



MINUTES FOR ORDINARY COUNCIL MEETING

26th April, 2016

NOTICE IS HEREBY GIVEN pursuant to clause 7 of Council's Code of Meeting Practice that the Ordinary Council Meeting of Walgett Shire Council was held at the **Walgett Shire Council Chambers** on **26th April, 2016** commencing at 10:0am to discuss the items listed in the Agenda.

ADOPTED: 24th May 2016

Don Ramsland
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.

Participation in Meetings despite Pecuniary Interest (S452 Act)

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

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.

MINUTES OF THE ORDINARY MEETING OF THE WALGETT SHIRE COUNCIL HELD AT THE WALGETT SHIRE COUNCIL CHAMBERS ON 26th April 2016 AT 10:15 AM

PRESENT

Clr D Lane (Mayor)
Clr J Keir (Deputy Mayor)
Clr G Murray
Clr R Greenaway
Clr M Martinez
Clr D Cooper
Clr L Walford
Clr I Woodcock
Don Ramsland (General Manager)
Michael Urquhart (Chief Financial Officer)
Jessica McDonald (Director Environmental Services)
Prafulla KC (Acting Director Engineering/Technical Services)
Matt Clarkson (Town Planner)
Bronte Kerr (Minute Secretary)

1/2016/3 Apologies

Resolved:

That the apology from Councillor Taylor be accepted and a leave of absence granted.

Moved: Clr Keir
Seconded: Clr Murray

CARRIED

Declaration of Pecuniary/Non Pecuniary Interests

Clr Keir and Clr Martinez declared an interest in item 14.4.2 of the agenda.

Confirmation of Minutes

2/2016/3 Minutes of Ordinary Council Meeting – 22nd March 2016

Resolved:

That the minutes of the Ordinary Council Meeting held 22nd March 2016, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Keir
Seconded: Clr Murray

CARRIED

Mayoral Minutes

3/2016/3 Matters Generally for Brief Mention or Information only from Mayor

Resolved:

That the matters listed by the Mayor for brief mention or information only be received and noted.

Moved: Clr Lane
Seconded: Clr Keir

CARRIED

Motions of which Notice has been given – Nil

Reports of Committees/Delegates – Nil

Reports from Officers

4/2016/3 Minutes of Local Area Traffic Committee Meeting -14 April 2016

Resolved:

That the minutes of the Local Area Traffic Committee meeting held 14 April 2016 be received and noted and the recommendations made be adopted.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

5/2016/3 Council's decision action Report – April 2016

Resolved:

That the Resolution Register for April 2016 be received and noted.

Moved: Clr Cooper

Seconded: Clr Keir

CARRIED

6/2016/3 Weekly's received from the Local Government NSW

Resolved:

That the information contained in the weekly circulars numbers 11-13 from the Local Government NSW be received and noted.

Moved: Clr Greenaway

Seconded: Clr Cooper

CARRIED

7/2016/3 Circulars received from the NSW Office of Local Government

Resolved:

That the information contained in the following Departmental circulars No 16-07 – 16-10 from the Local Government Division Department of Premier and Cabinet be received and noted.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

8/2016/3 Monthly Calendar February – April 2016

Resolved:

That Council receive and note the regular monthly calendar for the period April - June 2016.

Moved: Clr Martinez

Seconded: Clr Woodcock

CARRIED

9/2016/3 2016 National General Assembly of Local Government

Resolved:

That the Mayor and General Manager attend the 2016 National General Assembly of Local Government in Canberra 19-22 June 2016 and expenses be paid.

Moved: Clr Walford

Seconded: Clr Martinez

CARRIED

10/2016/3 Local Government Reform – The Far West Initiative

Resolved:

1. The General Manager's report be received and noted and the action being taken to run a series of confidential workshops be endorsed.
2. The Mayor and General Manager attend the next FWIAC meeting during the week commencing 30 May, 2016 and expenses be paid.
3. The General Manager undertake more work on his Queensland model to bring it into line with FWIAC preferred options, and if necessary seek academic input from the model's co-author Professor Brian Dollery.
4. Continue to work with the far western division councils to devise, develop and consider alternate model(s) of both governance and service delivery.
5. Continue to work with Bourke and Brewarrina Shires to further enhance the Outback Shires Alliance through resource sharing
6. Carry out a detailed examination of Council's long term financial future with the aid of T-Corp support
7. Should the opportunity arise, seek approval to remain a stand-alone Council.
8. Where appropriate seek legal advice from LGNSW and/or legal practitioners with regards the local government reform process.
9. Following the release of the discussion paper by the Minister for Local Government, Council consider whether or not it should be preparing submissions in respect of the recommendation it contains.
10. Commence its own community consultation process in conjunction with the 2016/17 draft budget forums.
11. Continue to press for the release of service mapping for the FWI area as a matter of urgency as Council believes that the DPC/OLG approach of determining a governance structure(s) first this is putting the cart before the horse as the service mapping exercise should be done at least concurrently, if not prior to the review of the governance, so that any change in the governance structure can be adequately reflected any change in responsibilities and/or legislation

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

11/2016/3 Cash and Investment Report As At 31 March 2016

Resolved:

That the Investment report as at 31st March 2016 be received and noted.

Moved: Clr Cooper
Seconded: Clr Woodcock

CARRIED

12/2016/3 Community development report: January – March 2016

Resolved:

That the report for Community Development for January- March 2016 be received and noted.

Moved: Clr Woodcock
Seconded: Clr Walford

CARRIED

13/2016/3 Audit – Water fund review period 1997 to 2015

Resolved:

That the report 'Audit – Water fund review period 1997-2015 be deferred till the closed committee section of the agenda.

Moved: Clr Woodcock
Seconded: Clr Walford

CARRIED

14/2016/3 Matters Generally for Brief Mention or Information Only – From Chief Financial Officer

Resolved

That the Matters Generally for Brief Mention or Information Only from the Chief Financial Officer for:

1. Installation of Air conditioning Administration Centre.
2. Grant Applications
3. CCTV Installation Administration Centre, Walgett Library and VIC
4. Disable Toilet at the Lightning Ridge Visitor Information Centre

be received and noted.

Moved: Clr Walford
Seconded: Clr Martinez

CARRIED

15/2016/3 Companion Animal Issues – Large Dogs

Resolved:

Walgett Shire Council resolve to:

1. Hire temporary trained staff to assist the Compliance Officer, and
2. Allocate an appropriate budget for ancillary resources required.
3. Develop a "keeping of animals" policy

Moved: Clr Greenaway
Seconded: Clr Cooper

CARRIED

16/2016/3 Request for section 356 donation**Resolved:**

That Walgett Shire Council resolve to:

1. Note the letter from the Walgett Aero Club dated 2 September 2015.
2. Reimburse Development Application fees of \$534 to the Walgett Aero Club once an occupation certificate has been issued for the fuel storage facility.

Moved: Clr Keir
Seconded: Clr Murray

CARRIED

17/2016/3 Matters Generally for Brief Mention or Information only from Director of Environmental Services**Resolved:**

Receive and note the report by the Director of Environmental Services on matters for brief mention, or information only.

Moved: Clr Greenaway
Seconded: Clr Woodcock

CARRIED

18/2016/3 Bin Replacement – Walgett CBD Upgrade**Resolved:**

1. Note the quote from Strabe Group dated 9 December 2015.
2. Note the quote from Yeoman's Engineering dated 3 March 2016.
3. Allocate \$16,207.29 for the replacement of 11 metal litter bins in Fox St Walgett from the \$100,000 of Walgett CBD upgrade funds allocated on 23 June 2015 to business contributions.
4. Repurpose the existing bins in Walgett parks.

Moved: Clr Walford
Seconded: Clr Cooper

CARRIED

19/2016/3 Monthly RMCC Works Report - March 2016**Resolved:**

That Council receive and note the monthly RMCC works report for March 2016.

Moved: Clr Cooper
Seconded: Clr Keir

CARRIED

Clr Keir and Clr Martinez left the meeting room at 12.13pm

20/2016/3 Monthly Maintenance Grading Report from Acting Director Technical/Engineering Services**Resolved:**

That Council receive and note the monthly maintenance grading works report.

Moved: Clr Murray
Seconded: Clr Greenaway

CARRIED

Clr Keir and Clr Martinez returned to the meeting at 12.16pm

21/2016/3 Monthly Engineering/Technical Services Progress Report from Acting Director - Engineering/Technical Services – March 2016

Resolved:

That Council receive and note the Engineering/Technical Services monthly works progress report for March 2016.

Moved: Clr Greenaway
Seconded: Clr Woodcock

CARRIED

The meeting adjourned at 12.20pm for lunch

The meeting resumed at 12:50pm with all those previously present again present.

22/2016/3 Carinda Primitive Campground

Resolved:

Council approve in principle the DA2016/006 and the General Manager be authorised to determine the development application.

Moved: Clr Murray
Seconded: Clr Greenaway

CARRIED

QUESTIONS FOR THE NEXT MEETING

Clr Woodcock

Q1. Can council provide an update on the funding projects under the 'Drought Communities Programme'?

Response: The General Manager advised that Council applied for fencing of the tips and Spider Brown oval and is waiting on the funding agreement.

Q2. Can Council include the street sweeper in the 16/17 budget?

Response: The General Manager advised that budget discussions are scheduled for the 20th May 2016.

Q3. Several streets in Lightning Ridge require re-sheeting as the surfaces are very rough

Response: The Acting Director Engineering/Technical Services to arrange inspections of roads.

Q4. Can Council inspect the crossing/ramps on the Mungndi Road ?

Response: The Acting Director Engineering/Technical Services to arrange an inspection.

Clr Keir

Q1. How is the long jump project progressing?

Response: The CFO advised that it is progressing and quotes are being sought.

Q2. How are the honour boards progressing?

Response: The advised that the boards are in Dubbo with Bridgewater signs and should be erected in the coming weeks.

Q3. Can Council arrange for the Area Manager (census) to present at the next Council meeting in Collarenebri?

Response: The General Manager will make arrangements.

Clr Greenaway

23/2016/3 Ramps on SR55

Resolved:

That the landholder be required to maintain grid approaches in a suitable condition and fence out by 30th June, 2016 otherwise Council will remove the grids on 1 July, 2016 and deduct the cost along with any maintenance costs from the previously agreed contribution of \$24,000.00

Moved: Clr Greenaway

Seconded: Clr Cooper

CARRIED

Clr Cooper

Q1. Can council issue a notice to demolish the BAC building located on Fox street Walgett?

Response: The Director Environmental Services to investigate.

Q2. Can Council fund improvements to the carpark of number 2 oval in Walgett?

Response: The Acting Director of Engineering/Technical Services to investigate.

Q3. What are the bore baths opening hours in Walgett?

Response: The Acting Director Engineering/Technical Services advised that the baths are only open during the week and may not be open all season as the water levels are extremely low.

Q4. What is the update on the levee bank?

Response: The Acting Director Engineering/Technical Services advised that Council is making arrangements for remedial works to be undertaken by the contractor.

Q5. What is the update in relation to the Walgett weir committee?

Response: The General Manager advised that a steering committee was formed and meetings were held with Mark Coulton and Kevin Humphries mid-April.

Clr Martinez - Nil

Clr Murray

Q. Can Council arrange for duplicate copies of the 'weir documents' be returned to Jeff Austin?

Response: The Acting Director of Engineering/Technical Services to take appropriate action.

Q2. Can Council make a submission in relation to the inter-zonal taxes?

Response: The General Manager to investigate.

Q3. Can Council formally invite the principal of the Walgett Community Campus to provide an update to Council?

Response: The General Manager will make arrangements.

Q4. Can Council formally invite the Local Superintendent of Police to meet with Councillors?

Response: The General Manager will make arrangements.

Clr Walford

Q1. Can Council investigate the reasoning for police staff having to stand down from community football committees?

Response: The General Manager advised that this could be raised at the next Council meeting with the Local Superintendent of Police.

24/2016/3 Move into Closed Session at 1.58 pm

Resolved:

That the public be excluded from the meeting pursuant to Sections 10A (2)(c) & (d) of the Local Government Act 1993 on the basis that the items deal with:

- (a) that information that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting business (or proposed to conduct business)
- (b) that the matter and information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Moved: Clr Greenaway

Seconded: Clr Walford

CARRIED

25/2016/3 Covenant - Standard & Poor's

Resolved:

1. That the content of the report be noted
2. That Council authorise the Mayor and General Manager to execute and affix the Council Seal to the Covenant (Standard & Poor's) on behalf of Walgett Shire Council.
3. All funds be transferred into the Economic Development Reserve.

Moved: Clr Walford

Seconded: Clr Keir

CARRIED

26/2016/3 Kiosk – Spider Brown Oval

Resolved:

1. That the content of the report be noted
2. That the CFO develop a strategy for the Lightning Ridge Showground and report back to Council with building alternatives, site location, cost estimates for a new kiosk.

Moved: Clr Woodcock

Seconded: Clr Walford

CARRIED

27/2016/3 Walgett CBD Business Contribution Applications

Resolved:

1. Note the grant applications from the Gateway Hotel and Diane Kelly.
2. Reimburse:
 - a) \$1,390 to the Gateway Hotel.
3. Write to Diane Kelly requesting quotes for the proposed works from 2 other contractors by 31 May 2016.

4. Not reimburse invoices for successful Walgett Main Street Upgrade Business Contributions scheme applications after 31 October 2016.

Moved: Clr Greenaway
Seconded: Clr Murray

CARRIED

28/2016/3 Rezoning land in lightning ridge for residential purposes

Resolved:

1. Prepare a proposal for the Department of Planning and Environment to rezone from SP3 Tourist to R1 General Residential Lots 2 -9 DP846336 Lightning Ridge.
2. Undertake any subsequent community consultation required under the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

Moved: Clr Woodcock
Seconded: Clr Walford

CARRIED

DIVISION

For:	Absent:	Against:
Clr D Lane	Clr M Taylor	Nil
Clr J Keir		
Clr G Murray		
Clr R Greenaway		
Clr M Martinez		
Clr L Walford		
Clr I Woodcock		
Clr D Cooper		

29/2016/3 Draft Walgett Shire Council Rural Residential Land Use Strategy

Resolved:

1. Note the 7 submissions for the Draft Walgett Shire Council Rural Residential Land Use Strategy.
2. Prepare a planning proposal for the Department of Planning and Environment to rezone to R5 Rural Residential Walgett Candidate Area Two (Lot 42 DP 750291 and Lot 80 DP 750291), and the existing Council owned subdivision in Lightning Ridge (Lots 1-73 DP 838673).
3. Undertake any subsequent community consultation required under the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.

Moved: Clr Keir
Seconded: Clr Martinez

CARRIED		
<u>DIVISON</u>		
For:	Absent:	Against:
Clr D Lane	Clr M Taylor	Nil
Clr J Keir		
Clr G Murray		
Clr R Greenaway		
Clr M Martinez		
Clr L Walford		
Clr I Woodcock		
Clr D Cooper		

30/2016/3 RFT 16/006 Construction & Design of Grawin Bore: Tender Recommendation		
Resolved:		
That Council accept the tender for the construction and design of the Grawin bore submitted by WaterMin Drillers Pty Ltd for \$355,200.00 excluding GST.		
Moved:	Clr Greenaway	
Seconded:	Clr Martinez	
CARRIED		

31/2016/3 Matters generally for brief mention or information only from Acting Director Engineering/Technical Services		
Resolved:		
1. Council receive and note the letter from Nimrod. 2. The General Manager write to Nimrod Plumbing clarifying Council's position.		
Moved:	Clr Greenaway	
Seconded:	Clr Keir	
CARRIED		

32/2016/4 Audit – Water fund review period 1997 to 2015		
Resolved:		
That the report be received and noted.		
Moved:	Clr Greenaway	
Seconded:	Clr Keir	
CARRIED		

Council discussed the provision of gravel on the Angledool Road.

33/2016/3 Return to Open Session at 3.31pm

Resolved:

That Council return to open session.

Moved: Cllr Walford

Seconded: Cllr Keir

CARRIED

33/2016/3 Adoption of Closed Session Reports

Resolved:

That Council adopt the following Resolved of the Closed Committee:

- Covenant - Standard & Poor's
- Kiosk – Spider Brown Oval
- Walgett CBD Business Contribution Applications
- Rezoning land in lightning ridge for residential purposes
- Draft Walgett Shire Council Rural Residential Land Use Strategy
- RFT 16/006 Construction & Design of Grawin Bore: Tender Recommendation
- Matters generally for brief mention or information only from Acting Director Engineering/Technical Services
- Audit – Water fund review period 1997 to 2015

Moved: Cllr Cooper

Seconded: Cllr Woodcock

CARRIED

Close of Meeting

The meeting closed at 3.33pm.

To be confirmed at the meeting of Council to be held on 24th May 2016.

Mayor

General Manager