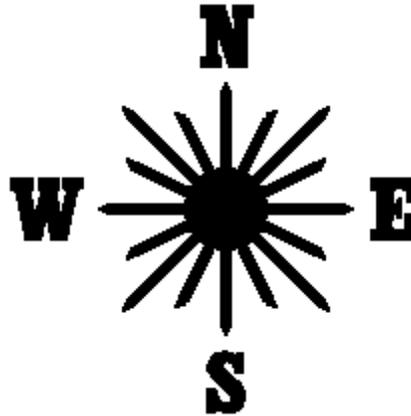


## **Mission Statement**

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

# **CENTRAL DARLING**



# **SHIRE COUNCIL**

## **Agenda**

**For the Ordinary Meeting**

**Wednesday 22 June 2016 at 9:00am**

**In the Council Chambers**

**Wilcannia**

**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 Ordinary Meeting of Council will be held in the Council Chambers, Wilcannia on Wednesday 22 June 2016 commencing at 9:00am.

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## SECTION 1. ATTENDANCE

### **PRESENT:**

Greg Wright	Administrator
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### **ALSO PRESENT:**

Michael Boyd	General Manager
Reece Wilson	Director Shire Services
Jacob Philp	Director Business Services
Cindy Toiava	Executive Assistant

## SECTION 2. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

### ***RECOMMENDATION:***

***That the Disclosures of Interest – Pecuniary and Non Pecuniary be received and noted.***

## SECTION 3. PUBLIC ACCESS – QUESTIONS AND COMMENTS FROM THE PUBLIC

Council's policy in regards to public access to Council Meetings states:

- Public Access to monthly meetings of Council will be listed as an agenda item
- Each member of the public who wishes to address Council is to register with Management prior to commencement of the meeting; this registration will involve the completion of a "registration form" made available by council staff. The registration form will require the proposed topic or topics in public access to be stated
- Each address will be limited to five (5) minutes, at the discretion of the Chair
- All matters raised in public access will be recorded with a response provided at the meeting or in writing within one month of the meeting date

Note: the registration form provided by council will indicate that only policy making and strategic matters will be permitted in public access; operational matters should be addressed/ raised separately with the General Manager. In addition, the registration form will state that statements made at council meetings are not subject to parliamentary privilege.

## SECTION 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### ***RECOMMENDATION:***

***That the minutes of the Ordinary Meeting of the Council held on the 25 May 2016, be taken as read and confirmed as a correct record of the proceedings of the meeting.***

### 4.1 BUSINESS ARISING FROM MINUTES

## SECTION 5. ADMINISTRATOR'S MINUTE REPORT

*To be tabled*

## SECTION 6. DETERMINATION REPORTS

### 6.1 DRAFT OPERATIONAL PLAN AND BUDGET 2016/17

#### **Summary**

The purpose of this report is to present to Council the Community Consultation comments following the public exhibition period for the Draft Operational Plan and Budget for the 2016/2017 financial year.

#### **Commentary**

The Draft Annual Operating Plan 2016/2017 is required to outline the activities Council proposes to undertake in the upcoming year (2016/17), as part of its delivery program. The document also includes Councils' proposed revenue policy and budget estimates for the 2016/17 year.

The Draft Plan has been prepared on the basis of continuing to address the Council's current financial strategy of delivering ongoing trading surpluses and to ensure that Council does not return to a negative cash overdraft level. In recent times, this has seen the reduction in some service levels to consciously address the negative trading position, but this Draft Operational Plan attempts to redress some of that imbalance.

In accordance with the provisions of Section 405 of the Local Government Act 1993, the draft Plan was placed on public exhibition for 28 days. That period expires on Tuesday 21 June 2016.

This report is to advise that the community comments received relating to the draft plan and budget will be provided under separate cover on or before the Council meeting as the document is still being prepared at the time of the distribution of the agenda. The report will be uploaded to Council's website following the meeting. Submissions received in relation to the 2016-2017 Draft Operational Plan and Budget will be responded to following the Council meeting.

#### **(a) Policy Implications**

Provision of the Draft Report and Budget will reflect that Council continues to responsibly address its current financial position, and in so doing, acknowledges that from time to time, it cannot necessarily meet all its previous financial commitments or services levels contained within its current Policy Manual or indeed, financial commitments given by previous Councils.

#### **(b) Financial Implications**

The financial implications will be contained in the report when tabled.

#### **(c) Legal Implications**

Provision of the Report ensures compliance with the provisions of Section 405 of the Local Government Act 1993

#### **(d) Community Consultation**

The Draft Plan was advertised for 28 days in accordance with the provisions of Section 405 and 532 of the Local Government Act 1993.

***RECOMMENDATION:***

***To be provided at the Council meeting***

6.2 DELIVERY PROGRAM REPORT TO 30 JUNE 2016

(ATTACHMENT 1)

**Summary**

The purpose of this report is to present to Council the report on the Delivery Plan Strategy 2013-2017 and the implementation of the performance targets contained with the Operational Plan 2015-16.

**Commentary**

Section 404 of the Local Government Act 1993 provides that the Council must prepare a Delivery Program detailing the principal activities to be undertaken by the council to implement the strategies established by the community strategic plan within the resources available under the resourcing strategy. Council's Delivery Program is for the period 2013-2017.

Contained within Council's Operational Plan 2015-2016 were proposed actions and performance targets that identified how the Council would undertake the completion of the activities identified in the Delivery Program 2013-2017 during the 2015-2016 financial year.

This financial year has seen a period of stabilization following considerable financial turbulence for the Council, with the principal focus of the Council and senior management related to continuing to ensure the ongoing sustainability of the organization moreso than the completion of many of the strategies contained within the Delivery Program 2013-2017 for the period relating to the Operational Plan 2015-2016.

There is no doubt that this report evidences that the adjustment in focus by the Council and senior management has predicated the inability to meet some of the targeted actions contained within the Operational Plan 2015-2016, but in the short to medium term, this focus is critical to ensuring the sustainability of the organization.

Part of the recent financial strategy adopted by the Council has seen a down-sizing of FTE equivalents within the organization and thereby a reduction in the available resources to satisfy the community for the Council to be all things to all people. The Council has consciously undertaken a withdrawal from non-core activities that have been subsidised from general revenue while ensuring that the services are still provided within the community by other providers.

The Council will continue to address and prioritize community demands within it's limited resources during this rebuilding phase, albeit this will lead to slippage of the activities contained within the Delivery Plan Strategy 2013-2017.

**(b) Policy Implications**

Provision of the report on the Delivery Plan Strategy 2013-2017 will reflect that Council continues to responsibly address its current financial position, and in so doing, acknowledges that from time to time, it has not necessarily been able to meet all the proposed activities contained within its Operational Plan 2015-16.

**(b) Financial Implications**

Nil

**(c) Legal Implications**

Provision of the Report ensures compliance with the provisions of Section 405 of the Local Government Act 1993

**(d) Community Consultation**

The Draft Plan will be advertised for 28 days in accordance with the provisions of Section 404 of the Local Government Act 1993.

***RECOMMENDATION:***

***That Council receive and note the report on the Delivery Plan Strategy 2013-2017 and the implementation of the performance targets contained with the Operational Plan 2015-16.***

### 6.3 LOCAL GOVERNMENT REMUNERATION TRIBUNAL DETERMINATION OF ANNUAL FEES PAYABLE FOR MAYOR AND COUNCILLORS FROM 1 JULY 2016

#### Summary

The purpose of this report is to present the Council a report detailing the Local Government Remuneration Tribunal Determination of annual fees payable to the Mayor and Councillors from 1 July 2016.

#### Commentary

Section 241 of the Local Government Act 1993 provides that the Local Government Remuneration Tribunal the authority and responsibility to set, no later than 1 May each year, the maximum and minimum amounts of fees payable during the following year to Councillors (other than Mayors) and Mayors.

For the purpose of the provisions of the Act, the Tribunal has determined the following fees for the period from 1 July 2016:

Table 3: Fees for General Purpose and County Councils				
Category	Councillor/Member Annual Fee		Mayor/Chairperson Additional Fee	
	Minimum	Maximum	Minimum	Maximum
General Purpose Councils				
Principal City	25,670	37,640	157,030	206,620
Major City	17,110	28,240	36,360	82,270
Metropolitan Major	17,110	28,240	36,360	82,270
Metropolitan Centre	12,830	23,950	27,260	63,640
Metropolitan	8,540	18,840	18,180	41,090
Regional Rural	8,540	18,840	18,180	41,090
Rural	8,540	11,290	9,080	24,630
County Councils				
Water	1,700	9,410	3,640	15,460
Other	1,700	5,630	3,640	10,270

\*This fee must be paid in addition to the fee paid to the Mayor/Chairperson as a Councillor/Member (s.249(2)).

At the present time, the amount requires to be paid is not applicable as the Council has been dismissed by the Minister. The Administrator's remuneration is set independently by the Minister and advised by the Office of Local Government.

**(c) Policy Implications**

Nil

**(b) Financial Implications**

Not applicable

**(c) Legal Implications**

Nil

**(d) Community Consultation**

Nil

***RECOMMENDATION:***

***That Council receive and note the report on the Local Government Remuneration Tribunal Determination of annual fees payable to the Mayor and Councillors from 1 July 2016.***

## 6.4 SENIOR STAFF CONTRACTUAL CONDITIONS 2015/16

### **Summary**

The purpose of this report is to present to Council a report detailing the contractual conditions of senior staff .

### **Commentary**

Section 339 of the Local Government Act 1993 provides that the General Manager must provide to Council, on an annual basis, a report detailing the contractual conditions of senior staff.

For the purpose of the provisions of the Act, the only employee affected by the requirements of the Act is the General Manager. All other staff are employed under the provisions of the Local Government (State) Award 2014.

In essence, the General Manager is employed under the provisions of a standard four (4) year contract, commencing 14 July 2014. The contract, drafted by the Office of Local Government for General Managers in New South Wales, was provided by Local Government NSW who conducted the Executive Search and Selection process in conjunction with the Council. Apart from the insertion of details of the benefits and monetary amounts provided in the accompanying schedule, the contract is the standard contract wording.

Apart from the base salary and statutory superannuation, the following benefits are provided to the General Manager in the employment package:

- Fully maintained Council vehicle
- Subsidized housing and utilities
- Mobile phone and computer (for business use)
- Professional development expenses (as per Council policy)

### **(d) Policy Implications**

Nil

### **(b) Financial Implications**

Detailed in the Employment Contract

### **(c) Legal Implications**

Provision of the Report ensures compliance with the provisions of Section 339 of the Local Government Act 1993

### **(d) Community Consultation**

Nil

### ***RECOMMENDATION:***

***That Council receive and note the report on the Senior Staff Contractual Conditions in accordance with Section 339 of the Local Government Act 1993.***

**SECTION 7. INFORMATION REPORTS**

**7.1 INFORMATION ITEMS**

**7.1.1 ENVIRONMENTAL SERVICES STATISTICS**

<b><u>Statistics for May 2016</u></b>		
Number of DA's Approved		0
Total Value of DA's Approved		0
Food Premises Inspected		0
Animal Control Activities	Impounded	16
	Rehomed	12
	Returned to Owner	1
	Euthanized	3
	Registrations	1
	Microchipped	9
	Penalty Notices Issued	0
Water Sampling	Microbiology Samples Collected	15
	Chemistry Samples Collected	0
	Non-Compliant Samples	0

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#### 7.1.2 ROAD GRADING PROGRAM

(ATTACHMENT 2)

The Yearly Grading Program has been included to enable Council to follow the progress of the grading crews working throughout the Shire. Any changes will be presented on a monthly basis.

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#### 7.1.3 RESTART NSW, WATER SECURITIES FOR REGIONS

The Wilcannia and Ivanhoe Bore Field Augmentation Project is progressing in accordance with the required timeline taking into account the approved extension of time by NSW Infrastructure. Telemetry (Indratel P/L) works commenced on Monday 2<sup>nd</sup> May 2016 and will be completed within 4 weeks. Bore headworks have been substantially completed and preliminary testing has commenced. Clarification of the scope of works with respect to telemetry for the existing bores is being sought from the contractor (Darling Irrigation P/L) and further advice will be provided in this regard in due course.

Watsons Drilling P/L have completed the test bores at selected locations in White Cliffs located adjacent to existing pump and power infrastructure. Initial results indicate poor yield and quality, lab results will be collated and presented to Council in a further report once received.

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#### 7.1.4 COUNTRY TOWNS WATER SUPPLY, REGIONAL WATER AND WASTEWATER BACKLOG

NSW Water Solutions has been engaged to complete the next stage of the pre-construction phase of the Ivanhoe, Wilcannia and White Cliffs Augmentation Project and complete options reports for these facilities at these locations. These studies will build upon the scoping reports completed by CWT P/L. On completion of the options studies further consideration will be given to the engagement of suitable consultant/contractor to complete remaining pre-construction activities with respect to concept design, D&C Specification and tender documentation with an overall completion deadline of June 2017.

These studies are funded 100% pursuant to the Restart Program, Regional Water and Backlog Program and targeted at pre-construction activities only.

Further to NSW Infrastructure invitation to complete the application for construction funding of the White Cliffs WTP and its backlog project status, Council has submitted the required additional reporting comprised of a comprehensive Benefit Cost Analysis and a statement concerning Council's financial capacity and claim for enhanced funding beyond the standard 50% limit. It is hoped that a decision on additional funding beyond the 50% limit from NSW Infrastructure will enable any "shovel ready" project to commence in July 2017.

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#### 7.1.5 SEALING CONTRACT – CDSC 1/2017

Pursuant to Council resolution from the ordinary meeting of Council in February 2016, staff have prepared tender documentation and advertised for the supply and materials and services for the bituminous spray sealing of pavements within Central Darling Shire.

Tender CDSC 1/2017 closes on July 11<sup>th</sup> at 10:00am. The period of contract shall be from the date of the award of tender until 30<sup>th</sup> June 2018 with an option for Council to extend the contract to 30<sup>th</sup> June 2019.

Following tender evaluation process a report will be provided to Council for consideration of award of tender.

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#### 7.1.6 COBB HIGHWAY – EURALLA INITIAL SEAL PROJECT

Council received verbal advice from RMS, Project/ Contract Manager, Monday 30<sup>th</sup> May 2016 that all documentation had been submitted, project specific plans updated and all documentation reviewed and approved.

Following recent rain, an amended program of works was supplied to RMS Wednesday 8<sup>th</sup> June 2016. Works recommenced Thursday 9<sup>th</sup> June 2016.

Fencing water supply works are in progress. Culvert civil works are scheduled for recommencement Tuesday 14<sup>th</sup> June 2016 and pavement works are still subject to approval of submitted Environmental Protection Licence with EPA.

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#### 7.1.7 ROADS REPORT

The purpose of this report is to update Council on the roads expenditure to date.

##### **State Roads:**

- 2015/2016 RMCC works estimated cost for Routine Maintenance Works on both highways is \$740,000.
- 4 Works Orders (WO) have been received to date totalling \$1,133,398. The 4 WO received are; 111.16.01 Sh21 Shoulder Grading \$16,591.52, 111.16.02 Sh8 Heavy Patching \$214,911.71, 111.16.03 Sh8 Reseals \$683,147.45 111.16.04 Sh21 Reseals \$141,724.68 and 111.16.05 Sh21 Gravel resheet \$200,157.68. **Total \$1,256,533.04**
- Euralla Initial Seal Project – RMS have provided Council with 4 Works Orders relating to the Cobb Highway project 111.16.06 Water Supply Works \$39,169.80 111.16.07 Water Supply Works \$17,588.40 111.16.08 Gravel Pit Registration \$36,124.53 and 111.16.09 Culvert Works \$349,827.72. **Total \$442,710.45**

	<b>Original Budget</b>	<b>% Completed</b>	<b>Remaining Budget</b>
<b>RMCC (Routine Works)</b>	\$740,000	91%	\$70,980
<b>RMCC (Ordered Works)</b>	\$1,256,533	100%	\$0
<b>Euralla IS Project</b>	\$442,710	85%	\$67,075

**Regional Roads:**

- 2015/16 Regional Road Block Grant amount (including traffic and supplementary components) is \$2,642,000

	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
<b>Regional Road Block Grant</b>	\$2,642,000	85%	\$406,518

**Local Roads:**

- 2015/16 Indicative Local Roads Component (FAG) has been advised \$1,480,000.
- Council's allocated budget amount is \$1,000,000
- 2015/16 Roads to Recovery allocation has been increased this year to \$2,006,663. This funding will be allocated to Local Road Improvement projects.

	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
<b>Local Roads Component (FAG)</b>	\$1,000,000	97%	\$33,318
<b>Roads to Recovery</b>	\$2,006,663	97%	\$67,759

## 7.1.8 SERVICES

The purpose of this report is to update Council on the services expenditure to date.

	Original Budget	% Expended	Remaining Budget
<b>Parks &amp; Gardens/ Sporting Facilities</b>	\$178,000	78%	\$39,172
<b>Ancillary Works</b>	\$158,000	87%	\$20,544
<b>Street Cleaning/ Bins</b>	\$110,000	90%	\$10,711
<b>Aerodromes</b>	\$52,250	95%	\$2,812
<b>Public Conveniences</b>	\$34,000	76%	\$8,292
<b>Swimming Pools</b>	\$322,500	96%	\$11,614
<b>Waste Depots</b>	\$136,100	56%	\$59,254

**Water & Sewerage Maintenance:**

- Wilcannia town water supply is being sourced from the Darling River Weir Pool. The river recently benefitted from local rainfall catchment and tributary inflows which resulted in minor weir flow. The expected short timeframe will see Wilcannia remain at Level 1 water restrictions.
- White Cliffs town water supply is sourced from above ground tanks, current levels: Tank 1 =4.5m, Tank 2 =3.8m, Tank 3 (Wakefield) = 4.5m. Recent rainfall has replenished above ground storages, estimated supply remaining is 12 months. White Cliffs water restrictions were lifted Monday 6<sup>th</sup> June 2016.
- Ivanhoe town water supply is currently being sourced from the Morrison's Lake reservoir. Morrison's Lake storage is currently 220 megalitres, town storage dam 45 megalitres. Estimated supply remaining is 6 months.

	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
<b>Wilcannia Water</b>	\$317,000	100%	\$0
<b>Wilcannia Sewer</b>	\$120,500	99%	\$1,573
<b>White Cliffs Water</b>	\$134,000	83%	\$23,088
<b>Ivanhoe Water</b>	\$183,000	100%	\$0

#### 7.1.9 CAPITAL WORKS

The purpose of this report is to update Council on the capital works and projects expenditure to date.

<b>Project</b>	<b>Comments</b>	<b>Original Budget</b>	<b>% Expended</b>	<b>Remaining Budget</b>
Aboriginal Communities Water and Sewer	Minor reduction in annual funding amount reflects reduced operating costs of the water and sewer system following recent augmentation.	\$105,865	29%	\$75,360
Sunset Strip Drainage	Low lying areas adjacent to road and properties have been surveyed and draft design completed. (Carried forward from 2014/15)	\$10,000	100%	\$0

Restart NSW – Water Security	Start Dec 2014. Tilpa, White Cliffs, Wilcannia and Ivanhoe  Project value \$1M (\$174,400 expended in 2014/15)	\$825,600	72%	\$230,778
CTWS – Preconstruction activities	Pre-construction activities  Training	\$1,000,000  \$200,000	7%  54%	\$931,995  \$92,633
Landfill Consolidation Grant	Due for completion December 2015	\$80,000	100%	\$0
Wilcannia Boat Ramp	Postponed pending Weir Feasibility Study	\$85,000	0%	\$0

7.1.10 INVESTMENTS AND BANK BALANCES

**Schedule of Investments and Bank Balances as at 31 May 2016**

	<b>Amount</b>	
<b>Cash Reserve</b>		
Westpac Business Cash Reserve	795,000	
<b>Total Reserve Balance as at 31 May 2016</b>	<b>\$795,000</b>	
<b>Bank Balances as at 31 May 2016</b>		
General Fund	\$418,808	In Funds
Clearing Account (Account used for receiving deposits)	\$12,502	In Funds
<b>Total Cash at Bank</b>	<b>\$1,226,310</b>	
<b>Cash Restrictions</b>		
Internal Restrictions	\$260,000	
External Restrictions	\$280,000	
<b>Total Restrictions</b>	<b>\$540,000</b>	

## SECTION 8. THE RECEIPT OF REPORTS FROM COMMITTEES

8.1 WILCANNIA CEMETERY COMMITTEE MINUTES

(ATTACHMENT 3)

**SECTION 9. URGENT BUSINESS**

## SECTION 10. 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 an 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.

**SECTION 11. DATE AND VENUE FOR NEXT MEETING**

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*The next meeting of Council will be held on 27 July 2016 in Wilcannia at 9:00am.*

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