

# MINUTES

## ORDINARY MEETING OF COUNCIL

Tuesday, 11 December 2012

Held at the  
Swan Hill Town Hall,  
Council Chambers,  
McCallum Street, Swan Hill  
Commenced at 7:00 PM

**COUNCIL:**

Cr LT McPhee – Mayor

Cr JN Katis

Cr GW Norton

Cr GI Cruickshank

Cr JA Kiley

Cr CM Adamson

Cr JB Crowe

SECTION A – PROCEDURAL MATTERS .....3  
RECEPTIONS AND READING OF PETITIONS, MEMORIALS, JOINT  
LETTERS AND DEPUTATIONS .....5  
PE.12.3 LIGHTING FOR NORTON PARK .....5  
CORRESPONDENCE ..... 15  
CO.12.11 CORRESPONDENCE ..... 15  
SECTION B – REPORTS ..... 16  
B.12.160 MONTHLY BUILDING FIGURES FOR NOVEMBER 2012 ..... 16  
B.12.161 INSTRUMENTS OF APPOINTMENT AND AUTHORISATION ..... 19  
B.12.162 CASH BALANCES.....27  
SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION .....31  
C.12.18 SIGN & SEAL REPORT .....31  
C.12.19 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE  
AND AGENDA ITEMS .....34  
SECTION D – NOTICES OF MOTION .....40  
D.12.4 SWAN HILL REPLACEMENT BRIDGE LOCATION.....40  
SECTION E – IN CAMERA ITEMS ..... 44  
B.12.163 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT .....44  
B.12.164 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT .....45  
SECTION F – URGENT ITEMS NOT INCLUDED IN AGENDA .....46  
SECTION G – TO CONSIDER & ORDER ON COUNCILLOR REPORTS.....47

**SECTION A – PROCEDURAL MATTERS**

- **Open**

Mayor, Councillor Les McPhee assumed the chair and declares the meeting open at 7.00pm

- **Acknowledgement to Country**

Mayor, Councillor Les McPhee read the Acknowledgement to Country.

- **Prayer**

Councillor Jim Crowe read the prayer.

- **Apologies**

Councillor Michael Adamson

**25/12 Resolved**

**MOVED Councillor Cruickshank**

**That the apologies be accepted.**

**SECONDED Councillor Crowe**

**The Motion was put and CARRIED**

- **Confirmation of Minutes**

- 1) Ordinary Meeting held on 20 November 2012

**26/12 Resolved**

**MOVED Councillor Norton**

**That the minutes be confirmed.**

**SECONDED Councillor Kiley**

**The Motion was put and CARRIED**

- **Declarations of Conflict of Interest**

Councillor Jessie Kiley declared a conflict of interest in regards to item D.12.4 Swan Hill Replacement Bridge Location and would have to seek legal advice before she could go ahead with that.

Councillor Jim Crowe also declared a conflict of interest to item D.12.4 Swan Hill Replacement Bridge Location and had received legal advice and at this stage he said it looks at though there is no conflict of interest, although if there is anyone that can show it to me in writing he would continue.

Councillor Greg Cruickshank declared a conflict of interest in the petition item PE.12.3 Lighting for Norton Park as there is a letter from himself, which was a covering letter from himself that he just addressed to the acting officer. He didn't think that there was a conflict of interest as he was just carrying out his duties as a Councillor. Acting Chief Executive Officer Mr David Leahy commented that he didn't believe that there was a conflict of interest for handing over a petition. Councillor Greg Cruickshank then said that he would like it noted that there is a letter to this item under his hand.

**RECEPTIONS AND READING OF PETITIONS, MEMORIALS, JOINT LETTERS  
AND DEPUTATIONS**

**PE.12.3 LIGHTING FOR NORTON PARK**

The petition is requesting that Council provide a light(s) in Norton Park. The major concern for local residents is of course community safety. All residents that directly adjoin the park have signed the petition and as you can see there is strong community support for this to happen.

**Attachments**

1 Petition

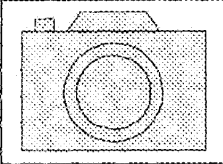
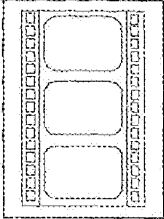
**Resolved**

**MOVED Councillor Cruickshank**

**That Council receive the petition and request a report to come to next  
Councillor Assembly and subsequent Council Meeting**

**SECONDED Councillor Katis**

**The Motion was put and CARRIED**

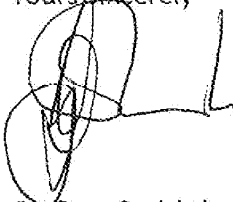
	<b>Greg Cruickshank Photographics</b>	
Shop 12 Safeway Plaza Swan Hill 3585 Ph. 50 330099 Email <a href="mailto:cruickys2@bigpond.com">cruickys2@bigpond.com</a> ABN. 53 949 729 470		

22/11/12  
 Attention Mr. Steve Matthews  
 Acting Director of Infrastructure  
 Swan Hill Rural City Council

Re. Petition requesting consideration of lighting for Norton Park.

Dear Steve,  
 Please find attached a petition presented to me by the residents in the neighborhood of Norton Park.  
 The petition is requesting that Council provide a light(s) in the park.  
 The major concern for local residents is of course community safety.  
 All residents that directly adjoin the park have signed the petition and as you can see there is strong community support for this to happen.  
 Please can you advance this request and provide me with some timeframes in which this may happen.

Yours Sincerely



Cr. Greg Cruickshank

26 NOV 2012

22-13-11  
 79-82-93

ADI  
 ES6-52

Petition for light in Wilkins Gr. Park.

200

11/10/2012

Heather Ingram

Margaret M. Mason

Ray L. Bull

Shirley L. Bull

Andrea Lumsden

Wen Lumsden

Yvonne Hunt

Bill Storey

HEATHER EVANS

WAYNE EVANS

Wendy Broussard

Norm Broussard

Natalie Broussard

Ashlee Evans

RECKY SARRG

Brendan Shepherd

Sash Hampton

Krystal Insley

Robyn Whitlaw

Ken Whitlaw

Jill Shuegold

CLIFF BANKS (4/13/12)

Josh Caccianiga

Doc ID 4238372 Printed from InfoPrint EDM6.abc 04:57PM on Mon, 26 Nov 2012

Georgia Ingram

Kathy Ingram

BROOKE INGRAM

Maddy Ingram

JADE MOORE

Kylie McKay

Christie Riches

Graham Bootland

Kevin Sheasmita

Stevie-Jo Maher

Ms Betty McThompson

to Max. Thompson.

Andrew Whitelaw

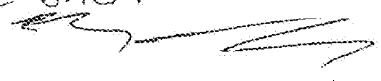
Freda Waldren

Kim Walsh

Paul Walsh

Melanie Simons

Dean Simons

Kerrie O'Brien  




Doc ID 423837 Printed from Infovision EDMS at: 04:52PM, on Mon 26 Nov 2012

Petition for Light in W/Gr. Park. 15/10/12

L. McKee

Lindsay McKee

N. Hoog

Clenda Mauer

Clenda Mauer

Booker

Boyl Deitch

Rob Edmunds

Chris Bladley

Teresa Furnell

Greg Shawyer

Robert Shawyer

J. Carmichael

Kola Grant

Paul HATSON

Anne Pletzy

John Pletzy

Mary Livingston

Bob Allen

A. MARINI

Paul Bergmann

Lindsay Ryan

Doc ID 423837 Printed from Infovision EDMS at : 04:57PM on Mon 26 Nov 2012

Petition for A Light in W/GROVE Park 16/10/12

A. Ennis

J Wilcox

~~J Wilcox~~

Peter Denton

Margaret Lehman

WARREN PRYOR: Warren Pryor

ANNE PRYOR: Anne Pryor

D. MILLSTEED D. millstead

DAVE MILLSTEED d. millstead

Rhonda Brass - Rhonda Brass

Mrs. S. S. S.

BILL M'CARNEY + BEV M'CARNEY

TELL PARDUE

ANDREW M'ILEO

Lorraine Bray

NEIL ROBERTS

MYRA FISHER

JUDY BROWN

Doc ID 423837 Printed from Infovision EDMS at : 04:57PM on Mon 26 Nov 2012

Petition for A Light in W/Grove Park.

Shirley Delmenico

W. W. Grove  
Grove Avenue

Loren Smith

Gavin + Doreen POLINELLI

E. Grey

LYNDA KING - Lynda King

Gary Slater

Shirley McQueen

Kristin Gibson

Ann SHERWOOD

J.D. + D.M. Kelly  
to Kelly

J. Kelly

Wheeler

V MASSARA

M. Clark

~~Clark~~

Imelda

Susan Ingram

Dps ID 423837 Printed from InProvision, EDMS Job: 104:581120R Mon 20 Nov 2012

Carly Ingram

SHANE INGRAM

Darren Ingram

**27/12 Resolved**

**MOVED Councillor Norton**

**That standing orders be suspended for public question time.**

**SECONDED Councillor Katis**

**The Motion was put and CARRIED**

- **Public Question Time**

The Mayor, Councillor Les McPhee read the questions submitted by members of the community that were present in the gallery.

**Question 1.**

Mr Bill Croft (8 questions), relating to the conflict of interest of Councillor Jim Crowe, Councillor Jessie Kiley, Councillor Gary Norton and Councillor Les McPhee. Mayor, Councillor Les McPhee answered by saying that he would not be answering those questions as it is a matter for the Councilors themselves. It is not for the Chair or anyone else to declare that they have a conflict of interest so a answer will not be given to those questions.

**Question 2.**

Mr Roger Day on behalf of Residents and Ratepayers Association.

The Association along with the Swan Hill Medical Centre seek to know whether Council intend to install a simply zebra crossing in Splatt Street and create a safer crossing to and from the Centre to the Hospital?

Mayor, Councillor Les McPhee said as a result of a meeting that we had with the Residents and Ratepayers Association, the Engineering Department is currently looking at the feasibility of this and whether it is possible as well as the likely impact of the loss of car parks with that crossing.

**Question 3.**

Mr Roger Day on behalf of Residents and Ratepayers Association.

We note that on the agenda tonight is a motion by Councillor Gary Norton. In the preamble he sites public discussion centered on the affect 9A will have on Riverside Park. The Association would like to know from any or all Councilors, why this reduction in Parkland is more important that the reduction caused by non removal of the temporary levee placed at the southern end of Riverside Park, which was constructed during the flood crisis last year.

Mayor, Councillor Les McPhee stated that as the item is on the agenda for tonight that Council would not be answering that, but there would be nothing stopping him from asking that question to Councilors after the meeting tonight.

**Question 4.**

Mrs Joan Slater wanted to wish everyone here tonight to have an enjoyable Christmas and a bright and prosperous New Year. Mayor, Councillor Les McPhee replied by saying thank you to Mrs Slater and wishing the same back to her.

**28/12 Resolved**

**MOVED Councillor Katis**

**That Standing Orders be resumed.**

**SECONDED Councillor Kiley**

**The Motion was put and CARRIED**

## **CORRESPONDENCE**

### **CO.12.11 CORRESPONDENCE**

#### **CORRESPONDENCE**

##### **MINISTERIAL & GOVERNMENT OFFICES INCOMING (as attached)**

- Nil incoming correspondence from Ministers and Government offices from 20<sup>th</sup> November 2012 to 5th December 2012.

##### **MINISTERIAL & GOVERNMENT OFFICES OUTGOING**

- Nil outgoing correspondence to Ministers and Government offices from 20<sup>th</sup> November 2012 to 5th December 2012.

#### **Recommendation**

**That no correspondence was received or sent.**

#### **Attachments**

Nil.

There was no correspondence received or sent therefore there was no resolution.

## **SECTION B – REPORTS**

### **B.12.160 MONTHLY BUILDING FIGURES FOR NOVEMBER 2012**

**Source:** Procedural  
**Department:** Development and Planning  
**File Number:** 13-05-01

#### **Summary**

Monthly Building figures for November 2012

#### **Council Plan Strategy Addressed**

*Developing open community relationships* - Council seeks to achieve greater community inclusiveness and understanding of Council's operations and decisions

#### **Recommendations**

**It is recommended that Council note the building figures for November and the Year to Date comparisons as reported.**

#### **Policy Implications**

Nil

#### **Financial and Resource Implications**

Nil

#### **Triple Bottom Line Impact**

Nil



## Background

### November - Comparisons

TYPE	2011		2012	
	NO.OF	VALUE	NO.OF	VALUE
Dwelling	6	1,181,537.00	3	1,077,500.00
Dwelling additions	14	653,960.00	7	318,426.00
Unit Developments	0*(0)	0.00	0 *(0)	0.00
Shops	1	25,000.00	1	900,000.00
Offices	1	500,000.00	0	0.00
Warehouses	1	80,000.00	1	200,000.00
Factories	1	20,000.00	1	250,000.00
Public Buildings	1	200,000.00	1	9,000.00
OutBuildings	11	162,091.00	10	328,366.00
Other	9	76,800.00	5	82,450.00
<b>Total</b>	<b>45</b>	<b>\$2,899,388.00</b>	<b>29</b>	<b>\$3,165,742.00</b>

\*( ) denotes total number of Dwelling Units

### Year to Date – Comparisons

TYPE	1/01/2011 to 30/11/2011		1/01/2012 to 30/11/2012	
	NO.OF	VALUE	NO.OF	VALUE
Dwelling	71	16,896,992.00	51	12,916,354.00
Dwelling additions	80	2,383,606.00	78	3,183,280.00
Unit Developments	5 *(12)	2,074,316.00	1 *(2)	320,000.00
Shops	11	1,327,033.00	15	2,632,170.00
Offices	6	1,250,160.00	4	2,374,500.00
Warehouses	7	656,500.00	6	1,138,079.00
Factories	10	480,020.00	7	2,959,000.00
Public Buildings	19	3,640,329.00	11	3,353,174.00
OutBuildings	103	1,877,297.00	103	2,722,877.00
Other	51	898,848.00	51	1,486,318.00
<b>Total</b>	<b>363</b>	<b>\$31,485,101.00</b>	<b>327</b>	<b>\$33,085,752.00</b>

\*( ) denotes total number of Dwelling Units

**Issues**

Nil

**Consultation**

Nil

**Options**

Nil

**Conclusion**

Nil

**Attachments**

Nil.

**29/12 Resolved**

**MOVED Councillor Norton**

That Council note the building figures for November and the Year to Date comparisons as reported.

**SECONDED Councillor Katis**

**The Motion was put and CARRIED**

## **B.12.161 INSTRUMENTS OF APPOINTMENT AND AUTHORISATION**

**Source:** Procedural  
**Department:** Corporate Services  
**File Number:** 72-36-54

### **Summary**

Many of the functions and powers of Council staff stem from their Delegations and/or Appointments as Authorised Officers. With the appointment of additional staff in the Planning Department and as a result of recommendations from our Solicitors, it is timely to issue a number of Instruments of Appointment and Authorisation.

### **Council Plan Strategy Addressed**

*Valuing our staff* - Council is committed to invest in its staff to ensure that the organisation is and remains able to deliver high level services to our community

### **Recommendations**

**It is recommended that:**

- 1. The members of Council staff referred to in the instruments be appointed and authorised as set out in the instrument.**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.**
- 3. The instrument be sealed as soon as practical after the passing of this resolution.**

### **Policy Implications**

Consistent with current policy.

### **Financial and Resource Implications**

Nil.

### **Triple Bottom Line Impact**

Nil.

## **Background**

There is a basic distinction between a Delegation and an Appointment. A Delegate acts on behalf of the Council, exercising the Council's powers. A person who is Appointed to a Position has the powers of that Position.

Council's Chief Executive Officer has the power to authorise various members of Council staff under his Instrument of Delegation issued by Council. However, advice from Council's solicitors recommends the Appointment of Planning Officers as Authorised Officers by Council under section 147(4) of the Planning and Environment Act 1987.

## **Issues**

With the appointment of a new Planning Team Leader and a new Planning Officer, coupled with the change in recommendation from our Solicitors, it is necessary for Council to appoint the officers named in the attached Instruments of Appointment as Authorised Officers under section 147(4) of the Planning and Environment Act 1987 and under section 232 of the Local Government Act 1989.

## **Policy**

All future appointments of Planning staff as Authorised Officers under section 147(4) of the Act will need to be authorised by Council. Additional powers under other Acts and Regulations can still be authorised by the Chief Executive Officer

## **Consultation**

Not required for this item.

## **Options**

Nil.

## **Conclusion**

Council should authorise the signing and sealing of the attached.

## **Attachments**

- 1 Vige Satkunarajah
- 2 Amy Lolicato
- 3 Morgan James
- 4 Rachael Blandthorn
- 5 Sarah Hopkins

**30/12 Resolved**

**MOVED Councillor Norton**

**That:**

- 1. The first three of the Council staff referred to in the instruments be appointed and authorised as set out in the instrument.**
- 2. The instrument comes into force immediately the common seal of Council is affixed to the instrument, and remains in force until Council determines to vary or revoke it.**
- 3. The instrument be sealed as soon as practical after the passing of this resolution.**

**SECONDED Councillor Katis**

**The Motion was put and CARRIED**

**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

Vijayarane Satkunarajah

**By this instrument of appointment and authorisation Swan Hill Rural City Council -**

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Swan Hill Rural City Council on 11<sup>th</sup> December 2012.

THE COMMON SEAL )  
 SWAN HILL RURAL CITY COUNCIL )  
 Was hereunto affixed in the presence of: )

.....Councillor

.....Councillor

.....Chief Executive Officer

**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

Amy Lolicato

**By this instrument of appointment and authorisation Swan Hill Rural City Council -**

- 1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
- 2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Swan Hill Rural City Council on 11<sup>th</sup> December 2012.

THE COMMON SEAL )  
SWAN HILL RURAL CITY COUNCIL )  
Was hereunto affixed in the presence of: )

.....Councillor

.....Councillor

.....Chief Executive Officer

**Instrument of Appointment and Authorisation  
(Planning and Environment Act 1987)**

In this instrument "officer" means -

Morgan James

**By this instrument of appointment and authorisation Swan Hill Rural City Council -**

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Swan Hill Rural City Council on 11<sup>th</sup> December 2012.

THE COMMON SEAL )  
SWAN HILL RURAL CITY COUNCIL )  
Was hereunto affixed in the presence of: )

.....Councillor

.....Councillor

.....Chief Executive Officer



**Instrument of Appointment and Authorisation  
(*Planning and Environment Act 1987*)**

In this instrument "officer" means -

Rachael Blandthorn

**By this instrument of appointment and authorisation Swan Hill Rural City Council -**

1. under section 147(4) of the *Planning and Environment Act 1987* - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act 1987* and the regulations made under that Act; and
2. under section 232 of the *Local Government Act 1989* authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Swan Hill Rural City Council on 11<sup>th</sup> December 2012.

THE COMMON SEAL )  
SWAN HILL RURAL CITY COUNCIL )  
Was hereunto affixed in the presence of: )

.....Councillor

.....Councillor

.....Chief Executive Officer

## Instrument of Appointment and Authorisation (Planning and Environment Act 1987)

In this instrument "officer" means -

Sarah Hopkins

**By this instrument of appointment and authorisation Swan Hill Rural City Council -**

1. under section 147(4) of the *Planning and Environment Act* 1987 - appoints the officer to be an authorised officer for the purposes of the *Planning and Environment Act* 1987 and the regulations made under that Act; and
2. under section 232 of the *Local Government Act* 1989 authorises the officer generally to institute proceedings for offences against the Acts and regulations described in this instrument.

**It is declared that** this instrument -

- (a) comes into force immediately upon its execution;
- (b) remains in force until varied or revoked.

This instrument is authorised by a resolution of the Swan Hill Rural City Council on 11<sup>th</sup> December 2012.

THE COMMON SEAL )  
 SWAN HILL RURAL CITY COUNCIL )  
 Was hereunto affixed in the presence of: )

.....Councillor

.....Councillor

.....Chief Executive Officer

## **B.12.162 CASH BALANCES**

**Source:** Procedural  
**Department:** Corporate Services  
**File Number:** 42-20-02

### **Summary**

This cash balances report is presented for Council's information. Invested funds and cash held at bank as at 30 November 2012 are compared to forecast cash flow figures and also compared to balances and interest rates obtained for the corresponding twelve month period

### **Council Plan Strategy Addressed**

***Responsible management of resources*** - Council will continually improve the management of its finances, assets, systems and technology to achieve and maintain Best Value in its operations

### **Recommendations**

**It is recommended that Council note the contents of this report.**

### **Policy Implications**

Nil

### **Financial and Resource Implications**

Council paid its unfunded superannuation liability during November 2012 utilizing its working capital. Early payment of the debt due 01 July 2013 resulted in a saving of \$261,679. The funds will be re-instated during the 2013/14 financial year.

### **Triple Bottom Line Impact**

Nil

## Background

This standard monthly report details Councils cash position and details of Councils investment portfolio.

		31 October 2012	30 November 2012
		\$	\$
Bank Accounts		211,880	397,726
Investments	- General	10,765,914	7,980,372
	- Specific	<u>6,380,595</u>	<u>6,391,677</u>
Total Cash & Investments		<b>17,358,389</b>	<b>14,769,775</b>

Cash balances decreased by \$2,588,614 between 31 October 2012 and 30 November 2012. Major movements for the period were:

<b>Receipts</b>	\$
Rates	1,187,433
Grants Commission	678,197
DHS SAMS	98,494
Roads to Recovery	165,925
Community Aged Care Grants	387,224
Grants – Flood Recovery Projects	1,362,200
Grants – Other	59,060
Fees and Charges, Interest and Other	1,096,305
<b>Payments</b>	
Employee Costs	(910,001)
Suppliers	(2,881,406)
Defined Benefits Superannuation Call	(3,815,560)
Other	(16,485)
<b>Net Cash Movement</b>	<b>(\$2,588,614)</b>

The current cash balance is \$3,139,434 above forecast. Factors contributing to the above forecast balance are:

- Council received 50% of its 2012/13 Grants Commission allocation (\$3.06M) in June;
- Excluding the above receipt of Grants Commission, the opening cash balance was a further \$1.99M above forecast due primarily to forecast Capital Works expenditure not completed by 30 June 2012;
- Receipt of funding from the Local Government Infrastructure Fund (\$1,340,000) had not been forecast to be received until the final quarter of 2012/13.

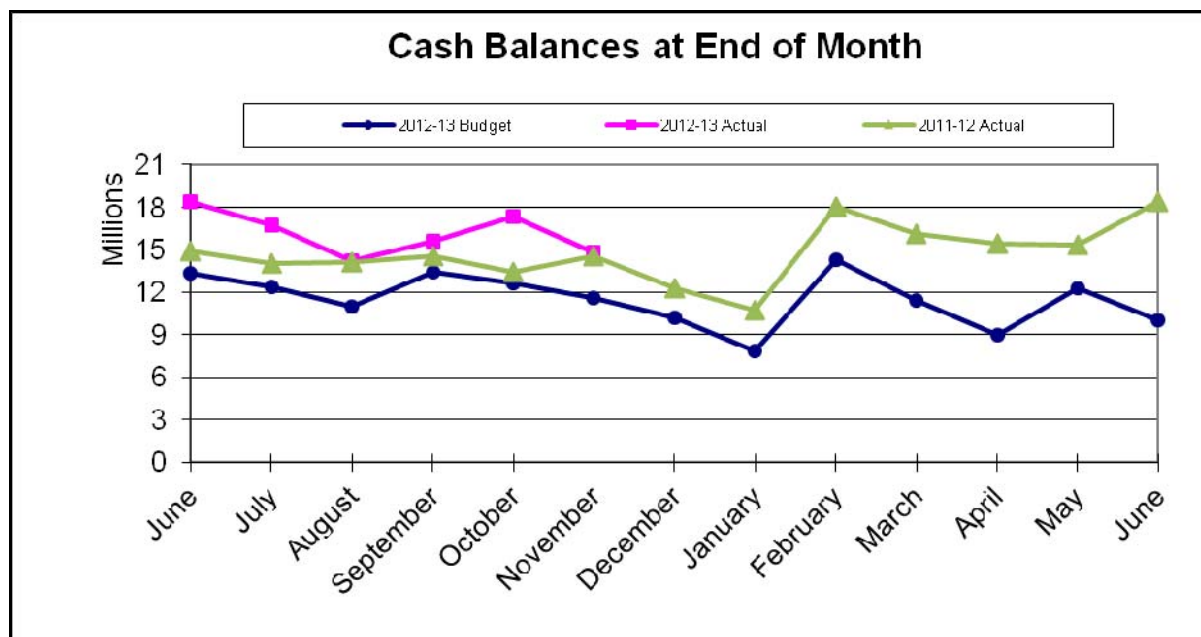
**SECTION B - REPORTS**

11 December 2012

- Payment of the Defined Benefit Superannuation Call had not been forecast in the 2012/13 cash flow. It was determined that payment of the call would be made in November to take advantage of the early payment discount being offered.

Comparable cash and investment figures are \$182,331 above the corresponding period last year.

The cash position of the municipality is graphically presented as follows:



**Investments portfolio**

Maturity Date	Investment Type	Financial Institution Credit Rating	Investment Term (days)	Interest Rate %	Principal Amount \$
At Call	At Call Deposit	AA-	At Call	3.15	2,630,000.00
05/12/2012	Term Deposit	AA-	120	5.00	1,042,872.87
05/12/2012	Term Deposit	AA-	159	5.50	1,020,353.31
11/12/2012	Term Deposit	BBB	180	5.00	1,040,061.18
15/01/2013	Term Deposit	AA-	126	4.90	1,012,082.20
17/01/2013	Term Deposit	AA-	183	5.00	1,023,681.10
30/01/2013	Term Deposit	A-	113	4.60	1,034,638.17
04/02/2013	Term Deposit	AA-	153	4.90	1,258,245.38
13/03/2013	Term Deposit	BBB	162	4.65	1,000,000.00
27/03/2013	Term Deposit	A -	182	4.80	1,061,104.22
09/04/2013	Term Deposit	BBB+	180	4.75	1,249,010.79
09/04/2013	Term Deposit	BBB+	140	4.75	1,000,000.00

**Issues**

Not Applicable

**Consultation**

Not Applicable

**Options**

Not Applicable

**Conclusion**

This report is presented as a notification of Council cash holdings as at 30 November 2012.

**Attachments**

Nil.

**31/12 Resolved**

**MOVED Councillor Cruickshank**

**That Council note the contents of this report.**

**SECONDED Councillor Crowe**

**The Motion was put and CARRIED**

## **SECTION C – DECISIONS WHICH NEED ACTION/RATIFICATION**

### **C.12.18 SIGN & SEAL REPORT**

**Source:** Procedural  
**Department:** Chief Executive

#### **Summary**

The following documents and agreements have been signed and sealed by the Councilors and the Chief Executive Officer on the respective dates. Those actions require the ratification of the Council.

#### **Recommendations**

**It is recommended that Council ratify the actions of signing and sealing the documents under delegation as scheduled.**

#### **Policy Implications**

Nil

#### **Financial and Resource Implications**

Nil

#### **Triple Bottom Line Impact**

Not applicable

#### **Background**

During the course of any month Council is required to sign and seal a range of documents arising from decisions made on a previous occasion(s). Examples include sale of land, entering into funding arrangements for Council programs etc.

As the decision to enter into these agreements has already been made, these documents are signed and sealed when received, with Council ratifying the signing and sealing at the next Council meeting.

**DECISIONS WHICH NEED ACTION/RATIFICATION**

11 December 2012

**Issues**

The following documents were signed and sealed since the last Council meeting:

No.	Document Type	Document Description	Date signed/sealed
472	Section 17D Crown Land Lease (non retail)	Between Swan Hill Rural City Council and Swan Hill Canoe Club Inc.	21/11/12
473	Transfer of Land – Section 45. Transfer of Land Act 1958 Volume 11366 Folio 932	Between Swan Hill Rural City Council and G.W.Curthoys and J.A.Curthoys	21/11/12
474	Section 173 Agreement	Between Swan Hill Rural City Council and Loy – Boundary realignment 216 and 282 Malaya Road Robinvale	29/11/12
475	Transfer of Land – Volume 11371 Folio 454. Lot 260 Satlbush Drive Tower Hill, Stage 7 Development	Between Swan Hill Rural City Council and D.E. Fisher and M.E. Fisher	4/12/12

**Consultation**

Not Applicable

**Options**

Not Applicable

**Conclusion**

Council authorise the signing and sealing of the above documents.

**Attachments**

Nil.



**DECISIONS WHICH NEED ACTION/RATIFICATION**

---

11 December 2012

**32/12 Resolved**

**MOVED Councillor Katis**

**That Council ratify the actions of signing and sealing the documents under delegation as scheduled.**

**SECONDED Councillor Norton**

**The Motion was put and CARRIED**

## **C.12.19 COUNCILLOR ASSEMBLIES - RECORD OF ATTENDANCE AND AGENDA ITEMS**

**Source:** Procedural  
**Department:** Chief Executive

### **Summary**

The Local Government Act 1989 requires that the details of Councillor Assemblies must be reported to Council meetings on a monthly basis.

### **Council Plan Strategy Addressed**

*Councillor and Staff accountability* - Council will represent the interests of our community and will conduct its affairs openly and with integrity, reflecting high levels of good governance

### **Recommendations**

**It is recommended that Council note the contents of the report.**

### **Policy Implications**

Council must comply with the requirements of the Local Government Act 1989.

### **Financial and Resource Implications**

Nil

### **Triple Bottom Line Impact**

Nil

### **Background**

The State Government has amended the Local Government Act 1989 which requires Council to report on Councillor Assemblies.

Whilst Minutes do not have to be recorded, Agenda items and those in attendance must be and a report presented to Council.

An assembly of Councilors is defined as a meeting that is planned or scheduled at which at least half the Council and one Officer are in attendance.

**DECISIONS WHICH NEED ACTION/RATIFICATION**

---

11 December 2012

It should be noted that no formal decisions can be made at an assembly but rather direction can be given that is likely to lead to a formal decision of Council.

Council must receive a report at the next practical Ordinary Council Meeting after the assembly is held.

Details of the most recent assemblies of Council are attached.

**Issues**

Nil

**Consultation**

Nil

**Options**

Council must comply with the legislation.

**Conclusion**

In accordance with the legislation details of the assemblies as required are attached.

**Attachments**

1 COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

**33/12 Resolved**

**MOVED Councillor Kiley**

**That Council note the contents of the report.**

**SECONDED Councillor Crowe**

**The Motion was put and CARRIED**

## COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA

26<sup>th</sup> November to the 30<sup>th</sup> November 2012

**DAY 1 – Introduction to Planning (1.00pm-2.45pm), Draft Residential Development Strategy (3.00pm-4.30pm) followed by Councillor Dinner (6.30pm-9.00pm)**

### ATTENDANCE

#### Councillors

- Councillor Katis
- Councillor Cruickshank
- Councillor McPhee
- Jessie Kiley
- Jim Crowe
- Michael Adamson

#### Apologies

- Councillor Norton

Councillor Norton was absent due to representing Council at the Murray Darling Association Meeting.

#### Officers

- David Leahy, Acting Chief Executive Officer
  - Steve Matthews, Acting Director Infrastructure
  - David Lenton, Director Corporate Services
  - Leanne Mulcahy, Director Development & Planning
  - Bruce Myers, Director Community & Cultural Services
- } Attended from  
3.00pm – 4.30pm

**DAY 2 – Planning day (8.30am-6.00pm) with Executive and Christine Kotur**

### ATTENDANCE

#### Councillors

- Councillor Katis
- Councillor Cruickshank
- Councillor Norton
- Councillor McPhee
- Jessie Kiley
- Jim Crowe
- Michael Adamson

#### Officers

- David Leahy, Acting Chief Executive Officer
- Steve Matthews, Acting Director Infrastructure
- David Lenton, Director Corporate Services
- Leanne Mulcahy, Director Development & Planning
- Bruce Myers, Director Community & Cultural Services

**DAY 3 – Planning (8.30am-3.00pm)**

- CEO recruitment agency proposals (choose who to interview)
- Planning (3.30pm-6.00pm)

**ATTENDANCE**

Councillors

- Councillor Katis
- Councillor Cruickshank
- Councillor Norton
- Councillor McPhee
- Jessie Kiley
- Jim Crowe
- Michael Adamson

Officers

- David Leahy, Acting Chief Executive Officer
- Steve Matthews, Acting Director Infrastructure
- David Lenton, Director Corporate Services
- Leanne Mulcahy, Director Development & Planning
- Bruce Myers, Director Community & Cultural Services

**DAY 4 – Councillors Morning (9.00am-12.00pm) Governance Training with Christine Kotur**

- Resourcing explanation from EMT (12.30pm-2.30pm)

**ATTENDANCE**

Councillors

- Councillor Katis
- Councillor McPhee
- Jim Crowe
- Michael Adamson

Apologies

- Councillor Norton
- Jessie Kiley
- Councillor Cruickshank

Officers

- David Leahy, Acting Chief Executive Officer
- Steve Matthews, Acting Director Infrastructure
- David Lenton, Director Corporate Services
- Leanne Mulcahy, Director Development & Planning
- Bruce Myers, Director Community & Cultural Services

} Attended from  
12 noon – 2.30pm

**DAY 5 – Program Managers detailing outcome of Council Planning week.**

**ATTENDANCE**

Councillors

- Councillor Cruickshank
- Councillor McPhee
- Jim Crowe
- Michael Adamson
- Councillor Norton

Apologies

- Councillor Katis
- Jessie Kiley

Officers

- David Leahy, Acting Chief Executive Officer
- Steve Matthews, Acting Director Infrastructure
- David Lenton, Director Corporate Services
- Leanne Mulcahy, Director Development & Planning
- Bruce Myers, Director Community & Cultural Services
- Swan Hill Rural City Council Program Managers

**COUNCILLOR ASSEMBLIES ATTENDANCE AND AGENDA**

**4 December, 2012 at 1pm**

**TOWN HALL, COUNCIL CHAMBERS, SWAN HILL**

**AGENDA ITEMS**

- Interview – CEO Position
- Raw Talent
- Possible Sale of Land Jennings Road
- Chisholm Reserve

**ADDITIONAL ITEMS DISCUSSED**

- -

**ATTENDANCE**

Councillors

- Councillor Katis
- Councillor Cruickshank
- Councillor Norton
- Councillor McPhee
- Jessie Kiley
- Jim Crowe

Apologies

- Michael Adamson

Officers

- David Leahy, Acting Chief Executive Officer
- Steve Matthews, Acting Director Infrastructure
- David Lenton, Director Corporate Services
- Leanne Mulcahy, Director Development & Planning
- Bruce Myers, Director Community & Cultural Services
- Emma Morpeth, Economic Development & Tourism Project Officer
- Lauren Bowen, Administration Officer- Regulatory Services
- Janine Abbott, Management Accountant
- Hayley McPherson, Commercial Services Admin Officer
- Casey Hovenden, Community, Recreation and Grants Officer
- Monic Austerbery, Human Resources Training Officer
- Ken Symons, Commercial Services Manager

Other

- -

**CONFLICT OF INTEREST**

Nil

Councillor Norton left the meeting at 3.00pm to attend the MAV conference in Melbourne.

## **SECTION D – NOTICES OF MOTION**

### **D.12.4 SWAN HILL REPLACEMENT BRIDGE LOCATION**

Having given due notice, **Councillor Gary Norton MOVED that Council:**

- 1. The newly elected Swan Hill Rural City Council oppose the 9a bridge location option.**
- 2. Council writes to the Victorian Planning Minister, Victorian Minister for Transport, Member for Swan Hill Mr. Peter Walsh, Member for Mallee Mr John Forest, Wakool Shire Council, Vic Roads and Roads and Maritime Services (formerly RTA in NSW), informing them of Councils decision.**
- 3. Request meetings with the Victorian Planning Minister (Mr Matthew Guy) and the Victorian Minister for Transport (Mr Terry Mulder).**
- 4. Request a meeting with Vic Roads seeking to progress alternative options.**

#### ***Preamble***

Members of the Swan Hill Community have made their feelings known on the 9a bridge replacement option, by publicly campaigning both against 9a and for an alternative to 9a.

The public discussion has centred largely on the affect that the option will have on Riverside Park, Traffic to the Centre of the City and the impact on the Swan Hill Pool.

Whilst it has been acknowledged by the opponents of the 9a option that Swan Hill does need a replacement bridge, it is suggested that a suitable location for the replacement is a long way from decided. It is also acknowledged that the construction of a replacement bridge is included in any plans for the immediate future in New South Wales or Victorian Government programs.

By moving the above motions, sufficient time will be provided to enable a thorough investigation into an alternative that has greater community support.

In order for these investigations to occur regarding an alternative to 9a, Council acknowledges that any future planning study will need to be lead and be conducted by the State Road Authorities in Victoria and New South Wales. By seeking appointments with the Victorian Ministers, it is intended that Council use these opportunities to advocate for a new planning study into an alternative location.



Councillor Gary Norton withdrew the motion item number D.12.4 Swan Hill Replacement Bridge location as we have two Councilors that have declared a conflict of interest in this item and one other Councillor who is away, and that we probably need a full compliment of Council here to debate that motion.

A point of order from Councillor John Katis in regards to this motion that has been circulated by 5 days and has been seen by the public and the newspapers. He wanted to point out, point one the newly elected Swan Hill Rural City Council opposes the 9A bridge location option, my question is...

Councillor Gary Norton then spoke through the Mayor point of order that he had withdrawn the motion and that he didn't think that it was appropriate...

Mayor, Councillor Les McPhee said he would hear the point of order as Councillor John Katis had the point of order first so he would hear that first.

Councillor Katis then continued that his concern and worry was that a lot of people have seen this and that he pointed out the newly elected Council for the Swan Hill Rural City Council has not made a decision concerning the 9A bridge location. And I think that it should be withdrawn by you Mr Mayor, so that people can understand that we did not meet behind closed doors and make any decisions towards the 9A bridge location.

Mayor, Councillor McPhee then ruled on that point of order to Councillor Katis that he believed that the point of order was inappropriate as the motion has been withdrawn and there is nothing before Council as such therefore we are not proceeding with the matter. Once a motion has been withdrawn the motion then lapses so there is no motion before the Council.

Councillor Katis then asked if he could respond to the Ruling and the Mayor, Councillor Les McPhee denied the request as this was his ruling.

Councillor Norton made a point of order that he would like Councillor Katis to withdraw those comments there was accusations I believe made about the motion then, which aren't even in the motion. I think that they are very discriminatory.

The Mayor, Councillor Les McPhee then commented once again Councillor Norton the fact is that the motion is not before the Council I believe that it is inappropriate for any comment to be made in relation to this matter at all, and it will be dealt with at a later date if this motion comes back to Council.

Councillor Greg Cruickshank then asked a question to the chair in regards to now that there has been quite a deal of media airplay and print form as well about this motion how does Council propose to respond now to media inquires in regards to

this motion and its withdrawal and whether it may be brought to Council again in the future.

Mayor, Councillor Les McPhee then responded to the question by saying as the Mayor and spokesperson of the Council. Council's current position is the 9A Bridge, that is Council's position now. It is not up to Council to preempt whether a motion is going to come back before the Council that is up to individual Councilors whether they bring up a motion. That is not a position for the Council or the spokes person to make any superstition to what is going to happen in the future. So Council's position at the moment is as it stands on the books, Council's position is 9A.

Councillor Cruickshank then asked is that what you are going to be relaying to the media.

Mayor, Councillor Les McPhee then responded as I am the spokesperson for the Council that is what I will be relaying to the media. The situation is at the moment as it is on the books Councils position is 9A is doesn't stop any future decision but it is not Council's position to preempt any decision by a Councillor what motion that they may bring forward in the future.

Councillor Norton then asked a question is it appropriate for me as a private person to then say that I totally object to the 9A position as I think this is the stupidest decisions that Council has ever made.

Mayor, Councillor Les McPhee then responded to Councillor Norton's question by saying we have spent long enough on this topic Councilors have a duty as elected representatives, we are to support a decision of Council whether we like it or not this is called democracy, in the Councillor code of conduct it is stated what you can say and can't say. Speaking as a Councillor it is our duty to support 9A but as a individual citizen we are still entitled to our own rights and our own thoughts. That matter being withdrawn we shall move on.

**34/12 Resolved**

**MOVED Councillor Kiley**

**That Council move to resolve Urgent Items not included in the Agenda first before the In Camera Items.**

**SECONDED Councillor Norton**

**The Motion was put and CARRIED**

The Mayor, Councillor Les McPhee before the Council moved to go into camera wished to let the public know that Council's Director of Infrastructure Leanne Mulcahy has resigned and will finish on the 21 December 2012, and wished her all the best in her future career and thanked her for her time at Swan Hill Rural City Council.

After the Urgent Item not included in the Agenda the Council moved to go into camera at 7.32pm.

**35/12 Resolved**

**MOVED Councillor Cruickshank**

**That Council close the meeting to the public on the grounds that the item is a resolution to close the meeting to members of the public.**

**SECONDED Councillor Norton**

**The Motion was put and CARRIED**

The first In camera item was heard and resolved then the Council Directors and officers left the chambers at 7.37pm as the next in camera item contained personnel matters. Acting Chief Executive Officer and Councilors remained in the chambers.

**36/12 Resolved**

**MOVED Councillor Cruickshank**

**That at 7.41pm Council re-open the meeting to the public.**

**SECONDED Councillor Norton**

**The Motion was put and CARRIED**

Members of the public and Council staff returned to the Council chambers.

**37/12 Resolved**

**MOVED Councillor Cruickshank**

**That Council note and ratify the decision taken whilst in committee.**

**SECONDED Councillor Norton**

**The Motion was put and CARRIED**

Council then continued to Section G To Consider and Order on Councillor reports.

## **SECTION E – IN CAMERA ITEMS**

### **B.12.163 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT**

**Source:** Procedural  
**Department:** Corporate Services  
**File Number:** 79-82-00/93-02-00

#### **Summary**

Council recommends that the meeting be closed to the public whilst the next item is considered.

#### **Recommendation**

**It is recommended that Council close the meeting to the public on the grounds that the item is a resolution to close the meeting to members of the public.**

**B.12.164 IN CAMERA CONSIDERATION OF CONFIDENTIAL REPORT**

**Source:** Procedural  
**Department:** Infrastructure  
**File Number:** P10892

**Summary**

Council recommends that the meeting be closed to the public whilst the next item is considered.

**Recommendation**

**It is recommended that Council close the meeting to the public on the grounds that the item concerns personnel matters.**

**SECTION F – URGENT ITEMS NOT INCLUDED IN AGENDA**

Councillor Norton requested a urgent item to be included into the agenda.

**38/12 Resolved**

**MOVED Councillor Cruickshank**

**That Council accept the urgent item to be included into the agenda.**

**SECONDED Councillor Katis**

**The Motion was put and CARRIED**

**39/12 Resolved**

**MOVED Councillor Norton**

**That Council**

- 1. Endorse a program of public statements and media releases in conjunction with the board and Chief Executive Officer of the Swan Hill Health Service, to explain the impact to the community of Federal Health Funding cuts and reductions in Grants Commission allocations to Local Government.**
- 2. Make joint representations to Ministers as required.**

**SECONDED Councillor Crowe**

**The Motion was put and CARRIED**

## **SECTION G – TO CONSIDER & ORDER ON COUNCILLOR REPORTS**

### Councillor John Katis

- Launched Colourful Cultures Book
- Robinvale and Euston Festival for Healthy Living

### Councillor Gary Norton

- Murray Darling Association Board meeting held at Griffiths
- Attended Planning Week (27, 28 and 30<sup>th</sup> of November 2012)
- MAV conference (Melbourne)

### Councillor Jessie Kiley

- Swan Hill Regional Art Gallery Committee (introduction)

### Councillor Greg Cruickshank

- Woorinen District Progress Association
- Council Planning Week (26<sup>th</sup>-30<sup>th</sup> November 2012)
- Burke and Wills monument unveiling
- Secondary College Graduation Dinner
- Secondary College Years 9 – workshop on CPR facilitated by Ambulance Victoria
- Balranald Shire Christmas party

### Councillor Jim Crowe

- Nil to report

### Councillor Les McPhee

- MMLLEN VET awards presentation
- MRGC Dinner and Meeting (Mildura)
- Swan Hill Primary School and Beverford Primary School – presented SunSmart packs for 18 years in program
- Meeting with Tim Williams
- Introductions to Planning Session
- Dinner meeting prior to Council Plan
- Council Planning Week (26<sup>th</sup>-30<sup>th</sup> November 2012)
- CEO/Mayor meeting re: diaries
- Youth Forum welcome to Grain Shed
- Meeting with Minister Walsh
- Unveiling of Burke and Wills monument
- Meeting with Residents and ratepayers Association executive
- Opening of SuniPod at Sunraysia TAFE a training laboratory for nursing
- Community safety meeting at Police
- Neighbourhood house Christmas morning tea
- Balranald Mayors Christmas Dinner
- Meeting with Lawrie Park from Royal Flying Doctors Service

- Christmas lunch at the Library
- Raw Talent End of Program
- Neighbourhood House committee meeting

The Mayor Councillor Les McPhee then wished the Councilors all the best for Christmas, have a safe Christmas see you in the New Year and I hope father Christmas is very good to you and the same to all the officers and for all your contribution through the year.

There being no further business the Mayor, Councillor Les McPhee closed the meeting at 7.47pm.