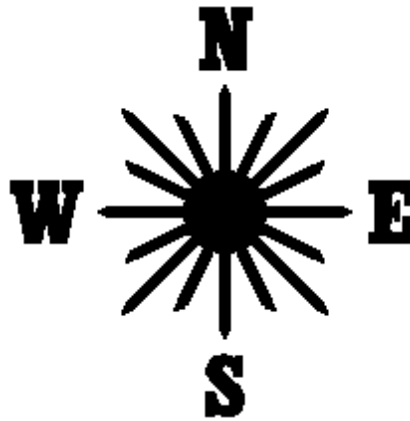


Mission Statement

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

CENTRAL DARLING



SHIRE COUNCIL

Draft Minutes

For the Ordinary Meeting

Tuesday 19th November 2013

In the Community Hall

White Cliffs

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 was held in the Community Hall, White Cliffs on Tuesday 19th November 2013 and commenced at 9:48am.

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SECTION 1. RECEIPT OF APOLOGIES

COUNCILLORS PRESENT:

Ray Longfellow
Clive Linnett
Lorraine Looney
Ron Page
Dennis Standley
Honor Liversidge
Eamon Sammon
Peter Sullivan
Garry Astill

STAFF 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

SECTION 2. GRANTING OF LEAVE OF ABSENCE

Nil

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

MOVED CLR LINNETT/CLR SULLIVAN

That Council suspend standing orders.

1-11-13 resolved

MOTION CARRIED

Standing orders suspended at 9:48am

Mr Graham Wellings addressed Council regarding the White Cliffs Caravan Park advising problems with drainage and the disposal of grey water generated within the park. He advised that plans were underway to install drainage from each site. Mr Wellings also noted problems with the road that runs through the top corner of the caravan park, due to vehicle and dust impacts. He advised the committee would like to fence the northern side of the caravan park boundary which would see the road fenced off restricting vehicles cutting through the caravan park. He also raised a matter relating to the locking of the amenities. He requested an onsite meeting be held after the Council meeting to enable MTES, AGM and Mayor to inspect the site.

Mr Wellings further advised Council the telephone at the White Cliffs Aerodrome was not working. MTES to follow up.

Rick Taylor Snr addressed Council regarding Wakefield Tank. Mr Taylor noted he had received no correspondence from Council since his last address to Council. Acting GM responded and advised that Council was seeking information from NSW Office of Water on best practices methods relating to waterway management, and at present were still awaiting a response.

Standing orders resumed at 9:53am

MOVED CLR SULLIVAN /CLR LINNETT

That Council resume standing orders.

2-11-13 resolved

MOTION CARRIED

SECTION 4. CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Clr Sullivan advised that he been asked by persons in the community why last month's Draft Council Minutes were not located on the Council's website even though Council had resolved to do so? EA noted she would check and rectify the situation immediately.

MOVED CLR SULLIVAN /CLR LINNETT

That the minutes of the Ordinary Meeting of the Council held on the 15th October 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.

3-11-13 resolved

MOTION CARRIED

4.1 BUSINESS ARISING FROM MINUTES

Nil

4.2 STATUS OF COUNCIL RESOLUTIONS - NOVEMBER 2013

MOVED CLR SULLIVAN/CLR LIVERSIDGE

That the Status of Council Resolutions be received and noted.

4-11-13 resolved

MOTION CARRIED

SECTION 5. MAYORAL MINUTES OR REPORT

29th October 2013 - Mayor, Clr Astill and Clr Standley met with the Federal Member for Farrer Sussan Ley in Menindee. Some of the issues raised included funding for the Pooncarie Road, grants available for playgrounds, Murray Darling Basin Authority including Menindee Lakes, affordable housing for rural/remote areas, funding availability for extension to existing airstrips (required by the RFDS), sealing of the Emmdale airstrip.

6th November 2013 - Mayor, Acting General Manager & Acting Manager Corporate and Community Services attended a meeting with local member John Williams; discussion was held regarding an update on the financial position of Council.

General Managers Recruitment - I recommend to Council that the processes for the appointment of a General Manager be progressed today and further recommend that an outcome be reached. I refer to the Local Government Act 1993, section 351 relating to temporary appointments.

SECTION 6. DISCLOSURES OF INTEREST – PECUNIARY AND NON PECUNIARY

Nil

SECTION 7. NOTICE OF MOTIONS

Nil

SECTION 8. NOTICE OF RESCISSION MOTIONS

Nil

SECTION 9. ACTING GENERAL MANAGER'S REPORT

MOVED CLR LINNETT / CLR ASTILL

That the Acting General Manager's report be dealt with.

5-11-13 resolved

MOTION CARRIED

9.1 INFORMATION ITEMS

9.1.1 CONSTITUTION RECOGNITION CAMPAIGN

9.1.2 GOVERNANCE OF INCORPORATED ASSOCIATIONS

9.1.3 EXECUTIVE CERTIFICATE FOR ELECTED MEMBERS TRAINING

Cr Astill advised he didn't believe there would be much value in attending this training.

9.1.4 SUNSET STRIP WATER SUPPLY

9.1.5 LOCAL LAND SERVICES UPDATE

9.1.6 ROAD VERGE SEALING - WILCANNIA

MOVED CLR SULLIVAN / CLR LOONEY

That the Information Items report be received and noted

6-11-13 resolved

MOTION CARRIED

9.2 CROWN LANDS AMENDMENT (MULTIPLE LAND USE) BILL 2013

MOVED CLR ASTILL /CLR LOONEY

That the Crown Lands Amendment (Multiple Land Use) Bill 2013 report be received, and further;

That Council acknowledge support for the Crown Lands Amendment (Multiple Land Use) Bill 2013

7-11-13 resolved

MOTION CARRIED

9.3 PROPOSED SALE OF LAND - WILCANNIA

Clr Astill would like to see a change in some of the wording in the recommendation.

Clr Sullivan moved, Cr Astill seconded that the middle paragraph be withdrawn from the recommendation.

MOVED CLR ASTILL/CLR SULLIVAN

That the Proposed Sale of Land – Wilcannia report be received, and further;

That the Acting General Manager be granted authority to commence negotiations with FAHCSIA regarding the price and the titleholder, and a further report be provided to Council on these matters.

8-11-13 resolved

MOTION CARRIED

9.4 DRAFT PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO COUNCILLORS POLICY

Clr Astill requested the policy be amended to advise that if the road conditions are unsuitable that a suitable alternative can be taken and covered for reimbursement under the policy.

MOVED CLR SULLIVAN /CLR LINNETT

That the report Payment of Expenses and Provision of Facilities to Councillors be received and further:

- 1. That the draft policy Payment of Expenses and Provision of Facilities to Councillor be adopted and publicly advertised for 28 days;***
- 2. That a further report be submitted to Council after the closure of public submissions;***
- 3. That the policy be reviewed by Council each year and duly submit a copy to the Division of Local Government; and***
- 4. That upon final adoption of the policy it be published on Council's website.***

9-11-13 resolved

MOTION CARRIED

9.5 JANUARY 2014 COUNCIL MEETING

MOVED CLR SULLIVAN /CLR LINNETT

That Council does not hold a Council Meeting in January 2014.

10-11-13 resolved

MOTION CARRIED

| Clr Astill recorded against the motion.

9.6 COUNCIL MEETING SCHEDULE 2013

MOVED CLR LOONEY/CLR SULLIVAN

That Council adopt the 2014 Council Meeting Schedule as detailed in this report.

11-11-13 resolved

MOTION CARRIED

9.7 CHRISTMAS FUNCTION

MOVED CLR ASTILL /CLR PAGE

That the Council hold a Christmas function on 17 December 2013, and further;

That all Councillors contribute \$100 each out of there sitting fee towards the cost of the function.

12-11-13 resolved

MOTION CARRIED

SECTION 10. MANAGER TECHNICAL AND ENGINEERING SERVICES REPORT

MOVED CLR PAGE / CLR SULLIVAN

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

13-11-13 resolved

MOTION CARRIED

10.1 INFORMATION ITEMS

10.1.1 GRADING PROGRAM

Clr Sullivan queried whether the grading program would be suspended due to current dry conditions? MTES responded and advised this to be correct.

MOVED CLR SULLIVAN/CLR LINNETT

That the Information Items report be received and noted

14-11-13 resolved

MOTION CARRIED

10.2 ROADS REPORT

Clr Looney sought an update on the proposed works to Yampoola Crossing, MTES noted that the works are due to start this week.

Clr Astill queried the progress of negotiations regarding Yampoola Crossing with the effected landholders? MTES advised the discussions had taken place and outcomes were successful. Cr Astill also queried the cost of the detour?

Clr Sullivan queried how much income does Council make from RMS work?
MTES advised on costs only.

MOVED CLR SULLIVAN /CLR LINNETT

That the Roads Report be received and noted.

15-11-13 resolved

MOTION CARRIED

10.3 SERVICES REPORT

MTES noted that there was an incident at the Ivanhoe Filtration plant over the weekend and the township was placed on water restrictions. This matter has since been rectified.

MOVED CLR SULLIVAN /CLR LINNETT

That the Services Report be received and noted.

16-11-13 resolved

MOTION CARRIED

10.4 PROJECTS REPORT

MOVED CLR SULLIVAN /CLR LINNETT

That the Projects Report be received and noted.

17-11-13 resolved

MOTION CARRIED

Meeting adjourned for Morning Tea at 10:30am, resuming at 10:58am

SECTION 11. MANAGER ENVIRONMENTAL SERVICES REPORT

MOVED CLR SULLIVAN / CLR PAGE

That the Manager Environmental Services report be dealt with.

18-11-13 resolved

MOTION CARRIED

11.1 INFORMATION ITEM

11.1.1 SEXI PROJECT

Clr Page, Clr Astill and Mayor Longfellow indicated their willingness to attend the SEXI workshop proposed to be held in Lake Cargelligo during early December.

11.1.2 SWIMMING POOL UPDATE

Clr Astill advised he had heard that three community members were interested in undertaking the lifeguard training that was held last week, but were told they weren't able to. Acting GM advised this was incorrect and that anyone willing to undertake the training was welcome. Clr Astill asked whether they could be included in any further training for lifeguards that might be held. Acting GM took on notice.

Clr Astill also advised he had been informed by a Council staff member that a donation of \$50,000 may be available to assist with swimming pool costs. Acting GM advised she had not been informed of this, nor had any Council staff member mentioned this to her. Clr Astill advised that if the money was available could it be guaranteed that it would be utilised to open the pools for longer hours. Acting GM advised yes it would, if the money was forthcoming.

11.1.3 MINING SEPP AMENDMENT

MOVED CLR SULLIVAN/CLR LIVERSIDGE

That the Information Items report be received and noted

19-11-13 resolved

MOTION CARRIED

11.2 ENVIRONMENTAL SERVICES STATISTICS

Clr Astill requested Council be provided a list of the DA's be put into the business paper on a regular basis. Acting GM advised she had intended to prepare a list for November, but had not had time to do so, and advised a list would be generated for December.

Clr Sullivan noted that he would like DA's to come to Council before they are approved. Acting GM advised that DA's are approved under delegated authority. Clr Sullivan advised it would be easier if contentious DA'S went before Council. Acting GM advised this happens already, was there a DA in particular that had caused concern for Council? Clr Sullivan advised he had no particular DA in mind.

MOVED CLR SULLIVAN /CLR LINNETT

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

20-11-13 resolved

MOTION CARRIED

11.3 REVIEW OF 2004 WATER SHARING PLANS

MOVED CLR ASTILL/CLR SAMMON

That the Review of 2004 Water Sharing Plans report be received and noted.---
21-11-13 resolved

MOTION CARRIED

11.4 DRAFT ASBESTOS POLICY

MOVED CLR ASTILL /CLR SULLIVAN

That the Draft Asbestos Policy be received; and further

That the Draft Asbestos Policy be placed on public exhibition for 28 days, and a further report be presented to Council after the exhibition period closes.

22-11-13 resolved

MOTION CARRIED

11.5 LEASE – PART OLD SHIRE DEPOT, WILCANNIA

MOVED CLR SULLIVAN /CLR STANDLEY

That the Lease – Part Old Shire Depot, Wilcannia report be received, and further,

That the lease agreement between Council and Mr John Schofield for use of part of the old Shire depot be renewed for a two year period with the inclusion of an option to extend for a further 12 month period.

23-11-13 resolved

MOTION CARRIED

SECTION 12. FINANCE MANAGER'S REPORT

MOVED CLR SULLIVAN / CLR LINNETT

That the Finance Manager's report be dealt with.

24-11-13 resolved

MOTION CARRIED

12.1 INVESTMENTS AND BANK BALANCES

MOVED CLR SULLIVAN /CLR LINNETT

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

25-11-13 resolved

MOTION CARRIED

12.2 RATES REPORT

MOVED CLR ASTILL/CLR SULLIVAN

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

26-11-13 resolved

MOTION CARRIED

12.3 SALE OF LAND FOR UNPAID RATES

Clr Linnett requested that Councillors be provided with a list of the individual blocks.

Clr Astill stated that no sale of land should occur unless the unpaid rates amount is covered by the sale price. Clr Sullivan advised he had queried the Rates Clerk regarding this matter and at the time the Clerk was seeking written legal advice as to whether reserve prices can be set prior to the auction.

Clr Sullivan moved Clr Page seconded that two further points be added to the recommendation, these being that a further list of properties including Lot/DP numbers be provided to all Councillors, and that a further report be presented to Council advising the setting of reserve prices.

MOVED CLR ASTILL /CLR STANDLEY

That the Sale of Land report be received, and further:

1. That Council proceed with the sale of land for unpaid rates for properties listed in the attachment;

2. That Council call for expressions of interest by Auctioneers to undertake the auction of the listed properties;

3. That Council authorise an appropriate Council officer who will be available at the auction to sign contracts for the land sold;

4. That Council instruct the Manager, Corporate Service & Community Services to prepare draft policies on Hardship and future Sale of Land for Unpaid Rates.

5. That a further report be prepared for Council providing more information on the land to be sold including a list of Lots and DP numbers.

6. That further information be provided to Council regarding the setting of reserve prices.

27-11-13 resolved

MOTION CARRIED

SECTION 13. CORRESPONDENCE

MOVED CLR LOONEY/CLR LINNETT

That the Correspondence for Council be received and noted.

28-11-13 resolved

MOTION CARRIED

13.1 MEDIA RELEASES

13.2 CIRCULARS/NEWSLETTERS

SECTION 14. THE RECEIPT OF REPORTS FROM COMMITTEES

MOVED CLR ASTILL /CLR LOONEY

That the White Cliffs Community Association Annual General Meeting Minutes dated Friday 4th October 2013 be received and noted.

29-11-13 resolved

MOTION CARRIED

MOVED CLR ASTILL/CLR LOONEY

That the MANEX Meeting Minutes dated Monday 31st October 2013 be received and noted.

30-11-13 resolved

MOTION CARRIED

Clr Astill asked about Caravan/RV dumping points. He suggested if we don't have the funding available, then not to continue with this project at this time.

Clr Astill query why the Wilcannia Pool was not open on Monday, Acting GM to follow up.

Clr Astill also queried the accreditation for bus drivers carrying paying passengers. H requested further information and clarification on this matter. FM to follow up

Clr Astill asked why the yards at the Wilcannia Oval had not been removed, this was to progress months ago. Clr Sullivan advised that the oval was gazetted for showground purposes and the yards were consistent with the gazetted use of this reserve. Acting GM to follow up on whether yards can be removed/sold or not?

Clr Sullivan raised a query regarding the large skip bins in the Mallee at Wilcannia. He asked if we had investigated who was emptying and responsible for the collection of rubbish generated by the bins. Acting GM advised she had sent a letter to the Wilcannia Local Aboriginal Land Council and was waiting a response.

Clr Sammon left the meeting at 11:33am returning at 11:35am

Mayor questioned the MTES on the condition of the Ivanhoe Oval. MTES advised he had trouble with the travelling irrigator as it was damaged when it had arrived. Further works were required to improve the condition of the oval.

SECTION 15. DELEGATES' REPORTS

Clr Sullivan raised the issue of drought. Lately on 2WEB Radio the Mayor of Bourke has been making comment about the State Government and the lack of funding for drought conditions.

Clr Page stated that Council should be lobbying State and Federal Government in regards to drought funding and assistance.

Clr Astill left the meeting at 11:40am returning at 11:45am

Clr Linnett attended the Long Paddock AGM in Deniliquin on 30th October 2013.

Clr Sullivan suggested a congratulatory letter be sent to the Ivanhoe Bushride Committee for conducting such successful event.

Clr Liversidge extended an invitation to all councillors to the Ambulance Officer Graduation to be held in White Cliffs on 30 November 2013.

Clr Astill advised that a Centenary Ball was being held at Menindee, rather than a Debutante Ball. The \$2,000 donation will be going towards the Centenary Ball instead of the Debutante Ball. A committee of three people had been formed for the Centenary Ball.

MOVED CLR SULLIVAN /CLR LINNETT

That the Delegates' reports be received and noted.

31-11-13 resolved

MOTION CARRIED

SECTION 16. QUESTIONS WITH NOTICE

Nil

SECTION 17. URGENT BUSINESS

MOVED CLR LINNETT / CLR SULLIVAN

That Urgent Business be dealt with.

32-11-13 resolved

MOTION CARRIED

Official Opening of the Wilcannia Post Office

The Mayor advised that there will be an official opening of the Wilcannia Post Office to be on the same day as the December Council Meeting. It was decided that a lunchtime sausage sizzle be held; Clr Astill offered to cook the BBQ.

Acting GM asked if there were any delegates Council would like to be invited to attend the official opening. It was noted local elected politicians such as John Williams and Sussan Ley are invited along with Australia Post representatives. EA advised she would work on organising the invitations and arrangements etc.

General Manager Recruitment

The Mayor advised he had spoken with Ross Woodward from the Division for Local Government, and it was advised that the General Managers recruitment should proceed; the Division acknowledge the temporary arrangement for 12 months is still in place. Clr Page advised that a subcommittee had already been formed to progress the recruitment, however clarification was needed as to who was on the subcommittee - it was advised these Clrs were Clr Looney, Mayor and Deputy Mayor.

MOVED CLR LINNETT/ CLR SULLIVAN

That Council proceed with the advertising of the General Manager position.

33-11-13 resolved

MOTION CARRIED

Clr Astill called for a division

For	Against
Clr Sammon	Nil
Clr Astill	
Clr Page	
Clr Standley	
Clr Looney	
Clr Sullivan	
Clr Linnett	
Clr Longfellow	
Clr Liversidge	

Clr Liversidge left the meeting at 11:55am returning 11:57am

Sunset Strip Waste Depot

Clr Standley noted that there had been dumping of excess concrete at the Sunset Strip Waste Depot. Could staff please follow up as to who had dumped it? Acting GM advised the matter will be followed up.

Dust - Ivanhoe

Clr Linnett queried the rules regarding dropping of the dust by stock trucks when they are entering townships? MTES advised he would follow up.

Clr Astill left the meeting at 12:10pm returning 12:13pm

SECTION 18. 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 PAGE / CLR LOONEY

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

34-11-13 resolved

MOTION CARRIED

Council went into Closed Session of Council at 12:11pm

18.1 MENINDEE GUN CLUB

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.

MOVED CLR ASTILL/CLR LOONEY

That Council agree to the debts being written as detailed in the body of this report.

35-11-13 resolved

MOTION CARRIED

Meeting adjourned for Lunch at 12:16pm, resuming at 1:19pm

18.2 FUNDS UPDATE

Council will determine this matter in part of the meeting closed to the public pursuant to Section 10A (2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

MOVED CLR ASTILL /CLR PAGE

That Council immediately commence charging the Federal & State Government for all works done on their behalf by Council; and further that a comprehensive list of cost shifting that has occurred over a long period of time be provided to the Federal & State Governments.

36-11-13 resolved

MOTION CARRIED

MOVED CLR SULLIVAN /CLR STANDLEY

That Council move back into Open Council.

37-11-13 resolved

MOTION CARRIED

Council resumed in open session at 2:24pm

MOVED CLR SULLIVAN /CLR PAGE

That all decisions passed in Closed Council be made public.

38-11-13 resolved

MOTION CARRIED

SECTION 19. DATE AND VENUE FOR NEXT MEETING

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

There being no further business, Council meeting concluded at 2:28pm

DRAFT