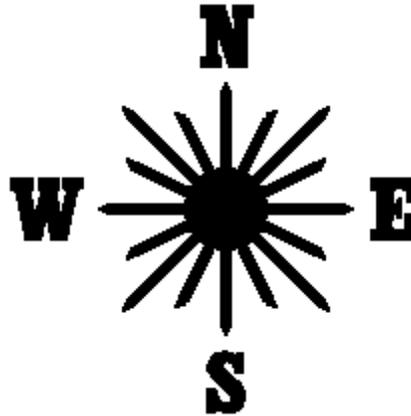


Mission Statement

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 March 2017 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 March 2017 commencing at 9:00am.

ORDER OF BUSINESS

SECTION 1. ATTENDANCE	3
SECTION 2. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY	3
SECTION 3. PUBLIC ACCESS – QUESTIONS AND COMMENTS FROM THE PUBLIC	4
SECTION 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING	4
4.1 BUSINESS ARISING FROM MINUTES	4
SECTION 5. ADMINISTRATOR’S MINUTE REPORT	5
SECTION 6. DETERMINATION REPORTS	6
6.1 COUNCIL MEETING SCHEDULE & ADMINISTRATOR TOWN VISIT SCHEDULE 2017 - REVISED	6
6.2 REVIEW OF SECTION 355 COMMITTEES.....	7
6.3 DRAFT PROCUREMENT OF GOODS AND SERVICES POLICY ATTACHMENT 1	8
6.4 CALENDAR OF COMPLAINCE	9
SECTION 7. INFORMATION REPORTS.....	11
7.1 INFORMATION ITEMS	11
7.1.1 ENVIRONMENTAL SERVICES STATISTICS	11
7.1.2 WORKS PROGRAM ATTACHMENT 2.....	11
7.1.3 COBB HIGHWAY – INITIAL SEAL PROJECTS	12
7.1.4 SWIMMING POOL SEASON	12
7.1.5 ROADS REPORT.....	12
7.1.6 SERVICES.....	13
7.1.7 CAPITAL WORKS	15
7.1.8 COMMUNITY STRATEGIC PLAN.....	16
7.1.9 DISABILITY INCLUSION ACTION PLAN	17
7.1.10 CASH AND INVESTMENTS	18
SECTION 8. THE RECEIPT OF REPORTS FROM COMMITTEES	20
SECTION 9. URGENT BUSINESS	21
SECTION 10. CONFIDENTIAL MEETING	22
10.1 GENERATOR TRAILER.....	24
SECTION 11. DATE AND VENUE FOR NEXT MEETING	25

SECTION 1. ATTENDANCE

PRESENT:

Greg Wright	Administrator
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ALSO PRESENT:

Michael Boyd	General Manager
Jacob Philp	Director, Business Services
Reece Wilson	Director, Shire Services
Pam Roncon	Executive Officer

APOLOGIES:

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 is listed as an agenda item;
- each member of the public seeking to address Council is to register with the General Manager prior to commencement of the Council meeting. Each member of the public is to complete a "registration form" obtained from Council staff. The registration form seeks the proposed topic or topics in public access to be stated;
- each registered member of the public address is limited to five minutes; and
- all matters raised in public access are recorded and a response provided at the Council meeting or in writing within one month after meeting date.

Note: The Council registration form indicates only policy making and strategic matters are permitted in public access. Operational matters are to be addressed/raised separately with the General Manager. Comments/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 Wednesday 22 February 2017, 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 COUNCIL MEETING SCHEDULE & ADMINISTRATOR TOWN VISIT SCHEDULE 2017 - REVISED

Summary

The purpose of the report is for Council to consider an alteration to

- the meeting dates for 2017; and
- the Administrator's town visit schedule for 2017.

Both items were adopted by Council at its Ordinary Meeting in November 2016.

Commentary

Council is required to provide notification to the public of the times and places of its meetings for 2017 in accordance with Section 9 of the *Local Government Act 1993*. During 2016, Council meetings have been held on the 4th Wednesday of each month, starting at 9am, which has enabled the Administrator to be in the Shire from Monday to Wednesday on those weeks. It was previously determined by the Council that all meetings would be held in Wilcannia.

Following recent review by the Administrator and General Manager, it has become apparent that an alteration to the adopted meeting dates for April and June is required.

In relation to the adopted meeting for April, a conflict of meeting schedules has occurred, and following discussion with the Administrator, it is proposed that the meeting be altered to Friday 21 April 2017. However, the scheduled town visit for Wilcannia will need to be cancelled.

In relation to the adopted meeting date for June, it is proposed that the meeting date be altered to enable an additional week for assessment and response by senior management to any public submissions received to the public consultation relating to the Draft Operational Plan and Long Term Financial Plan. The proposed date is Wednesday 28 June 2017.

There is no proposed alteration to the meeting time or location, with the meetings remain as scheduled to be held at Wilcannia commencing at 9.00am.

Policy Implications

Nil.

Financial Implications

Nil.

Legal Implications

Nil.

Community Consultation

Nil.

RECOMMENDATION

That Council resolve:

1. that the following meeting dates for 2017 be altered to:

- Friday 21 April 2017; and***
- Wednesday 28 June 2017; and***

2. the town visit for Wilcannia on 18 April 2017 be cancelled and all community requests to meet with the Administrator be directed to the General Manager in the first instance.

6.2 REVIEW OF SECTION 355 COMMITTEES

Summary

Section 355 Committees established under the *Local Government Act 1993*, provide an important contribution to the Shire Communities. Community members unselfishly and without reward give up their time to become members of Council Committees. Committees, established by Council, facility manage various community facilities throughout the Shire, such as Halls, Swimming Pools, Saleyards and Cemeteries. Other Committees established by Council provide advice on economic, tourism and development needs of a community.

Commentary

Council currently has 11 Section 355 Committees being:

Ivanhoe Hall	Ivanhoe Revival
Ivanhoe Swimming Pool	Ivanhoe Saleyards
Darnick Hall and Sports	Menindee Common
Menindee Development	White Cliffs Swimming Pool
White Cliffs Hall	White Cliffs Community Association
Wilcannia Cemetery	

Council officers have reviewed the operations of the Committees established under Section 355 of the *Local Government Act 1993* to ensure they remain 'fit for purpose' and meet the basic governance and accounting standards.

All Committees have Constitutions in place, however, it would be beneficial to Committees and Council to have all Constitutions reviewed in 2017/2018 to ensure Committees remain 'fit for purpose'.

All Committees (and members) have reporting requirements to Council. To assist Committees to manage and report on appropriate governance, risk and compliance controls and that Council's S355 Committees remain aligned with Councils' Delivery Programs, Council officers will correspond with

all Committee Chairpersons to offer support to Committees and their members to provide guidance on meeting the required standards of governance.

Policy Implications

Nil.

Financial Implications

Nil.

Legal Implications

Committees are established under Section 355 of the *Local Government Act 1993*, act on behalf of Council.

The powers of Committees are delegated under section 377 of the *Local Government Act 1993*. All

Committee Constitutions outline the terms of reference of each Committee.

Community Consultation

Nil.

RECOMMENDATION:

That Council note the review of the Section 355 Committees and the work being undertaken to support Council Committees with reporting requirements.

Summary

The purpose of this report is to provide Council with the information necessary to make an informed decision with respect to Council's Draft Procurement of Goods and Services Policy (the Policy) for purchasing goods and services.

Commentary

Purchase and disposal activities using the tendering process for Local Government, are governed by strict considerations of probity, transparency and accountability in the expenditure of public funds for public purpose.

The Office of Local Government has produced *Tendering Guidelines for NSW Local Government* (the Guidelines). The Guidelines assist Councils in applying clear policies, consistent procedures and effective risk management in accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005* and other relevant legislation. The Guidelines are to be used for all purchasing of goods and services where the amount of the amount exceeds \$150,000.

This Policy establishes the guidelines to cover the administrative processes for the purchasing of goods and services for Central Darling Shire Council where it is expected that the good, service or disposal is expected to be less than \$150,000 and that it is carried out lawfully in accordance with the relevant legislation.

The intent of the Policy is to provide:

- value for money;
- open and effective competition;
- the development of competitive local business and industry;
- environmental protections;
- ethical behaviour and fair dealing;
- to ensure Council is always in compliance with the *Local Government Act 1993* and *Local Government (General) Regulation 2005*;
- to define a procurement framework and the associated processes; and
- to ensure that Council's procurement processes are of best practice and meet the highest level of accountability and transparency.

Council does not currently have a Procurement policy in place. Council is committed to ensuring purchasing activities are fair and transparent, meet legislative requirements and deliver best value outcomes to ratepayers.

Policy Implications

Council does not have a Procurement Policy in place.

Financial Implications

As detailed in the Draft Policy.

Legal Implications

To ensure compliance with the *Local Government Act 1993*, the *Local Government (General) Regulation 2005*, *Tendering Guidelines for NSW Local Government 2009*, the *NSW Government Code of Practice for Procurement 2005* and the *Independent Commission Against Corruption Act 1998*.

Community Consultation

Adoption of the Policy will see it placed on public exhibition for a period of 28 days. All submissions received will be presented to Council after the exhibition period.

RECOMMENDATION:

That Council:

- 1. adopt the Draft Procurement of Goods and Services Policy and place it on public exhibition for 28 days; and***
- 2. note that a report will be presented to Council after the 28-day exhibition period on all submissions received during the exhibition period.***

6.4 CALENDAR OF COMPLAINCE

Summary

The purpose of this Report is for Council to be updated on progress on the Compliance and reporting requirements for 2016-2017 to 28 February 2017.

Commentary

The Calendar of Compliance and Reporting Requirements is a document prepared by the Division of Local Government, NSW Department of Premier and Cabinet, to assist Shires in meeting their legislative reporting requirements under the provisions of various items of impacting legislation.

In the past, various external reports on the Council's performance have been critical of its failure to adequately undertake the necessary completion of the legislative Compliance and Reporting Requirements.

Date for Compliance	Subject	Comment
5 December 2016	Last day for audited Financial Statements to be presented to the public	5 December 2016
1 December 2016	Newly elected Councilors to lodge Pecuniary Interest returns within 3 months of their election (s.449(1))	26 October 2016
31 December	Report to Council (12.1) and the OLG (12.2) on complaint statistics (Model Code Procedures)	20 December 2016
31 December	Delivery Program Progress reports provided to Council at least every 6 months (s.404(5))	20 December 2016
31 January	Last day for third quarter rates instalment notice to be sent (s.562)	Complete
31 January	Ledger balances to be prepared for 6 monthly inspections by Auditor (LGGGR cl.228)	Complete
31 January	Public interest disclosure report due to the NSW Ombudsman (s.6CA of the Public Interest Disclosure Act 1994)	12 January 2017
16 February	Third instalment of 2016-2017 Financial Assistance Grants	16 February 2017
16 February	Income adjustments for newly rateable Crown Land to be lodged to OLG	Not Applicable
28 February	Third quarterly rates instalment due (s.562)	Complete

Policy Implications

Nil.

Financial Implications

Nil.

Legal Implications

Provision of the report on a quarterly cycle evidences that Council has met its legislative responsibilities to 28 February 2017 relating to the Calendar of Compliance and Reporting Requirements as prepared by the Division of Local Government, NSW Department of Premier and Cabinet.

Community Consultation

Nil.

RECOMMENDATION:

That Council note the ongoing progress to 28 February 2017 on the Compliance and Reporting Requirements 2016-2017.

SECTION 7. INFORMATION REPORTS

7.1 INFORMATION ITEMS

7.1.1 ENVIRONMENTAL SERVICES STATISTICS

<u>Statistics for February 2017</u>		
Number of DA's Approved		1
Total Value of DA's Approved		\$5,000
Food Premises Inspected		3
Animal Control Activities	Impounded	4
	Rehomed	2
	Returned to Owner	0
	Euthanized	2
	Registrations	0
	Microchipped	33
	Penalty Notices Issued	0
Water Sampling	Microbiology Samples Collected	7
	Chemistry Samples Collected	0
	Non-Compliant Samples	0

7.1.2 WORKS 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 monthly.

7.1.3 COBB HIGHWAY – INITIAL SEAL PROJECTS

Council continue to progress with the 10.3km initial seal project. Wet weather in late 2016 resulted in project delays. Additional resources have been allocated to the project (commenced 12 February) to speed up construction in order to meet programmed dates.

Roads and Maritime Services (RMS) scheduled site inspection and audits were postponed until May 2017

Further projects are in the initial development phase, details of which will be provided to Council for information upon receipt from Roads and Maritime Services.

7.1.4 SWIMMING POOL SEASON

Council historically has closed all Council Swimming Pools by the end of March each year. 2016-2017 early budget considerations did include the possibility of extending the Swimming Pool season to Easter, which falls mid-April this year. However, the Swimming Pool operational budget is nearing financial limit and, if extended to Easter, adopted budget constraints would be exceeded.

Public notices and advertisements were distributed the week commencing 13 March 2017, advising Shire residents of the closure of the swimming pool season on Friday 31 March 2017 for all Council Swimming Pools.

The only exception will be those parties that have pre-booked community swimming activities and learn to swim classes.

7.1.5 ROADS REPORT

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

State Roads:

- 2016-2017 RMCC Routine Maintenance budget this year was recently increased to \$700,000.
- Eight Works Orders received to date, totalling \$1,486,565
- Eureka Initial Seal Project – RMS provided Council with nine Works Orders relating to the Cobb Highway project totalling \$5,960,529
- Springdale Initial Seal Project – RMS provided Council with one Work Order relating to the Cobb Highway project totalling \$38,571
- Fairmount Initial Seal Project – RMS provided Council with two Works Orders relating to the Cobb Highway project totalling \$37,873

	Original Budget	% Completed	Remaining Budget
RMCC (Routine Works)	\$700,000	90%	\$68,692

RMCC (Ordered Works)	\$1,486,565	30%	\$1,043,349
Eurella IS Project	\$5,960,529	35%	\$3,857,231
Springdale IS Project	\$38,571	50%	\$19,285
Fairmount IS Project	\$37,873	50%	\$18,936

Regional Roads:

- 2016-2017 Regional Road Block Grant amount (including traffic and supplementary components) is \$2,642,000. Regional Road Repair Program allocation \$400,000.
- 2016-2017 Regional Roads Repair Program – MR433 Ivanhoe to Menindee Road \$800,000.

	Original Budget	% Expended	Remaining Budget
Regional Road Block Grant	\$2,242,000	61%	\$881,123
Regional Roads Repair Program	\$800,000	26%	\$590,050

Local Roads:

- 2016-2017 Local Roads Component (FAG) were advised \$1,480,000 has been allocated to Local Roads.
- 2016-2017 Roads to Recovery allocation this year is \$1,621,547. This funding is allocated to Local Road improvement projects.

	Original Budget	% Expended	Remaining Budget
Local Roads Component (FAG)	\$1,480,000	63%	\$554,175
Roads to Recovery	\$1,621,547	40%	\$982,553

7.1.6 SERVICES

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

	Original Budget	% Expended	Remaining Budget
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Parks & Gardens/ Sporting Facilities	\$154,500	60%	\$61,202
Ancillary Works	\$158,000	53%	\$74,119
Street Cleaning/ Bins	\$110,000	64%	\$39,451
Aerodromes	\$65,500	100%	\$82
Public Conveniences	\$34,000	67%	\$11,237
Swimming Pools	\$350,000	93%	\$24,007
Waste Depots	\$107,000	50%	\$53,690

Water & Sewerage Maintenance:

- Wilcannia town water supply is being sourced from the Darling River Weir Pool.
- White Cliffs town water supply is being sourced from above ground tanks, current levels: Tank 1 =5.4m, Tank 2 =3.5m, Tank 3 (Wakefield) = 7.6m.
- Ivanhoe town water supply is currently being sourced from the Morrison’s Lake Reservoir. Morrison’s Lake storage is currently 440 megalitres, town storage dam 35 megalitres.
- Wilcannia Sewer expenditure has exceeded original budget constraints, due to ongoing pump station maintenance issues.

Higher than expected expenses have been incurred due to ongoing issues at the Warrali pump station, including emergency contractor pump out services and associated staff overtime.

Council has received in-principal funding approval to replace the sewerage rising main from the pump station to the town system, pursuant to the Aboriginal Water and Sewer Program and is expected to resolve the ongoing issues here.

The budget will be reviewed in conjunction with the quarterly review.

	Original Budget	% Expended	Remaining Budget
Wilcannia Water	\$394,000	57%	\$170,390
Wilcannia Sewer	\$80,000	115%	-\$16,247

White Cliffs Water	\$128,000	68%	\$41,377
Ivanhoe Water	\$211,000	76%	\$49,886

7.1.7 CAPITAL WORKS

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

Project	Comments	Original Budget	% Expended	Remaining Budget
Aboriginal Communities Water and Sewer	Federal remote communities funding program administered by NSW Office of Water.	\$105,865	36%	\$67,430
Restart NSW – Water Security	Start Dec 2014. Tilpa, White Cliffs, Wilcannia and Ivanhoe. Project completed Project value \$1M (\$174,400 expended in 2014/15, \$595,300 expended in 2015/16)	\$230,300	100%	\$0

CTWS – Preconstruction activities	Pre-construction activities	\$1,000,000	25%	\$750,029
	Training	\$200,000	89%	\$22,636
Wilcannia Boat Ramp	Postponed pending Weir Feasibility Study	\$85,000	0%	\$0
Restart NSW – White Cliffs Water Supply	Funding Deed in progress.	\$5,500,000	0%	\$5,500,000
Remote Airstrip Upgrade Program (RAU) Round 4	Menindee Airstrip	\$127,272	0%	\$127,272
	White Cliffs Airstrip	\$113,000	0%	\$113,000

7.1.8 COMMUNITY STRATEGIC PLAN

The Council’s Community Strategic Plan (the Plan) completed in 2012, represents the highest level of strategic planning undertaken by Council. The Plan identifies the main priorities and aspirations of the community, providing a clear set of strategies (objectives) to achieve this vision of the future for the Shire. It also takes into consideration the issues and pressures that may affect the community and the level of resources realistically available.

Council’s Plan is based on the social justice principles of access, equity, participation and rights. It addresses the quadruple bottom line (social environmental, economic and civic leadership) issues.

The Plan covers a period of ten years. As part of the Plan, Council’s Community Engagement, *Community Strategic Plan* was included to assist with reviewing the Plan after each Council term.

In accordance with the Section 402 *Local Government Act 1993*, a review of the is to occur following an ordinary election of Councillors to determine whether or not to endorse the existing Plan, endorse amendments to the existing Plan or develop and endorse a new Community Strategic Plan. Councils in administration are to implement the Plan and it is the Administrator’s responsibility to guide the community engagement process for the Plan and to work in co-operation with Council officers to ensure the Plan, Resourcing Strategy and Delivery Program are developed.

Community Strategic Plan Review

As previously advised, Council has commenced the review of the Plan

Community Engagement by way of a Survey asking the community to have their say, share their thoughts and help shape the future of the Shire, closed on 17 February 2017.

A total of 181 surveys were distributed with 52 completed surveys received. The majority of the Surveys were provided in hardcopy (39) as opposed to completing the Survey online (13).

The Consultant and Senior Council Staff have commenced reviewing Survey responses and commenced updating the current Plan with a view to changing the priorities and objectives of the Plan based on the community's response. It is anticipated that the Draft Community Strategic Plan will be presented at the Ordinary Meeting of Council in April 2017, for Council's consideration.

7.1.9 DISABILITY INCLUSION ACTION PLAN

The *NSW Disability Inclusion Act 2014* (the Act) requires local Councils to develop Disability Inclusion Action Plans (DIAP) in consultation with people with disability to improve access and inclusion to local government services for people with a disability.

The Act requires local councils to develop and implement Disability Inclusion Action Plans that must:

- Address how the Disability Inclusion Act's principles will be addressed;
- Include specific strategies to support people with disability;
- Describe how people with disability were consulted;
- Describe how the plan supports the NSW Disability Inclusion Plan;
- Be made available to the public;
- Be reviewed in consultation with people with disability every four years; and
- Include progress reports published annually in Council's Annual Report.

In order to support the NSW Inclusion Plan, the Council's DIAP must specifically address the four key focus areas nominated by people with disability, as being of primary importance in creating an inclusive community. These are:

- Developing positive community attitudes and behaviours;
- Creating liveable communities;
- Supporting access to meaningful employment; and
- Improving access to services through better systems and processes.

The DIAP must be in place by July 2017.

Officers of Central Darling Shire Council have commenced the development of the DIAP. Jenny Bray Training and Consulting were engaged to lead the development of the DIAP.

At the time of writing this Paper, Community Consultation was underway. All surveys are to be submitted and received by close of business 17 March 2017. The next steps in the development of the DIAP is for the Consultant to collate the Survey results and commence preparing the draft DIAP. The final Draft Disability Inclusion Action Plan is to be presented to Council at its Ordinary Meeting in April 2017, for Council's consideration.

7.1.10 CASH AND INVESTMENTS

Schedule of Investments and Bank Balances as at 28 February 2017

	Amount
Cash Reserve	
Westpac Business Cash Reserve	\$1,595,000
Total Reserve Balance as at 28 February 2017	<hr/> \$1,595,000
Bank Balances as at 28 February 2017	

General Fund		\$384,071	In Funds
Clearing Account (Account used for Receiving deposits)		\$13,291	In Funds
	Total Cash at Bank	<u>\$1,992,362</u>	
Cash Restrictions			
Internal Restrictions		\$260,000	
External Restrictions		<u>\$1,565,000</u>	
	Total Restrictions	<u>\$1,825,000</u>	

RECOMMENDATION:

That the Information Items report be received and noted.

SECTION 8. THE RECEIPT OF REPORTS FROM COMMITTEES

Nil.

SECTION 9. URGENT BUSINESS

Nil.

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 Council 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.

Pursuant to Section 10A(2) of the *Local Government Act 1993*(the Act) Council or a Committee may close to the public so much of its meeting when matters listed below are to be discussed being:

- (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,
- (i) alleged contraventions of any code of conduct requirements applicable under section 440.

Section 10A(3) of the Act states that a Council, or a Committee, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.

Section 10A(4) provides that a Council, or a Committee, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

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 if Council passes a resolution during a meeting, or part of a meeting, that is closed to the public, the Chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

RECOMMENDATION:

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

Reports to be considered in Closed Council

10.1 GENERATOR TRAILER

RECOMMENDATION:

That Council move back into Open Council.

SECTION 11. DATE AND VENUE FOR NEXT MEETING

The next meeting of Council will be held on 19 April 2017 in Wilcannia at 9:00am.
