



**MINUTES FOR
ORDINARY COUNCIL MEETING
TUESDAY, 21 December 2010**

NOTICE IS HEREBY GIVEN pursuant to clause 7 of Council's Code of Meeting Practice that the Ordinary Council Meeting of Walgett Shire Council will be held in the **Walgett Shire Council Chambers** on **Tuesday 21 December 2010**, commencing at 10.00am to discuss the items listed in the Agenda.

ADOPTED: 22 February 2011

Don Ramsland
GENERAL MANAGER

WALGETT SHIRE COUNCIL MINUTES

MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD AT WALGETT COUNCIL CHAMBERS ON TUESDAY 21 DECEMBER 2010 COMMENCING AT 10:13 AM

PRESENT

Clr I Woodcock (Mayor)
Clr L Walford
Clr R Greenaway
Clr J Keir
Clr B Murray
Clr G Colless
Don Ramsland (General Manager)
Mr M Goodwin (Director, Planning & Regulatory Services)
Ms C Medcalf (Director, Corporate & Community Services)
Mr F Coralde (Director, Urban Infrastructure Services)
Mr T Colak (Roads Engineer)
Mrs J Campbell (Minute Secretary)
Mrs D Parker (Minute Secretary)

Welcome to Visitors

The Mayor welcomed all visitors to the meeting and acknowledged the traditional owners of the land.

Apologies

370/10 Apologies

Resolution:

1. That apologies from Clr Martinez and Clr Smith be accepted and that a leave of absence be granted for the 21 December Council meeting.
2. That an apology from Ian Taylor be noted.
3. That it be noted that the leave of absence given to Clr Lane for the December Council meeting at the November Meeting be noted.

Moved: Clr Greenaway

Seconded: Clr Murray

CARRIED

Public Forum Presentation

Presentation on behalf of Garry Mattou – Spencer Steer

371/10	Public Forum Presentation – Audited Financial Statements
Resolution: That the presentation of the Audited financial Statements be accepted. Moved: Clr Walford Seconded: Clr Keir CARRIED	

372/10	Public Forum Presentation – Invitation to Garry Mattou
Resolution: That Council's Auditor Garry Mattou be invited to attend the 2011 February Council Meeting to answer any questions that the Councillors have on our Audited Financial Statements. Moved: Clr Keir Seconded: Clr Colless CARRIED	

Declaration of Pecuniary/Non Pecuniary Interests

Clr Keir declared a non pecuniary interest in item 27 – 2010/2011 Local heritage Fund Applications.

Mayor Woodcock declared an interest into Question 1 in questions with Notice from Clr Greenaway as he is involved in the case.

Clr Colless declared a pecuniary interest in item 2 – North West Weight of Loads Committee Minutes – September 2010 as he is a major truck owner.

373/10	Confirmation of Minutes of Council Meeting 23 November 2010
Resolution: That the Minutes of the Council meeting held 23 November 2010 be confirmed. Moved: Clr Keir Seconded: Clr Walford CARRIED	

Reserve Trust Management Committee Reports

Nil

Mayoral Minutes

Nil

Motions of which Notice has been given

374/10	Notice of Motion – Working with Landowners in Flood events in the Shire
Resolution: That Landholders and Walgett Shire Council work together for mutual benefit in repairing flood and rain damaged local and regional roads in the Shire. Moved: Clr Murray Seconded: Clr Keir CARRIED	
375/10	Notice of Motion –Flood events in the Shire
Resolution: In the event that we have a flood in the Walgett Shire in the near future and are declared a natural disaster area, can we work together with the RTA in assessing the roads, securing funding and that urgent repairs to roads are carried out in a more timely fashion. Moved: Clr Keir Seconded: Clr Greenaway CARRIED	
376/10	Notice of Motion – Mining Issues at Lightning Ridge
Resolution: That Walgett Shire Council write to the NSW Minister and Shadow Minister responsible for mines expressing councils concern at the Department Industry and Investment (Mines) lack of action or any apparent interest in mining related issues at Lightning Ridge. And that Walgett Shire Council invite the Minister, Shadow Minister and Local Members to visit Lightning Ridge in the New Year to discuss these concerns and possible options as a matter of urgency with councillors and Industry Representatives. Moved: Clr Walford Seconded: Clr Keir CARRIED	

Presentation of Petitions

Nil

Councillors Questions with Notice

Councillor Greenaway

Question 1:

Could Councillors be given the total cost of the expenses that the shire incurred in relation to the court hearing involving an ex-staff member in Dubbo in November? Costs are to include witness fees and/or wages, accommodation, meals and travelling expenses. Cost of legal fees relating to the two day court hearing and court costs.

Response:

The Director Corporate & Community Services advised that the costs which includes legal fees, wages and accommodation that are presented to date are just over \$25,000.

The General Manager advised that this matter should be held over to the closed session of Council as it deals with personnel matters.

The Mayor also declared that he has an Interest in this matter.

Councillor Murray

Question 1:

What is happening at the Basketball courts near No1 Oval? Who is the contractor?

Response:

The Director Corporate & Community Services advised that at the September Council the General Manager advised Council that the contractor is MPREC and that negotiations were ongoing to rectify an issue.

She further advised that contracts have been recently signed for work to recommence and were due to finish before end December but due to rain work has been delayed.

Councillors are reminded that this is not a Council project.

Reports of Delegates and Representatives

377/10 Rural Fire Service North West Zone Service Level Agreement Committee Minutes – September 2010

Resolution:

1. That the minutes of the September 2010 meeting of the Rural Fire Service North West Zone Service Level Agreement Committee be received and noted.

Moved: Clr Murray
Seconded: Clr Colless

CARRIED

WALGETT SHIRE COUNCIL MINUTES

378/10 Rural Fire Service North West Zone Service Level Agreement Committee – Explanation as to why the increase in service levy agreement for 2010/2011

Resolution:

That Council approach the appropriate Minister for an explanation as to why the increase in the rural fire service levy for the 2010/2011 budget.

Moved: Clr Murray

Seconded: Clr Keir

CARRIED

Clr Colless declared a pecuniary interest in the following item as he is a major truck owner.

379/10 North West Weight of Loads Committee Minutes – September 2010

Resolution:

1. That the minutes of the September 2010 meeting of the North West Weight of Loads Group Committee be received and noted.

Moved: Clr Colless

Seconded: Clr Murray

CARRIED

380/10 Walgett Local Area Traffic Committee Minutes – October 2010

Resolution:

1. That the minutes of the October 2010 meeting of the Walgett Local Area Traffic Committee be received and noted.

Moved: Clr Greenaway

Seconded: Clr Colless

CARRIED

11:18am *Clr Walford left the meeting*

11:23am *Clr Walford returned to the meeting*

WALGETT SHIRE COUNCIL MINUTES

381/10 Netwaste Forum Meeting Minutes

Resolution:

1. Council notes the Netwaste Minutes of the Meeting held at Narromine United Services Memorial Club, Narromine on 27 August 2010.
2. Council authorize the General Manager to officially advise Netwaste of the nomination of Prafulla KC and/or Roy White as representatives to attend Netwaste Meetings in conjunction with Council's elected representative.
3. That the creation of a Solid Waste Minimization Officer and the financial cost of this position be considered by Council in the formulation of the annual budget in 2011/2012.

Moved: Clr Murray

Seconded: Clr Keir

CARRIED

Reservation of items for Debate

Nil

Reports of Officers

382/10 Circulars received from the NSW Local Government and Shires Association of NSW – December 2010

Resolution:

1. That the information contained in the weekly circulars from the NSW Local Government and Shires Association be received and noted.

Moved: Clr Colless

Seconded: Clr Greenaway

CARRIED

383/10 Circulars received from the Local Government Department of Premier and cabinet – December 2010

Resolution:

1. That the information contained in the Departmental circulars 10-28 to 10-31 from the Local Government Division Department of Premier and Cabinet be received and noted.

Moved: Clr Colless

Seconded: Clr Keir

CARRIED

WALGETT SHIRE COUNCIL MINUTES

384/10 Council decisions Action Report – 23.11.10

Resolution:

1. That the report be received.

Moved: Clr Greenaway

Seconded: Clr Walford

CARRIED

385/10 Monthly Calendar – December 2010

Resolution:

1. That Council receive and note the regular monthly calendar for the period December 2010 to February 2011.

Moved: Clr Keir

Seconded: Clr Colless

CARRIED

386/10 Review of Policy and WSC Procedures – Provision of Information to and Interaction between Councillors and staff

Resolution:

1. That in accordance with the requirements of Sections 361, 362 and 363 of the Local Act 1993 as amended Council adopt the draft "Policy – Councillors Access to Information and their Interaction with Council Staff"

Moved: Clr Keir

Seconded: Clr Walford

CARRIED

387/10 Review of Code of Meeting Practice

Resolution:

1. That in accordance with the requirements of Sections 361, 362 and 363 of the Local Act 1993 as amended Council adopt the proposed amendments to the Code of Meeting Practice.

Moved: Clr Murray

Seconded: Clr Keir

CARRIED

WALGETT SHIRE COUNCIL MINUTES

388/10 Round 3 – Regional Local Community Infrastructure Programme (RLCIP) – Approval of Projects

Resolution:

1. That Council adopt the following projects, income and expenditure as Round 3 of the Regional Local Community Infrastructure Programme:

Collarenebri Skate Park Upgrade – Installation of Lighting	\$8,300
Apex Park Playground	\$45,000
Installation of a Shade Shelter at the Playground in Burren Junction	\$20,000
Walgett Skate Park Upgrade	\$20,300
Improvements at the Rowena Hall	\$15,000
Repair of Footpath at Lightning Ridge Dive Pool	\$23,400
Len Cram Park Lightning Ridge – Construction of Shelter Shed and Barbeque	\$18,000
Walgett Number 1 Oval Grandstand	\$35,000
Come By Chance Hall – Restumping and Improvements	\$15,000
Project Total	\$200,000

2. And that necessary adjustments be made to the 2010/2011 Budget to incorporate appropriate income and expenditure votes in respect of these projects totalling \$200,000.

Moved: Clr Keir
Seconded: Clr Walford

CARRIED

389/10 Matters Generally for Brief Mention or Information only from General Manager

Resolution:

1. That the matters listed by the General Manager for brief mention or information be received and noted.

Moved: Clr Murray
Seconded: Clr Greenaway

CARRIED

390/10 Community Strategic Plan Workshop – January 2011

Resolution:

That a workshop for councillors be conducted in January 2011 on the Community Strategic Plan and that the matter again be considered at the February 2011 Council meeting.

Moved: Clr Greenaway
Seconded: Clr Keir

CARRIED

WALGETT SHIRE COUNCIL MINUTES

Note: *The Director Corporate & Community Services advised that her recommendation is to defer the workshop until the following year as per her recommendation in the report in the Business paper.*

391/10 Cash on Hand and Investment report as at 30 November 2010

Resolution:

1. That the cash on hand and investment report as at 30 November 2010 be received.

Moved: Clr Greenaway

Seconded: Clr Murray

CARRIED

392/10 2009-2010 Audited financial statements and audit report

Resolution:

1. That Council adopts the Audited Financial Reports together with the Auditor's Reports for the period 1 July 2009 to 30 June 2010.

Moved: Clr Walford

Seconded: Clr Greenaway

CARRIED

393/10 Change of Phone System – Telstra Submission

Resolution:

1. That Walgett Shire Council calls for a Tender for its phone system at the earliest possible time.

Moved: Clr Greenaway

Seconded: Clr Colless

CARRIED

WALGETT SHIRE COUNCIL MINUTES

394/10 Walgett Main Street Beautification

Resolution:

1. That Walgett Shire Council resolves to progress the Main Street Beautification short term goals by:
 - (b). Removing empty tree grilles with awnings over, grind out existing stumps and temporarily fill with a bound gravel surface or similar.
 - (d). Engaging business and stakeholder co-operation with painting of shop facades, removal of bars and screens, removing existing base posts where awnings are currently incomplete.

Moved: Clr Colless

Seconded: Clr Keir

CARRIED

395/10 Walgett Main Street Beautification

Resolution:

1. That further investigation on costing for the outstanding items (a) and (c) in the original recommendation be brought back to the February 2011 Council Meeting as well as the results of the Traffic study conducted.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

12:54pm *Clr Colless left the meeting*

396/10 Gov – Farmland for Rating Purposes Policy

Resolution:

1. That Walgett Shire Council resolves to adopt the attached policy.

Moved: Clr Murray

Seconded: Clr Keir

CARRIED

12:56pm *Clr Colless returned to the meeting*

WALGETT SHIRE COUNCIL MINUTES

397/10 Draft Annual Report

Resolution:

1. That Council adopts the Annual Report and a copy be forwarded to the Minister for Local Government
2. That Council endorses the provision of a separate State of the Environment document to Walgett Shire Council's annual report.

Moved: Clr Murray

Seconded: Clr Keir

CARRIED

12:56pm Council adjourned the meeting

Presentation by James Abel – Council's GIS Coordinator on the current flooding situation during the lunch break

1:42 pm Council returned from lunch

1:44pm Clr Walford left the meeting

1:45pm Clr Walford returned to the meeting

1:59pm Clr Waford left the meeting

1:59pm Clr Keir left the meeting

1:59pm Council lost its quorum

2:00pm Clr Keir returned to the meeting

2:00pm Council's quorum returned

2:04pm Clr Walford returned to the meeting

398/10 IT System Change Proposal

Resolution:

1. That an expression of Interest is put out for an improved IT software system for council.
2. That the Mayor makes inquiries into the suitability of the IT software systems.

Moved: Clr Greenaway

Seconded: Clr Colless

CARRIED

2:15pm Mr Tekin Colak, Council's Roads Engineer joined the Council meeting and provided an updated on Council's current flood situation after his inspections this morning

399/10 Development and Complying Development Certificate Applications

Resolution:

It is recommended that Walgett Shire Council resolve to:

1. Note the report on:
 - a. Development Applications approved under delegated Authority by the Director Planning & Regulatory Services, Matthew Goodwin, during November 2010.
 - b. Complying Development Certificate applications approved by Council's Senior Health and Building Surveyor, Len Smyth, as a Building Professionals Board Accredited Certifier during November 2010.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

DRAFT

WALGETT SHIRE COUNCIL MINUTES

400/10 Growth Strategy & Local Environment Plan

Resolution:

It is recommended that Walgett Shire Council resolve to:

1. Note the letter dated 18 October 2010 from the Regional Director, Western Region of the Department of Planning regarding the Walgett Shire Council Planning Reform Fund Project for the Walgett Shire Growth Management Study and Strategy and Local Environmental Plan. Also that the Department indicated that a finalisation date of 1 September 2012 is not acceptable.
2. Endorse and adopt the November 2010 version of the Walgett Shire Growth Management Study and Strategy as prepared by Edge Land Planning.
3. Note and endorse the letter dated 8 November 2010 from the General Manager to the Regional Director, Western Region of the Department of Planning which:
 - (a) Submitted the November 2010 version of the Walgett Shire Growth Management Study and Strategy and requested the Director General's endorsement for the document.
 - (b) Submitted a letter dated 19 October 2010 from the Department of Industry and Investment which endorsed Walgett Shire Council's proposal to have a 400 hectare minimum holding size for a dwelling entitlement on rural land.
 - (c) Submitted a modified 'Planning Reform Fund – Request Variation to Project' which proposes completion of the Walgett Shire Growth Management Study and Strategy and Local Environmental Plan project by 30 June 2011.
4. Request that the General Manager proceed with the development of the Walgett Local Environmental Plan based on:
 - (a) Standard Instrument (Local Environmental Plans) Order 2006
 - (b) The land use planning recommendations contained in the November 2010 version of the Walgett Shire Growth Management Study and Strategy.

Moved: Clr Colless

Seconded: Clr Keir

Planning Division:

For: Clr Colless, Clr Keir, Clr Greenaway, Clr Woodcock, Clr Walford, and Clr Murray

Against: Nil

CARRIED

WALGETT SHIRE COUNCIL MINUTES

401/10 Draft Walgett Local Environmental Plan 2011

Resolution:

That Walgett Shire Council resolve to:

1. Endorse the submission on 10 December 2010 of a draft Walgett Local Environmental Plan 2011 to the Dubbo regional office of the Department of Planning for preliminary consultation under section 64 of the Environmental Planning and Assessment Act 1979.
2. Delegate authority to the Mayor and General Manager to authorise changes to the draft Walgett Local Environmental Plan 2011 which arise from preliminary consultation discussions with the Department of Planning.
3. At the earliest opportunity, formally submit the draft Walgett Local Environmental Plan 2011 (LEP) to the Dubbo regional office of the Department of Planning under section 64 of the Environmental Planning and Assessment Act 1979 and request a certificate under section 65 of the Act to permit the public exhibition of the draft LEP.

Moved: Clr Greenaway

Seconded: Clr Walford

Planning Division:

For: Clr Colless, Clr Keir, Clr Greenaway, Clr Woodcock, Clr Walford, and Clr Murray

Against: Nil

CARRIED

402/10 Walgett Local Approvals Plan

Resolution:

It is recommended that Walgett Shire Council resolve to:

1. Amend the March 2010 version of Walgett Shire Council Local Approvals Policy in accordance with the conditions of consent imposed by the Director General, Department of Planning, in a letter dated 8 November 2010.
2. Adopt the amended Walgett Shire Council Local Approvals Policy.
3. Give public notice of the adoption of the Walgett Shire Council Local Approvals Policy via advertisements in the Lightning Ridge News and the Walgett Spectator newspapers.

Moved: Clr Colless

Seconded: Clr Keir

CARRIED

WALGETT SHIRE COUNCIL MINUTES

403/10 Pilot contaminated soil treatment trial, Walgett airport

Recommendation:

That Walgett Shire Council resolve to:

1. Note the report titled '*Pilot Soil Treatment for stockpile located in the vicinity of former crop duster wash down area at the Walgett Airport*', dated 16 September 2010 prepared for Walgett Shire Council by Parsons Brinkerhoff Australia Pty Limited.
2. That the cost of using or adding 10% lime to the stockpile be determined and if it is in the current budget allocation then for Council to proceed.

Moved: Clr Colless

Seconded: Clr Keir

CARRIED

2:47pm Clr Colless left the meeting

2:48pm Clr Colless returned to the meeting

2:56pm Clr Walford left the meeting

2:57pm Clr Walford returned to the meeting

404/10 Development Application, Diesel Storage & Sales, Walgett

Recommendation:

That Walgett Shire Council resolve to:

1. Approve Development Application 2010/039 by Nicholas Tsirindanis for diesel sales from a containerised self bunded fuel tank at the Walgett grain silo, Castlereagh Highway, Walgett (lot 1, DP 819858) subject to the conditions of development consent recommended by the Director of Planning & Regulatory Services.

Moved: Clr Colless

Seconded: Clr Murray

Planning Division:

For: Clr Colless, Clr Walford, Clr Woodcock, Clr Keir and Clr Murray

Against: Clr Greenaway

CARRIED

WALGETT SHIRE COUNCIL MINUTES

Clr Keir declared a non pecuniary interest in this item and left the meeting as she is applicant on behalf of the Come-By-Chance community.

405/10 2010/2011 Local heritage Fund Applications

Recommendation:

It is recommended that Walgett Shire Council resolve to:

1. Disperse \$16,000 from the Walgett Shire Council Local Heritage Fund 2010-2011 via the following grants:
 - (a) \$3,000 for the "Epping" shearing shed, Epping Rd., Pilliga
 - (b) \$3,000 for the "Moongulla" outbuildings, Boora Rd, Collarenebri
 - (c) \$4,000 for the Walford house, Opal St, Lightning Ridge
 - (d) \$3,000 for the former Walgett Post Office (now Best Employment office), Fox St., Walgett
 - (e) \$3,000 for the Come-by-Chance hall, Colless St., Come-by-Chance
 - (f) \$5,000 for restoration of the Glenburnie Homestead stables

Moved: Clr Colless

Seconded: Clr Walford

CARRIED

3:14pm *Clr Keir returned to the meeting*

3:15pm *Clr Keir asked to excused from the meeting for approximately 15 minutes*

406/10 Matters Generally for Brief Mention or Information only from Director of Planning & Regulatory Services

Recommendation:

1. That the matters listed by the Director of Planning & Regulatory Services for brief mention, or information only, be received and noted.

Moved: Clr Greenaway

Seconded: Clr Colless

CARRIED

407/10 Matters Generally for Brief Mention or Information only from Director Urban Infrastructure Services

Recommendation:

1. That the matters listed by the Director Urban Infrastructure Services for brief mention or information only be received and noted.

Moved: Clr Colless

Seconded: Clr Greenaway

CARRIED

WALGETT SHIRE COUNCIL MINUTES

408/10 Review of Strategic Plant Replacement Program 2010 - 2024

Recommendations:

1. That Council conduct a workshop after the February Council Meeting to discuss the recommendations in this report.

Moved: Clr Murray
Seconded: Clr Greenaway

CARRIED

3:28pm Clr Murray left the meeting

3:28pm Clr Colless left the meeting

3:28pm Council lost its quorum

3:29pm Clr Colless returned to the meeting

3:29pm Clr Murray returned to the meeting

3:29pm Council's Quorum returned

Confidential Reports/Closed Council Meeting

409/10 Move into Closed Session 3:30pm

Resolution:

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

- (a) personnel matters concerning particular individuals (other than councillors)

Moved: Clr Walford
Seconded: Clr Murray

CARRIED

3:34pm Clr Keir returned to the meeting

410/10 Northern Regional Library Agreement Report

Resolution:

1. That Walgett Shire Council authorises the General Manager to sign the Agreement for Library Services following the satisfactory resolution of the two outstanding issues outlined in the report and clarification of the cost of the Agreement.

Moved: Clr Greenaway
Seconded: Clr Walford

CARRIED

WALGETT SHIRE COUNCIL MINUTES

411/10	Return to Open Session	3:44pm
Resolution: That Council return to Open Session. Moved: Clr Murray Seconded: Clr Greenaway CARRIED		

412/10	Adoption of Closed Session Reports
Resolution: That Council adopt the following reports of the Closed Committee: 1. Northern Regional Library Agreement Report Moved: Clr Greenaway Seconded: Clr Keir CARRIED	

The meeting closed at 3:46pm

To be confirmed at the meeting of Council to be held on Tuesday February 2011

Mayor

General Manager