion, Cr Black withdrew the Motion.

There being no further business, the meeting closed at 3.48pm.