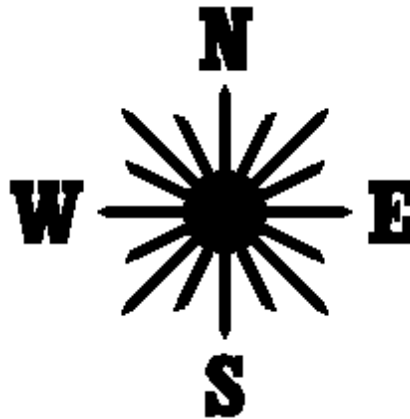


Mission Statement

To promote the Central Darling Shire area by encouraging development through effective leadership, community involvement and facilitation of services

CENTRAL DARLING



SHIRE COUNCIL

Minutes

For the Ordinary Meeting

Tuesday 20th August 2013

at

Ivanhoe

Council dedicated to serving its Communities.

Any public discussion of Council or Committee reports and recommendations is on the basis that such reports or recommendations do not have effect until adopted by a full meeting of Council.

The above-mentioned Meeting of Council was held in the RSL, Ivanhoe on Tuesday 20th August 2013 commenced at 9:37am.

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MOVED CLR ASTILL/CLR PAGE

That Council suspend standing orders.

1-08-13 resolved

MOTION CARRIED

Standing orders suspended at 9:38am

The meeting was adjourned for a citizenship ceremony to take place.

MOVED CLR LINNETT /CLR ASTILL

That Council suspend standing orders.

2-08-13 resolved

MOTION CARRIED

Standing orders resumed at 9:45am

SECTION 1. RECEIPT OF APOLOGIES AND THE GRANTING OF LEAVE OF ABSENCE

PRESENT:

Councillors:

Ray Longfellow

Clive Linnett

Lorraine Looney

Ron Page

Dennis Standley

Garry Astill

Honor Liversidge

Eamon Sammon

ABSENT:

Councillor:

Peter Sullivan

ALSO PRESENT:

Leeanne Ryan

Acting General Manager

Reece Wilson

Manager Technical and Engineering Services

David Cuming

Acting Manager Corporate and Community Services

Adelaide Elliott

Executive Assistant

MOVED CLR ASTILL / CLR STANDLEY

That the apologies be received and noted and leave of absence be granted.

3-08-13 resolved

MOTION CARRIED

SECTION 2. PUBLIC ACCESS – QUESTIONS AND COMMENTS FROM THE PUBLIC

Nil

SECTION 3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

MOVED CLR LINNETT / CLR LIVERSIDGE

That the minutes of the Ordinary Meeting of the Council held on the 16th July 2013, copies of which were circulated to all Councillors, be taken as read and confirmed as a correct record of the proceedings of the meeting.

4-08-13 resolved

MOTION CARRIED

3.1 BUSINESS ARISING FROM MINUTES

Nil

3.2 STATUS OF COUNCIL RESOLUTIONS - AUGUST 2013

MOVED CLR LIVERSIDGE / CLR ASTILL

That the Status of Council Resolutions be received and noted.

5-08-13 resolved

MOTION CARRIED

SECTION 4. MAYORAL MINUTES OR REPORT

23rd July 2013 - Mayor attended a meeting with James Giddy from West Darling Arts.

30th July 2013 - Mayor attended the Wilcannia Working Party Meeting.

31st July 2013 - Mayor, Deputy Mayor, Clr Page and Clr Sammon attended a meeting with the Wilcannia Weir Committee in Wilcannia to discuss the proposed weir site with Minister Kevin Humphries and Local Member John Williams.

31st July 2013 - Mayor attended a meeting with Wilcannia Tourist Association held in conjunction with the visit from Minister Humphries and local State Member John Williams.

31st July 2013 - Mayor and Acting General Manager attended a meeting in Broken Hill with Broken Hill Enterprise Development Centre.

1st August 2013 - Mayor, Acting General Manager and Manager of Technical and Engineering Services attended a meeting with Cristal Mining regarding the proposed development of their mining venture south of Ivanhoe.

7th August 2013 - Mayor, Acting General Manager and Manager Technical and Engineering Services attended the Ivanhoe Works Committee Meeting.

8th August 2013 - Mayor, Acting General Manager and Manager Technical and Engineering Services attended the Menindee Works Committee Meeting.

12th August 2013 - Mayor attended the Central Darling Local Rescue Meeting in Wilcannia.

12th August 2013 - Mayor attended the Local Emergency Management Meeting in Wilcannia.

14th August 2013 – Mayor and Acting General Manager attended the Wilcannia Works Committee Meeting.

15th August 2013 – Mayor and Acting General Manager attended the White Cliffs Works Committee Meeting.

MOVED CLR LONGFELLOW/ CLR LINNETT

That the Mayoral Report be received and noted.

6-08-13 resolved

MOTION CARRIED

SECTION 5. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

Nil

SECTION 6. NOTICE OF MOTIONS

Nil

SECTION 7. NOTICE OF RESCISSION MOTIONS

MOTION 1

MOVED CLR LINNETT / CLR ASTILL

That resolution 07-06-2013 from the June Meeting of Council relating to the Old Wilcannia Post Office be rescinded and further discussed in the Confidential section of this meeting (20th August, 2013). This has been necessitated due to further developments that have arisen.

7-08-13 resolved

MOTION CARRIED

MOTION 2

MOVED CLR ASTILL/ CLR LINNETT

That resolution 17.1 from the Confidential section of the July 2013 Meeting of Council relating to sick pay claim issues be rescinded and further discussed. A matter has been raised that will negate the present resolution of Council. This matter should be further discussed in the Confidential section of this meeting.

8-08-13 resolved

MOTION CARRIED

SECTION 8. ACTING GENERAL MANAGER'S REPORT

MOVED CLR SAMMON/ CLR ASTILL

That the Acting General Managers report be dealt with.

9-08-13 resolved

MOTION CARRIED

8.1 INFORMATIONS ITEMS

8.1.1 LOCAL GOVERNMENT REFERENDUM

8.1.2 CRISTAL MINING

Clr Astill asked if a letter could be written to John Williams MP in regards to further support for the reclassification of the Ivanhoe – Balranald Road. Acting GM to action.

8.1.3 AMENDMENTS TO S296 LOCAL GOVERNMENT ACT

8.1.4 SUBMISSIONS – OLD WILCANNIA POST OFFICE

MOVED CLR LINNETT / CLR ASTILL

That the Information Items report be received and noted.

received and noted.

10-08-13 resolved

MOTION CARRIED

8.2 DRAFT COMPLAINT MANAGEMENT POLICY

Clr Page requested a report to the next council meeting regarding full cost recovery for complaint investigations.

MOVED CLR LINNETT / CLR ASTILL

That the Draft Complaints Management Policy report be received; and further,

That council adopt the document titled Draft Complaints Management Policy as the Council's Complaint Management Policy.

11-08-13 resolved

MOTION CARRIED

8.3 SWITCHOVER TO DIGITAL TELEVISION

Clr Astill suggested Council could notify residents of the VAST subsidy scheme; this could be done in conjunction with mailing out of rates notices.

MOVED CLR ASTILL / CLR PAGE

That the Switchover to Digital Television report be received, and further;

That Council assist where possible to inform local residents of the need to switchover to digital television and the continuation of the Satellite Subsidy Scheme until 10 January 2014.

12-08-13 resolved

MOTION CARRIED

8.4 WESTERN DIVISION SHIRES MEETING

Clr Astill advised that the meeting was interesting and well attended.

MOVED CLR ASTILL / CLR LIVERSIDGE

That the Western Division Shires Meeting report be received and noted.

13-08-13 resolved

MOTION CARRIED

8.5 LONG PADDOCK ANNUAL CONTRIBUTION

Clr Page moved an amendment to the original motion to include the towns of Wilcannia, Menindee and Ivanhoe to have funding of \$5,000 donated to their tourism committees. Clr Liversidge indicated the White Cliffs tourism committee had sufficient funds and did not require an additional \$5,000.

MOVED CLR PAGE / CLR LOONEY

That the Wilcannia, Menindee and Ivanhoe Tourism Committees and the Long Paddock receive \$5000.

14-08-13 resolved

MOTION CARRIED

8.6 REQUEST FOR FUNDING

MOVED CLR STANDLEY / CLR LIVERSIDGE

That the Request for Funding report be received, and further;

That the request for funding be placed on public exhibition for 28 days with a further report being presented to Council after this timeframe.

15-08-13 resolved

MOTION CARRIED

8.7 CODE OF CONDUCT REVIEW PANEL

MOVED CLR ASTILL / CLR LOONEY

That the Code of Conduct Review Panel report be received, and further;

That Council appoints Kathy Trane (Train Reaction Pty Ltd), IAB, Jeremy Kennedy, InConsult, BDO (Steve Kent) and LKA Group to its panel of Code of Conduct Reviewers for the period 1 September 2013 to 31 August 2017.

16-08-13 resolved

MOTION CARRIED

Meeting adjourned for Morning Tea at 10:28am, resuming at 11:00am

SECTION 9. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

MOVED CLR LINNETT / CLR LIVERSIDGE

That the Manager Technical and Engineering Services report be dealt with.

17-08-13 resolved

MOTION CARRIED

9.1 INFORMATION ITEMS

9.1.1 GRADING PROGRAM

9.1.2 SH21 COBB HIGHWAY CONSTRUCTION WORKS

MTES provided information to Council on a tender for a drilling project in the Darling Basin area.

Clr Linnett queried if local landholders had been asked for their consent? Acting GM advised the project was likely covered by a mining exploration licence.

The Mayor noted that further discussion on this matter in relation to financial information will take place in the Confidential Section of the meeting today.

Clr Astill requested that Council receive a full report on this matter at the next Council Meeting. MTES advised he would prepare a report.

MOVED CLR LINNETT/ CLR LIVERSIDGE

That the Information Items report be received and noted

18-08-13 resolved

MOTION CARRIED

9.2 ROADS REPORT

MOVED CLR ASTILL/ CLR LOONEY

That the Roads Report be received and noted.

19-08-13 resolved

MOTION CARRIED

9.3 SERVICES REPORT

MTES apologised for the budget figures being incorrect in his report, and stated they will be rectified.

MOVED CLR LINNETT/ CLR LIVERSIDGE

That the Services Report be received and noted.

20-08-13 resolved

MOTION CARRIED

9.4 PROJECTS REPORT

MOVED CLR LINNETT / CLR LIVERSIDGE

That the Projects Report be received and noted.

21-08-13 resolved

MOTION CARRIED

SECTION 10. MANAGER ENVIRONMENTAL SERVICES REPORT

MOVED CLR ASTILL/ CLR LOONEY

That the Manager Environmental Services report be dealt with.

22-08-13 resolved

MOTION CARRIED

10.1 INFORMATION ITEM

10.1.1 NATIONAL TREE DAY

10.1.2 ASBESTOS REGISTER & INSPECTIONS

10.1.3 2013-14 SWIMMING SEASON

Clr Astill suggested the recruitment process and promotion of volunteer involvement in the new swimming pool season should take place as soon as possible.

10.1.4 MENINDEE MULTIPURPOSE CENTRE

Acting GM advised the meeting that the funding agreement for the Menindee Multipurpose Centre had been signed by the Federal Government.

MOVED CLR LINNETT / CLR LOONEY

That the Information Items report be received and noted.

23-08-13 resolved

MOTION CARRIED

Clr Sammon left the meeting at 11:14am returning 11:16am

10.2 ENVIRONMENTAL SERVICES DEPT STATISTICS FOR JULY 2013

MOVED CLR LIVERSIDGE / CLR ASTILL

That the Environmental Services Department Statistics for July 2013 report be received and noted.

24-08-13 resolved

MOTION CARRIED

10.3 GRAFFITI REMOVAL DAY 2013

MOVED CLR ASTILL/ CLR STANDLEY

That the Graffiti Removal Day 2013 report be received, and further;

That Council register an interest to be involved in Graffiti Removal Day 2013 and contact be made with local tourism groups to seek their support.

25-08-13 resolved

MOTION CARRIED

10.4 JOINT REGIONAL PLANNING PANEL

MOVED CLR ASTILL / CLR LIVERSIDGE

That the Joint Regional Planning Panel (JRPP) report be received, and further;

That Council inform the Department of Planning that Council will provide the names of JRPP nominees when the need arises.

That the Mayor and Acting General Manager be delegated the authority to appoint Councils JRPP nominees when the need arises.

26-08-13 resolved

MOTION CARRIED

SECTION 11. FINANCE MANAGER'S REPORT

MOVED CLR ASTILL/ CLR LIVERSIDGE

That the Finance Managers report be dealt with.

27-08-13 resolved

MOTION CARRIED

11.1 INVESTMENTS AND BANK BALANCES

MOVED CLR ASTILL / CLR LIVERSIDGE

That the Schedule of Investments Report for the 31st July 2013 be received and adopted.

28-08-13 resolved

MOTION CARRIED

11.2 RATES REPORT

MOVED CLR ASTILL / CLR LINNETT

That the Rates Collection Report for July 2013 be received and adopted.

29-08-13 resolved

MOTION CARRIED

SECTION 12. CORRESPONDENCE

MOVED CLR LINNETT / CLR LIVERSIDGE

That the Correspondence for Council be received and noted.

30-08-13 resolved

MOTION CARRIED

Clr Astill requested that an application for Seniors Week funding be submitted.

12.1 MEDIA RELEASES

12.2 CIRCULARS/NEWSLETTERS

SECTION 13. THE RECEIPT OF REPORTS FROM COMMITTEES

MOVED CLR LINNETT/ CLR LOONEY

That the MANEX Meeting Minutes dated Friday 12th July 2013 be received and noted.

31-08-13 resolved

MOTION CARRIED

MOVED CLR LINNETT / CLR LOONEY

That the MANEX Meeting Minute Tuesday 23rd July dated 2013 be received and noted.

32-08-13 resolved

MOTION CARRIED

Clr Astill asked what airstrips were included in the grant application? MTES advised Tilpa was the only one included.

The Mayor asked if contact could be made with the funding authority for airstrips to find out when the next funding round will take place? EA to follow up.

MOVED CLR LINNETT / CLR LOONEY

That the Menindee Development Committee Meeting Minutes dated Friday 31st May 2013 be received and noted.

33-08-13 resolved

MOTION CARRIED

Clr Astill left the meeting at 11:32am returning 11:36am

MOVED CLR LINNETT / CLR LOONEY

That the White Cliffs Hall Meeting Minutes dated Saturday 6th July 2013 be received and noted.

34-08-13 resolved

MOTION CARRIED

MOVED CLR LINNETT/ CLR LOONEY

That the Menindee Common Committee Meeting Minutes dated Sunday 7th July 2013 be received and noted.

35-08-13 resolved

MOTION CARRIED

SECTION 14. DELEGATES' REPORTS

Clr Looney spoke on behalf of the Menindee Common Committee and advised that a horse was found dead on the neighbouring property to the Menindee Common on the weekend. It is unclear whether the gate had been left open. She queried whether Council could request the neighbouring property be fenced to stop horses wandering if the gate is left open? The Mayor advised this was likely a matter for the local landholder concerned as it is private land.

Clr Standley attended a meeting in Broken Hill for West Darling Arts on Friday, 26th July 2013. The meeting was called for an urgent confidential matter.

MOVED CLRLINNETT / CLR LIVERSIDGE

That the Delegates' reports be received and noted.

36-08-13 resolved

MOTION CARRIED

SECTION 15. QUESTIONS WITH NOTICE

MOVED CLR LINNETT / CLR STANDLEY

That the Councillors' Questions with Notice be received and noted

37-08-13 resolved

MOTION CARRIED

15.1 CR LOONEY

1. In January Shire received correspondence from the Divison of Local Government seeking Council to provide information on funding raised by S355 Committees. Has Shire obtained this information?

Answer: A letter was received from the Division and it was provided to Councillors as an attachment at the February Council Meeting. A report outlining the funding raised was provided to Council at the time. No further information on funding received has been forthcoming or provided to Council.

2. How many Councillors were invited to see Minister Kevin Humphries on his recent visit to Wilcannia.

Answer: The Minister requested to meet with the S355 Weir Committee. The Councillors that were on the weir committee were notified of the meeting.

3. Menindee has 332 properties paying \$45 per year extra on garbage fees. This amounts to \$15,272 on cost recovery. We are now paying 2 days wages less per week with a new compactor. This would be a significant amount. I would like a breakdown on costs, the actual figures to run our garbage service and how much is set aside for depreciation on the compactor.

Answer: At its meeting of 27 June 2013 Council considered, as part of its deliberations of submissions to the 2013-2014 Delivery and Community Strategic Plan, points raised at the Council meeting of 27 May 2013.

In the 27 June report (Section 11.5) an indicative summary of the costs of shire-wide domestic waste services was presented, clearly indicating a substantial reduction in operating costs of \$75,000 - these reduced operating costs however, more than offset by combined new loan costs of \$68,000 and depreciation (vehicle replacement) cost of \$48,600 (\$16,200 per vehicle). These two new costs add to \$116,600 – a net increase in costs of \$41,600. These costs have been apportioned evenly over the occupied properties and to a lesser extent over the unoccupied properties in the shire. More recent figures show a net increase in costs from 2013 to 2014 of approximately \$43,200 funded by Wilcannia \$20,500, Ivanhoe \$10,500 and Menindee \$12,200.

The numbers of occupied properties which are being charged garbage collection fees are as follows:

Occupied		Unoccupied	
Wilcannia	311	Wilcannia	123
Ivanhoe	161	Ivanhoe	46
Menindee	332	Menindee	45

Wilcannia and Ivanhoe urban collections are completed in 1 day whereas Menindee’s urban and rural collections take 2 days which consume extra staff and plant costs. As a result of only one staff member being need to operate the new compactors, there has been a saving of one staff member for 2 days per week and one staff member for one day per week in Wilcannia; one staff member for two days per week in Menindee and one staff member for one day per week in Ivanhoe.

Clr Astill asked at a previous Council Meeting to see if the Menindee garbage run could be completed in one day instead of the two days. He queried whether this could be trialled; MTES to investigate.

SECTION 16. URGENT BUSINESS

Clr Linnett spoke about native title claims, and advised that landholders were being contacted and asked to contribute a monetary fund. Cr Linnett advised any queries should be directed to the Western Lands Office in Dubbo.

MOVED CLR ASTILL/ CLR LIVERSIDGE

That Urgent Business be dealt with.

38-08-13 resolved

MOTION CARRIED

Meeting adjourned for Lunch at 11:46am, resuming at 12:50pm

SECTION 17. CONFIDENTIAL MEETING

CLOSED COUNCIL

Confidential Reports

(Section 10A (2) of the Local Government Act 1993)

Where it is proposed to close part of the Meeting, the Chairperson will allow members of the public to make representation to or at the meeting, before any part of the meeting is closed to the public, as to whether or not that part of the meeting should be closed to the public. The Chairperson will check with the General Manager whether any written public submissions or representations have been received as to whether or not that part of the meeting should be closed to the public.

The grounds on which part of the Council meeting may be closed to public are listed in Section 10A(2) of the Local Government Act 1993 and are as follows:

- (a) personnel matters concerning particular individuals other than Councillors,
- (b) the personal hardship of any resident or ratepayer,
- (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
- (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.
- (e) information that would, if disclosed, prejudice the maintenance of law,
- (f) matters affecting the security of the Council, Councillors, Council staff or Council property,

- (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
- (h) during the receipt of information or discussion of information concerning the nature and location of a place or an item of Aboriginal significance on community land.

Section 10A(3) of the Act provides that if a meeting is closed during discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3) of the Act), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is matter referred to in section 10A(2) of the Act).

Section 10B(1) of the Act provides that a meeting is not to remain closed to the public during the receipt of information or the discussion of matter referred to in section 10A(2):

- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
- (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret – unless the Council or committee concerned is satisfied that discussion of the matter in a open meeting would, on balance, be contrary to the public interest.

For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest section 10B(4) of the Act states it is irrelevant that:

- (a) a person may interpret or misunderstand the discussion, or
- (b) the discussion of the matter may:
 - (i) cause embarrassment to the Council or committee concerned, or to Councillors or to employees of the Council, or
 - (ii) cause a loss of confidence in the Council or committee.

Resolutions passed in Closed Council

It is a requirement of Clause 253 of the Local Government (General) Regulation 2005 that any resolution passed in Closed Council, or Committee be made public as soon as practicable after the meeting has ended. At the end of Closed Council or Committee meeting, the Chairperson will provide a summary of those resolutions passed in Closed Council or Committee.

Reports to be Considered in Closed Council

MOVED CLR LINNETT / CLR LIVERSIDGE

That Council formally close the meeting to the public to discuss matters in accordance with Section 10A (2) of the Local Government Act, 1993

39-08-13 resolved

MOTION CARRIED

Council went into Closed Session of Council at 12:50pm

17.1 STAFF ISSUE

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (a) personnel matters concerning particular individuals other than Councillors.

Clr Liversidge asked about full cost recovery for complaints investigation. AGM will check on the legality of this matter.

MOVED CLR LINNETT / CLR LIVERSIDGE

That the Staff Issues report be received and noted.

40-08-13 resolved

MOTION CARRIED

17.2 KNOX AND DOWNS – EXPRESSIONS OF INTEREST

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (c) & (d) information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business, and/or is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

MOVED CLR ASTILL / CLR PAGE

That Council enter into further negotiations with Mr Adrian Fethers, with a progression report back to Council within three months.

41-08-13 resolved

MOTION CARRIED

17.3 WILCANNIA LICENSED POST OFFICE

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (c) & (d) information that would, if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business, and/or is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

MOVED CLR ASTILL/ CLR STANDLEY

That,

1.Council approve the purchase of the existing Licensed Post Office business for an amount as agreed in this report plus stock on hand at valuation to be determined as at settlement date.

2.The necessary forms and information to transfer the Licence from the current operator to Council's nominee, the Manager Corporate and Community Services be lodged with Australia Post.

3.That the Mayor and Acting General Manager be authorised to sign any necessary legal documents in relation to the purchase of the business and transfer of the Australia Post Licence except where in their opinion further consultation with Council is required and that a summary of any documents signed be presented to Council for its information.

4.As soon as possible a further report be presented to Council incorporating a business plan and budget as referred to in this report.

5.That funds of up to \$90,000 be provided from current working funds for capital and establishments costs.

42-08-13 resolved

MOTION CARRIED

17.4 STAFF ISSUE - SICK LEAVE

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (a) personnel matters concerning particular individuals other than Councillors.

Clr Sammon left the meeting at 1:35pm returning at 1:36pm

MOVED CLR ASTILL/ CLR STANDLEY

That further information be obtained and a report brought back to the next meeting of Council regarding gratuity payments.

43-08-13 resolved

17.5 DARLING BASIN DRILLING PROJECT

MOTION CARRIED

CLR LINNETT/CLR ASTILL

That Council endorse the actions of the Acting General Manager & Manager Technical and Engineering Services.

44-08-13 resolved

MOTION CARRIED

MOVED CLR ASTILL/CLR LIVERSIDGE

45-08-13 resolved

That Council move back into Open Council.

MOTION CARRIED

Council resumed in open session at 1:46pm

MOVED CLR STANDLEY /CLR PAGE

46-08-13 resolved

That all decisions passed in Closed Council be made public.

MOTION CARRIED

SECTION 18. DATE AND VENUE FOR NEXT MEETING

The next meeting of Council will be held on the 17th September 2013 in Wilcannia commencing at 9:00am.

There being no further business, Council meeting concluded at 1:46pm
