



# **AGENDA FOR EXTRA ORDINARY COUNCIL MEETING**

**10<sup>th</sup> September 2019**

**NOTICE IS HEREBY GIVEN** pursuant to clause 7 of Council's Code of Meeting Practice that an Extra Ordinary Council Meeting of Walgett Shire Council will be held at the **Council Chamber, Walgett on the 10 September 2019** to discuss the items listed in the Agenda in respect of Council considering the sealing of the back road between Lighting Ridge and Collarenebri.

Greg Ingham  
**GENERAL MANAGER**

## CONFLICT OF INTERESTS

**What is a "Conflict of Interests"** – A conflict of interests can be two types:

**Pecuniary** – an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

**Non-Pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature.)

### Remoteness

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

**Who has a Pecuniary Interest?** – A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below)

### Relatives, Partners

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter

N.B. "Relative", in relation to a person means any of the following:

- (a) The parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse.
- (b) The spouse or de facto partners of the person or of a person referred to in paragraph (a)

### No Interest in the Matter

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company of other body, or
- Just because the person is a member of, or is employed by, the Council
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

### Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) At any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) At any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** – A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

**Non-Pecuniary Interest** – Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-Pecuniary conflicts of interest must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

### Disclosure to be Recorded (S453 Act)

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

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## Local Government Act 1993

### Chapter 3 section 8A

#### GUIDING PRINCIPLES FOR COUNCILS

##### (1) **Exercise of functions generally**

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

##### (2) **Decision-making**

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

##### (3) **Community participation**

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures

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## 1. OPENING OF MEETING

Time: \_\_\_\_\_ am

## 2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

*I would like to acknowledge the traditional owners of the lands within the Walgett Shire and I would also like to acknowledge the Aboriginal and Torres Strait Islander people who now reside within this Shire.*

## 3. LEAVE OF ABSENCE

### Leave of Absence

#### Recommendation:

That the leave of absence received from \_\_\_\_\_ are accepted and leave of absence granted.

**Moved:** Clr

**Seconded:** Clr

#### **4. DECLARATION OF PECUNIARY/NON PECUNIARY INTERESTS**

*Councillors and senior staff are reminded of their obligation to declare their interest in any matters listed before them.*

*In considering your interest you are reminded to include pecuniary, non-pecuniary and conflicts of interest as well as any other interest you perceive or may be perceived of you.*

*Councillors may declare an interest at the commencement of the meeting, or alternatively at any time during the meeting should any issue progress or arise that would warrant a declaration.*

*Councillors must state their reasons in declaring any type of interest.*

| Councillor | Item No. | Pecuniary/Non-Pecuniary | Reason |
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## 5. REPORTS FROM OFFICERS

### 5.1 GENERAL MANAGER

#### *5.1.1 SEALING THE BACK ROAD BETWEEN LIGHTNING RIDGE AND COLLARENEBRI – FEASIBILITY STUDY BY PEECE PTY LTD – SEPTEMBER 2019*

**REPORTING SECTION:** Executive  
**AUTHOR:** Greg Ingham – General Manager  
**FILE NUMBER:** 18/260

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#### **Summary:**

The attached report by PEECE Pty Ltd summarises the findings of extended community consultation in regards to the sealing of a back road between Lightning Ridge and Collarenebri. It is a supplementary report following the previous feasibility study and makes recommendations on the way forward to progress this project.

#### **Background:**

PEECE presented a feasibility study report to Council in February 2019 with a recommendation that Council seek funding for sealing the Burransbaa Road route. Council adopted the recommendation at its meeting the following month. When the decision became public several affected stakeholders raised concerns prompting Council to conduct a community forum on 19<sup>th</sup> June 2019. Several issues were raised at the community forum and these are included in the report. After this community forum in Lightning Ridge it was agreed to extend the PEECE agreement to include further consultation with transport operators, property owners and town residents.

#### **Current Position:**

Council has agreed to undertake the additional consultation and investigative work. A recommendation is included below.

#### **Relevant Documents and Policies:**

PEECE Feasibility Study  
NSW Fixing Country Roads program

#### **Stakeholders:**

- Walgett Shire Council
- Residents and landowners
- Roads and Maritime Services
- Government funding agencies

#### **Financial Implications:**

It is intended that this project will be funded from a Fixing Country Roads program or similar.

#### **Alternative Solutions/Options:**

Discussed in the PEECE report attached.

#### **Conclusion:**

Council has historically supported seeking external funding to extend the seal on Sherman's Way at Lightning Ridge and on Ridge Road north of Collarenebri. Council has been receiving \$1.2 million per year from the NSW Fixing Country Roads program and intends to apply to the same fund to progress this project.

The recommendations below (included in the PEECE supplementary report) provide for a constructive way forward that addresses the Lightning Ridge to Collarenebri upgrade project itself and suggests initiatives Council could take to develop the wider road network.

**Sealing the back road between Lightning Ridge and Collarenebri – Feasibility Study by PEECE Pty Ltd– September 2019**

**Recommendation:**

That Council:

1. Adopt the following three objectives for the evaluation of the road project and confirm that they are of equal value.
  - a. Improve the transport productivity of farming activity in the study area,
  - b. Provide a sealed road between Lightning Ridge and Collarenebri for inter-town and tourist traffic, and
  - c. Improve access for farming families to town services offered by Lightning Ridge and Collarenebri, including medical, schools, off-farm employment and entertainment.
2. Confirm the implementation strategy of upgrading sections of the road at both ends of the road between Lightning Ridge and Collarenebri in alternate years.
3. Confirm Route D (Burranbaa Road route) as the preferred route for a funding application to seal the back road between Lightning Ridge and Collarenebri as this route is low risk for Council and makes the greatest contribution to the objectives of the project.
4. Proceed with an application for funding from the NSW Fixing Country Roads program for sealing the preferred route using the Business Case prepared with the original feasibility study.
5. Proceed with an application for funding from the Commonwealth Bridges Renewal Program for the replacement of the Big Warrambool bridge on Angledool Road.
6. Apply the implementation strategy of upgrading sections of the road at both ends of the road in alternate years. This would involve:
  - a. At the Collarenebri end, progressively extending the seal north.
  - b. At the Lightning Ridge end, due to the unresolved issues with the owners of Neirbo Plains, adopting as the first priority, sealing the Burranbaa Road from Angledool Road back towards Lightning Ridge to the boundary with Neirbo Plains.
7. At a future appropriate time, enter negotiations with the owners of Neirbo Plains to decide how best to address the impact on the koala colony on their property near the existing road reserve. Consideration could be given to realigning the road reserve along their boundary with Rugby and Burranbaa at that time.



8. Make a submission to the RMS to reclassify the road between Burren Junction and Angledool Station as a State Road for funding under the State Road Program. This route could be extended to Pilliga and Coonabarabran if supported by Narrabri and Warrumbungle Councils. This submission will increase the chances of funding for the lower Ridge Road and Angledool Road from the Crossroads to Burranbaa Road.
9. Consider developing a road access program to improve the access to those properties wanting to offer attractions for tourists. This would complement the promotion of Lightning Ridge as a national tourist attraction. Considering the impact of the drought on farmers, this type of program could well gain the support of the State and even the Commonwealth Government as it would provide an opportunity for farmers to diversify their income.
10. Provide signposting in Lightning Ridge to define a heavy vehicle route, particularly for road trains, bypassing the main street for those vehicles that want to access the Castlereagh Highway via Lightning Ridge.

**Moved:**

**Seconded:**

**Attachments:**

Sealing the back road between Lightning Ridge and Collarenebri – Feasibility Study and Supplementary Report by PEECE Pty Ltd.

## 9. CLOSE OF MEETING

Time: .....