



MINUTES FOR THE ORDINARY COUNCIL MEETING

Tuesday 23rd May 2023

Hugh Percy
ACTING GENERAL MANAGER

**MINUTES OF THE ORDINARY MEETING OF THE WALGETT SHIRE COUNCIL HELD AT
THE WALGETT SHIRE CHAMBERS ON TUESDAY 23rd MAY 2023 AT 9:00AM**
OPEN FORUM
Public Presentations:

Mr Andrew Kemeny – Lightning Ridge Easter Festival Committee, addressed Council in relation to the 2023 Lightning Ridge Easter Festival Report and requested support and sponsorship from Council for the 2024 Lightning Ridge Easter Festival.

Ms Pauline Kearn – Addressed Council, raising concerns on behalf of Lightning Ridge community members regarding Council proving funding to local community groups that do not embrace community input. Ms Kearn asked the Council, if the Lightning Ridge Easter Festival and the Lightning Ridge Tourism Association are the same entity?

Ms Kearn raised concerns regarding other Lightning Ridge Community Groups, their transparency and accounting of financial activity, as well as their refusal to allow new members to join their associations.

Ms Kearn suggested that prior to community groups receiving funding from Council, they must agree to invite the public to one or more annual meetings annual and the meetings be advertised in more than one medium. It was suggested the Councillors become involved in community tourism and economic groups in an effort to make them more inclusive and bring new and fresh ideas.

The Mayor declared the meeting open at 9:35am

PRESENT

Mayor Jane Keir	
Deputy Mayor Greg Rummary	
Clr Alf Seaton	
Clr Colin Hundy	
Clr Sue Currey	
Clr Ian Woodcock	
Clr Jasen Ramien	
Clr Daniel Walford	
Clr Michael Cooke	
Hugh Percy	(Acting General Manager)
Tim McLoughlin	(Project Manager/Technical Services)
Kimley Talbert	(Director Environmental Services)
Hafiz Malik	(Director Corporate Services)
Rebecca Wilson	(Minute Secretary)

ABSENT

Bob Stephen	(Director Engineering and Technical Services)
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05/2023/1 Minutes of Ordinary Council Meeting – 26th April 2023

Resolved on the motion of councillors Ramien and Currey that the minutes of the meeting held on the 26th April 2023 as itemised in minutes numbers; 4/2023/01 to 4/2023/47 and 4C/2023/1 to 4C/2023/2 on pages 2 to 21 be confirmed.

Declaration of Pecuniary/Non-Pecuniary Interests

Councillor	Item No.	Report title/ Subject matter	Pecuniary/Non-Pecuniary	Reason
Mayor Jane Keir	10.3.1	Monthly Maintenance Grading Report as at 30 April 2023	Pecuniary	Family Business interest
Mayor Jane Keir	10.3.2	Service Progress Report as at 30 April 2023	Pecuniary	Family Business interest
Mayor Jane Keir	10.3.3	Monthly Major Projects Report as at 30 April 2023	Pecuniary	Family Business interest
Mayor Jane Keir	10.3.7	Comparison Costs between Contract Grader and Council Owned Graders	Pecuniary	Family Business interest
Mayor Jane Keir	11.3	Notice of Motion – Goangra Bridge	Pecuniary	Family Business interest
Clr Jasen Ramien	10.3.1	Monthly Maintenance Grading Report as at 30 April 2023	Pecuniary	Family Business interest
Clr Jasen Ramien	10.3.4	Flood Restoration Works Update as at 30 April 2023	Pecuniary	Family Business interest
Clr Jasen Ramien	10.3.7	Comparison Costs between Contract Grader and Council Owned Graders	Pecuniary	Family Business interest

05/2023/2 Monthly Mayoral Report

Resolved on motion of Mayor Keir and Clr Currey that the Mayoral Report for April 2023 be received and noted.

05/2023/3 Mayoral Minute

Resolved on motion of Mayor Keir that;

1. Mayoral Minute 1 and Mayoral Minute 2 be received and noted.
2. Council write to Inspector Kevin Day OIC Walgett, in relation to the use of E-Bikes and Motorbikes in Walgett township and on the levee bank.

05/2023/4 Report of Committees/Delegates

Resolved on the motion of Clr Cooke and Clr Rummery that the Reports of the following Committees/Delegates be received and noted;

- Local Area Traffic Committee Extra Ordinary Draft Meeting Minutes 12th April 2023

05/2023/5 Correspondence and Petitions

Resolved on the motion of Cllr Ramien and Cllr Rummery that the following correspondence and petitions be received and noted;

- Country Mayors Association Inc of NSW
- Letter From the Office of Local Government – Appointment of Minister for LG

05/2023/6 Council's Decision Action Report – May 2023

Resolved on the motion of Cllr Hundy and Cllr Seaton that the Resolution Register for May 2023 be received and noted.

05/2023/7 Circulars Received from the NSW Office of Local Government

Resolved on the motion of Cllr Seaton and Cllr Hundy that the information contained in the following Department circulars 23-01 through to 23-03 from the Local Government Division Department of Premier and Cabinet, be received and noted.

05/2023/8 Webcasting of Council Meetings

Resolved on the motion of Cllr Rummery and Cllr Hundy that Council's;

1. Recording of meetings be streamed live (at the same time as the meeting is taking place) subject to complying with the current provisions of the Council's Code of Meeting Practice.
2. Closed Session meetings be recorded, but not streamed, for the purpose only of preparing the report of the Closed Session meeting, noting that confidentiality be maintained as it is an offence to disclose the proceedings of closed session except to bring forward to the open meeting "resolutions passed in closed session".

05/2023/9 Lightning Ridge Opal and Fossil Centre Inc

Resolved on the motion Cllr Ramien and Cllr Cooke;

1. That subject to the Opal Centre confirming that it has in place Directors' Insurance that extends to a Council representative that Council requests the Opal Centre Board to accept the nomination of a Councillor to represent Council on such Board and that such representative report monthly to Council on progress being made with the construction of the Opal Centre.
2. That Council nominates a Councillor to represent on the Opal Centre Board.
3. That Cllr Michael Cooke, be the nominated Walgett Shire Council representative on the Opal Centre Board, having completed the Australian Institute of Company Director's Course and holds a current Director's ID.

05/2023/10 Lightning Ridge Opal and Fossil Centre

Resolved on the motion Cllr Seaton and Cllr Hundy;

1. That the Australian Opal Centre be advised that no further payment will be made to the Centre until the Council clarifies the matter of what constitutes 'eligible project activities'.
2. That the Council requires from the Opal Centre a more transparent explanation of how Milestone 2 was satisfied including details of 'Milestone 1 Commonwealth Funding Deed'

05/2023/11 License Agreement with PCYC Walgett

Resolved on the motion of Cllr Seaton and Cllr Ramien that;

1. That Council invites representatives from PCYC and Council Youth Development Team/Council to discuss alleged issues regarding space, facility usage time etc.
2. A report be put to Council identifying a scope of works with costings, to repair the old youth centre with the view of reopening it for youth activities.

Councillors discussed at length the positive and negative aspects of relocating the Youth Centre back to the former youth centre in Pitt Street Walgett. It was also noted by Councillors that the funds currently paid to PCYC for building access, could be reallocated to the former youth centre, to better maintain Council's assets.

Mayor Keir noted that the PCYC building was established for youth, and it would be a huge shame to abandon the agreement between PCYC and Walgett Shire Council. Mayor Keir

suggested that further discussion and negotiation between the two parties should be carried out prior to terminating the agreement.

05/2023/12 Request for Sponsorship Walgett Jockey Club

Resolved on the motion of Cllr Currey and Cllr Rummary that Council;

1. Award \$1,400 sponsorship for the services of a professional photographer at the Walgett Races on Saturday 17th June 2023 from the Community Assistance Scheme Budget 2022/2023.
2. Obtain access to the photos (when available) for future promotional purposes.
3. Advise Walgett Jockey that any future requests for sponsorship are to be applied for under the Community Assistance Scheme.

It was noted by Cllr Hundy that approval of this sponsorship, may see other race clubs within the shire request similar funding from Council.

There was discussion in relation to the sponsorship request, and deliberation was had as to whether the request should be denied on the basis that the application should be made under the Community Assistance Scheme.

05/2023/13 Important Dates for Councillors – Upcoming Meetings & Events

Resolved on the motion of Cllr Currey and Cllr Rummary that Council receive and note the list of upcoming meetings and events.

05/2023/14 Monthly Outstanding Rates Report as at 30 April 2023

Resolved on the motion of Cllr Hundy and Cllr Seaton that the 30 April 2023 outstanding rates report be received and noted.

05/2023/15 Cash and Investment Report as at 30 April 2023

Resolved on the motion of Cllr Cooke and Cllr Ramien that the Investment report for April 2023 be received and noted.

05/2023/16 Investment Strategy Report

Resolved on the motion of Cllr Hundy and Cllr Ramien that the Investment Strategy Report for be received and noted.

At 11:15am Mayor Keir and Cllr Jasen Ramien declared a pecuniary interest and exited the Chamber.

Deputy Mayor Greg Rummery took the Chair.

05/2023/17 Monthly Maintenance Grading Report as at 30th April 2023

Resolved on the motion of Cllr Walford and Cllr Currey that Council receive and note the monthly maintenance grading works report for April 2023.

05/2023/18 Service Progress Report as at 30th April 2023

Resolved on the motion of Cllr Cooke and Cllr Seaton;

1. that Council receive and note the Engineering Services monthly works progress report for April 2023.
2. a report detailing the damage to the Llanillo Road and costs for rectifications works be put to Council once all gravel haulage is completed for Lorne Road project.

Comment was made, noting the damage on the Llanillo road following carting of gravel from Cumborah for the Burranbaa Road project. It was suggested, that in future Council should consider current road conditions, particularly for gravel cartage routes. The decision by Council to use gravel from Cumborah, whilst it was cheaper cartage costs, has damaged the road and in turn created another road repair job to be funded by Council.

05/2023/19 Monthly Major Project Progress Report as at 30th April 2023

Resolved on the motion of Cllr Cooke and Cllr Hundy that Council receive and note the Engineering Services monthly works progress report for April 2023.

There was discussion regarding where the gravel for the Burrenbaa Road is being sourced from. Manager Infrastructure Roads – Tim McLoughlin - advised testing on gravel was continuing given large variances in the gravel test results.

At 11:32am Mayor Keir returned to the Chamber and resumed the chair.

05/2023/20 Flood Restoration Works Update as at 30th April 2023

Resolved on the motion of Cllr Seaton and Cllr Rummery that Council receive and note the Flood Restoration Works Update report as at 30th April 2023.

At 11:34am Councillor Ramien returned to the Chamber.

05/2023/21 Collarenebri Race Meeting 2023 Female Jockey Changing Room

Resolved on the motion of Cllr Hundy and Cllr Seaton that Council accept the proposal for temporary facilities to be provided for the 2023 Collarenebri Race Meeting.

Cllr Hundy suggested that opting to hire an ablution block for each annual race meeting would eliminate Council having to maintain another Council facility.

Cllr Ramien commented that in previous years an ablution block has been organised and at short notice became unavailable. He noted that due to stringent laws, future race meetings would be cancelled should suitable changing facilities not be available on the day of the Race Meeting.

It was noted that grant funding had been obtained by Council for the refurbishment of the Female Jockey facilities and that works should go ahead in due course.

05/2023/22 Come By Chance Road Funding

Resolved on the motion of Cllr Rummery and Cllr Hundy that Council accept the report for information purposes only.

It was noted that Council has met with Transport NSW and they have advised that no further funding will be issued for this project. Council was advised that there will be sufficient funds to complete the work.

There was discussion regarding the initial funding that was issued to Council to seal 54km of road, which was now insufficient to complete the entire 54km stretch, given the rise in material and contractor prices.

Manager Infrastructure Roads – Tim McLoughlin advised that total funds issued to Council totalled \$12.3 million. Tenders were received by Council ranging from \$15.3 - \$25 million. Council negotiated to supply gravel in order to reduce tendered price. Council agreed on a price of \$13.3 million, leaving a shortfall of \$1.3 million. Once the project is underway, Council will seek funding under another grant to make up the shortfall of \$1.3 million.

At 11:45am Mayor Keir and Cllr Jasen Ramien declared a pecuniary interest and exited the Chamber.

05/2023/23 Comparison Costs Between Contract Grader and Council Owned Graders

Resolved on the motion of Cllr Cooke and Cllr Seaton that;

1. Council accept the report for information purposes only.
2. a comprehensive report, detailing comparisons costs and hours between Council graders and contract graders be submitted to the next Council meeting.

Cllr Cooke questioned if the comparison was conclusive given that the Council Grader information incorporated a truck and operator, and the contract grader cost only listed a grader.

It was also noted by Cllr Cooke that the second part of his questions which was also requested to be included in the report was, 'how much is Council spending on contract graders, what hours are completed by contract graders and what hours are completed by Council owned graders?'

At 11:49am Mayor Keir returned to the Chamber and resumed the chair and Cllr Ramien returned to the Chamber.

05/2023/24 3 Mile Road Lightning Ridge

Resolved on the motion of Cllr Ramien and Cllr Hundy that Council as a first step in this process, proceed to negotiate with Crown Lands to have the 3 Mile Road transferred to Councils control.

Cllr Woodcock noted that Council should have records of written correspondence to Crown Land asking to take over the 3 Mile Road and the road at Grawin sent approximately 3 months ago. He questioned if a response has been received from Crown Lands to date.

Manager Infrastructure Roads – Tim McLoughlin advised that a meeting had taken place with Crown Land in relation to Council acquiring 3 Mile Road, and a proposal has been submitted to Council regarding Grawin Road. He also advised that there are a few issues that need to be resolved and then they can move to make it a gazetted road.

Cllr Hundy noted that the Australian Opal Centre was going to do a report to Council at the May 2023 meeting and no report has been received. Cllr Hundy asked if Council could contact the Australian Opal Centre and request that a presentation be made to the next Council meeting to advise Council of progress with construction of the new Opal Centre due to commence in June 2023.

05/2023/25 Development Approvals – April 2023

Resolved on the motion of Cllr Hundy and Cllr Rummery that Council note the information contained within this report.

05/2023/26 Development Application 2022/67 – Bed & Breakfast Accommodation – 28 Warren Street Walgett.

Resolved on the motion of Cllr Rummery and Cllr Hundy that Council approve the Development Application 2022/67 for the construction of 6 cabins, outdoor covered dining area, mobile food van and associated works at 28 Warrena Street, Walgett, as per the recommendation of the Development Assessment report on the basis that the hours of operation/service from the mobile food van is limited to 9am to 5pm to the public.

Division Decision

FOR
Keir
Rummery
Hundy
Walford
Cooke
Woodcock
Ramien
Seaton

AGAINST
Currey

There was discussion regarding the use of the mobile food van. It was noted by Cllr Rummery, that the additional information, as requested in the April 2023 still did not clarify the use of the mobile food van.

Director Environmental Services - Kim Talbert noted that the use of the mobile food van has not changed since the last report, but Council could opt to place conditions in relation to the trading hours to 9am to 5pm (for public only) on the approval through the activity application.

It was noted by the Director of Corporate Services – Mr Hafiz Malik that the restricted hours will impact the guests utilising the accommodation facilities.

05/2023/27 New Animal Pound Walgett – Lot 7013 DP 103416 Duff Street, Walgett
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Resolved on the motion of Cllr Cooke and Cllr Ramien that Council;

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| <ol style="list-style-type: none"> 1. Approve the transfer of \$200,000 from Economic Development Reserve to Walgett Shire Council Animal Pound Reserve to fund stage 1 of the construction. 2. Approve the transfer of \$60,000 to Walgett Animal Pound Reserve from Council's own revenue. 3. Seek grant opportunities when they become available to fund Stage 2 of the construction. |
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Director Environmental Services - Kim Talbert advised that the current animal pound is non-compliant under the animal cruelty act and becomes inaccessible during flooding as it is located outside the town levee bank.

It was noted the Council has previously applied for funding on numerous occasions but has been unsuccessful.

Mayor Keir requested what could be covered in stage one of building for \$200,000.00 It was noted that these funds may only cover concrete slab works.

Cllr Walford enquired about the type of fencing that was proposed to be installed around the pound and raised concern that animals in the pound may be harassed if secure fencing was not in place.

Cllr Cooke asked in Council has any of its own funds to contribute to the build, to eliminate having to rely on grant funds and delay the project.

It was noted that Council has a budget and must be adhered to. Cllr Cooke requested the animal pound be put into next years budget to get the project rolling.

05/2023/28 Development Application 2023/14 – Alternations and Renovations to Walgett RSL Memorial Club Ltd

Resolved on the motion of Cllr Ramien and Cllr Cooke that Council approve the Development Application 2023/14 for the alterations and renovation of the Walgett RSL Memorial Club at 71 Fox Street, Walgett as per recommendation of the Development Assessment report.

Division Decision

FOR

Keir

Rummery

Hundy

Walford

Cooke

Woodcock

Ramien

Seaton

Currey

AGAINST

05/2023/29 Matters Generally for Brief Mention or Information from the Director Environmental Services

Resolved on the motion of Cllr Hundy and Cllr Seaton that Council receive and note the report.

05/2023/30 Matters Generally for Brief Mention or Information from the Assistant Director Environmental Services

Resolved on the motion of Cllr Ramien and Cllr Hundy that the matters generally for brief mention or information only from the Assistant Director Environmental Services be received and noted.

1. Notice of Motion – Cr Rummery & Cr Walford

That Council officers investigate and report on the status of the apparent road reserve linking the Walgett Weir with the Kamilaroi Highway with a view to formalising legal public access.

Comment

There is a well-worn track leading from the Highway to the Walgett Weir.

The weir is located on a very pleasant stretch of the river not far from the confluence of the Namoi and Barwon Rivers. With legal public access the area can be enhanced with facilities for local residents, visitors and tourists to take advantage of at any time.

05/2023/31 Motion

Resolved on the motion of Cllr Rummary and Cllr Walford that a report be put to the June 2023 Council meeting in relation to formalising legal public access to the Walgett Weir.

2. Notice of Motion – Cr Rummary & Cr Currey

That Council officers formerly approach State Rail Authorities with a request for permission/authority to establish a walking/bike track along the existing rail reserve between Walgett and the Castlereagh Highway, for a length of about 3kms in a northerly direction commencing at the George Sands Way/Castlereagh Highway intersection and terminating at the site of the now abandoned wooden bridge structure adjacent to the Castlereagh Highway.

Comment

Walkways/bike paths along unused rail reserves are common in Australia and provide safe spaces for the public to use.

Walgett is bereft of proper walking tracks and developing such a facility may encourage people to use the track for recreation, leisure, and exercise in a pleasant and safe environment.

05/2023/32 Motion

Resolved on the motion of Cllr Rummary and Cllr Currey that a report be put to Council in relation to the feasibility of the rail trail concept.

At 12:30pm Mayor Keir declared a pecuniary interest and exited the Chamber.

Deputy Mayor Greg Rummary took the Chair.

3. Notice of Motion – Cr Rummary & Cr Currey

That Council apply for funding to install a causeway on the northern approaches to the Goangra Bridge consisting of low/medium flow box or pipe culverts such that the level of the norther approaches remains consistent with that of the bridge deck and further that application be made to fund the sealing of the Goangra Road which connects the Come by Chance Road with the Kamilaroi Highway.

Comment

Goangra Road forms part of a network for local farmers and the transport of grain. It is the Goangra Road which connects the Come by Chance Road with the Kamilaroi Highway and Beanbri Silos.

05/2023/33 Motion

Resolved on the motion of Clr Rummery and Clr Seaton that Council apply for funding, (following appropriate investigation, testing and design consultations) to install a causeway on the northern approaches to the Goangra Bridge consisting of low/medium flow box or pipe culverts such that the level of the northern approaches remains consistent with that of the bridge deck and further that application be made to fund the sealing of the Goangra Road which connects the Come by Chance Road with the Kamilaroi Highway.

4. Cr Hundy & Seaton

That Council retain Kookaburra Court in Walgett as an aged care facility.

Comment

Council does hold title of this property and although there were previous discussions of using it as a Visitor Information Centre there have been a number of Walgett Locals wanting it retained as an aged care facility. It would be devastating for a local family member having to be transferred to dubbo because there were no facilities available in their hometown.

05/2023/34 Motion

Resolved on the motion of Clr Hundy and Clr Seaton that;

1. a report be put to Council detailing the progress of Kookaburra Court, in relation to proposed use for suitable activities, including health services.
2. Council organise a public meeting, to allow community involvement and input to the facility's purpose/use.

5. Cr Seaton & Hundy

That for safety purposes fire hydrants be installed at the Lightning Ridge Airport.

Comment

There is a lot of air traffic from the Royal Flying Doctor and I have been approached about bringing this to Council.

05/2023/35 Motion

Resolved on the motion of Clr Seaton and Clr Hundy that Council's Manager Infrastructure Roads – Tim McLoughlin investigate the situation, including contacting CASA in relation to the no existent fire hydrants at the Lightning Ridge Airport.

6. Cr Hundy & Ramien

That Council purchase a covered stage (\$25,000) for ongoing hire for outdoor use throughout the Shire and other regional locations and that when purchased a scale of fees be considered and adopted by Council.

Comment

For information the mobile stage cost about \$100,000 to build and is being sold as part of a deceased estate.

The stage comes with a 48 ft (14.6M) Fruehaul Trailer:

- Px6m covered performance area.
- Air conditioned/heated greenroom with 3m kitchenette.
- Access to greenroom via stage and also rear entry during performance.
- 3m 1.9m raised drum riser (can be folded up against rear wall behind curtain).
- Stage curtains and skirts to hide trailer during use.
- Bi fold stage.
- Rear end fly out advertising wall.
- Stable and can accommodate large bands with no movement during performances.

05/2023/36 Motion

Resolved on the motion of Clr Hundy and Clr Ramien that;

1. Councillors Hundy, Ramien and the acting General Manager arrange to inspect the mobile stage condition and aging prior to Council purchasing the mobile stage.
2. a report be put to Council, in relation to hire fees that can be recouped through the hiring out of the mobile stage.

7. Cr Ramien & Cooke

That the newly appointed incoming General Manager be requested to ensure that a review of the staff structure be prioritised and referred to Council for consideration.

Comment

A new appointee will need to be familiar and comfortable with the staff structure in Council and this will be a good opportunity for the Council to work with the new appointee to achieve the best outcomes for the community.

05/2023/37 Motion

Resolved on the motion of Clr Ramien and Clr Cooke that the incoming General Manager be requested to ensure that a review of the staff structure be prioritised to ensure staff hold appropriate qualifications for position held at Council.

Question on Notice – Cllr Hundy

Can the Councillors please be advised whether the Castlereagh County Council has been advised that the former General Manager is no longer employed by Walgett Shire and whether the termination arrangements have been finalised?

Council delegates Cllr Cooke and Cllr Woodcock, confirmed that Castlereagh Macquarie County Council has been informed that the former General Manager was no longer employed by Walgett Shire Council.

There was discussion regarding the appointment of the General Manager for Castlereagh Macquarie County Council and if the new General Manager of Walgett Shire Council should be offered the position. Cllr Woodcock confirmed that Castlereagh Macquarie County Council is a separate entity and appoints its own General Manager.

Cllr Hundy questioned the administration contract between Walgett Shire Council and Castlereagh Macquarie County Council. It was suggested that the 21 hours per week, currently completed by an administration officer, would better utilised completing tasks for Walgett Shire Council.

Cllr Hundy suggested that Walgett Shire Council terminate the agreement between Council and Castlereagh Macquarie County Council, so administration support could be utilised for Walgett Shire Council operations.

05/2023/38 Motion
<p>Resolved on the motion of Council, that the Acting General Manager negotiates the administration hours currently undertaken by Walgett Shire Council with Castlereagh Macquarie County Council with the view that Walgett Shire Council withdraw its administration support to Castlereagh Macquarie County Council.</p>

Cllr Hundy asked if the termination arrangements of the previous General Manager been finalised.

Mayor Keir confirmed that according to the terms of the former general manager's contract the termination pay has been finalised.

Cllr Hundy requested to know who authorised the payment. Mayor Keir acknowledged that she authorised the payment in the absence of a general manager.

There was discussion between Cllr Hundy and Mayor Keir in relation to the payment. Cllr Hundy asked how long after the previous general manager was summarily dismissed was the payment made. Cllr Keir stated that it was within a week of the dismissal.

Cllr Hundy questioned if the Mayor was out of order in authorising the payment, given the acting general manager was appointed within a week. Mayor Keir defended her decision to authorise the payment.

Cllr Hundy stated that he totally disagreed and that the Mayor was out of order. He stated that as Mayor, Cllr Keir had delved into Council administration.

Mayor Keir rejected Cllr Hundy's claims and stated that the General Manager is answerable to the Mayor and Councillors.

Mayor Keir noted the payment was due given there is no documented evidence under Clause 10.4.1 of the Local Government Act that the former General Manager did anything wrong.

Cllr Hundy again claimed that Mayor Keir was out of order, in her instruction to complete the termination payment. Mayor Keir rejected the claim.

Cllr Hundy noted that the Councillors have not been given respect, in advising Councillors that the termination payment had been paid.

Mayor Keir advised that all Councillors were aware of the terms of the contract payment, including the 38 weeks' pay. Following advice from John Davies (Office of Local Government) Mayor Keir advised that if Council wanted to take this matter any further, there could be legal ramifications for Walgett Shire Council.

Cllr Hundy stated that he was going to put forward a draft motion that; Council refer the details of the conduct of the Mayor in relation to the unlawful payment of 38 weeks pay to the former General Manager.

Mayor Keir interjected Cllr Hundy's motion, and stated the motion calling for the Mayor to resign or a vote of no confidence in the Mayor is not lawful and has now lawful effect.

Cllr Hundy stated that he was not putting up a motion to call for the Mayor to resign, but he was putting forward that;

- (1) the Mayor was in breach 7.2 (a) (b) and (c) of the Code of Conduct, and that he wanted the matter before the Chief Executive of the Department of Local Government, asking for an investigation of the matter, to determine whether the Mayor's conduct amounts to misconduct, warranting suspension and
- (2) The Departmental Chief Executive be advised that if the Council is unable to recover any of that money, then it will be seeking to have the expenditures disallowed under Section 435 of the Local Government Act, the for the Mayor to be surcharged for the full amount.

Mayor Keir requested the Cllr Hundy stop, and stated that what he was putting up was illegal, according the Office of Local Government and the Code of Conduct. Mayor Keir advised that any complaints should be directed to the Local Government Code of Conduct Board.

Cllr Hundy asked if Mayor Keir was rejecting the proposal. Mayor Keir confirmed that she was rejecting the proposal, completely.

Cllr Hundy advised that he would be taking the matter further with the Office of Local Government.

Cr Hundy & Ramien

Complaints have been received by Councillors alleging that sewerage is intermittently discharging into the river approximately 200m from the original pumping station in Warrena Street, Walgett near Glen Bow's shed – what can Council staff do about this alleged problem?

There was substantial history on this matter, provided to Council by Mr Bourke. He informed that Council that this matter has been ongoing for years, with no action taken from Council.

05/2023/39 Motion

Resolved on the motion of Clr Hundy and Clr Ramien that Council's Manager Infrastructure Roads – Tim McLoughlin investigate the situation and put a report to Council.

05/2023/40 Mayoral Minute

Resolved on motion of Mayor Keir that; the Acting General Manager, action motion 2/2023/4, resolved by Council at the March 2023 meeting, that the Office of Local be requested to conduct enquiry into the conduct of the Walgett Shire Council and Councillors.

05/2023/43 Motion to Move into Closed Session**Time: 2:10pm**

Resolved on the motion of Cllr Rummery and Cllr Ramien that the public be excluded from the meeting pursuant to Sections 10A 2 (b) & (c) of the Local Government Act 1993 on the basis that the items deal with;

(b) the personal hardship of any resident or ratepayer

(c) 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)

05/2023/46 Return to Open Session**Time: 2:44pm**

Resolved on the motion of Cllr Rummery and Cllr Cooke that the Council return to open session with all members present as before the adjournment.

Mayor Keir read the resolutions passed in the closed session meeting.

05C/2023/1 Minutes of the Closed Council Meeting – 26 April 2023

Resolved on the motion of Cllr Hundy and Cllr Cooke that the minutes of the Closed Council meeting held 26 April 2023 as itemised in minute numbers 4C/2023/1 to 4C/2023/2, pages be confirmed.

05C/2023/2 Recruitment of Director Engineering and Technical Services

Resolved on the motion of Cllr Ramien and Cllr Rummery that;

1. Local Government NSW be engaged to undertake the Recruitment of Director Engineering and Technical Services at a fee of \$10,000 plus GST in accord with the fee proposal circulated to Councillors.
2. A selection panel be established, comprising the Mayor and Councillors, to assist the General Manager in the selection process.

05C/2023/3 Quotation for Construction of Collarenebri Artesian Hot Spring

Resolved on the motion of Cllr Ramien and Cllr Cooke that Council;

1. Accept the quotation of Lukas Building and Excavation at a price of \$1,599,300 less the provisional item of \$50,000 to reduce the pool diameter and include a ramp (ex GST)
2. Enter into a contract with Lukas building and Excavation for Construction of a 10m circular pool, balance tanks, pump shed and equipment, electrical, park furniture, bbq shelter and x2 shelters and seating, concrete paths and concourse, fencing, lighting as per quotation IV 698 at a price of \$1,599,300 less the provisional item of \$50,000 to reduce the pool diameter and include a ramp(ex GST), and the Acting General manager and Mayor be authorised to execute the contract and other relevant documents on behalf of Council.
3. Affix the Council Seal to the contract.
4. Approve allocation of \$473,800 (ex GST) from The Economic Development Funds Reserve for construction of Collarenebri Artesian Hot Spring Bath and associated facilities.

05C/2023/4 Amended Sale of Land for Unpaid Rates

Resolved on the motion of Cllr Hundy and Cllr Seaton that;

1. That Council list for sale under Section 713 of the Local Government Act 1993 the 28 properties listed.
2. That the Sale be held in the Lightning Ridge Community Centre on Saturday 2nd September 2023 at 10:00am
3. That the Acting General Manager in consultation with the Crown Lands be authorised to set a reserve.
4. That the Acting General Manager be authorised to accept an arrangement that is made where the total debt is extinguished within a reasonable time. The written arrangement may include a clause whereby the property be sold if undertakings are not complied with.

05C/2023/5 Supply and Delivery of Bulk Fuel

Resolved on the motion of Cllr Hundy and Cllr Rummary that Council;

1. That the 'Supply and Delivery of Bulk Fuel Evaluation Report T042324OROC' be received and noted
2. Based on the best value on Bulk Fuel Evaluation Matrix from Regional Procurement, Council accepts the tender from Woodham Petroleum for 24 months from 1 July 2023 to 30 June 2025 for the delivery of Bulk Fuel.
3. That Council gives a delegation to the General Manager to accept or reject an additional 12 month contract extension based on satisfactory supplier performance, which may take this contract through to 30 June 2026.

05C/2023/6 Collarenebri Cemetery Fencing

Resolved on the motion of Cllr Seaton and Cllr Ramien that Council;

1. Accept the quote for \$92,346.30 including GST from Douglas Bros Fencing.
2. That \$53,400 be transferred from the Cemetery Road Fund to the Cemetery Fencing Fund to increase the vote to \$93,400.00.

With no further business the meeting was closed by Mayor Keir at 2.45pm

To be confirmed at the next meeting of Council.

Mayor