



# **MINUTES FOR ORDINARY COUNCIL MEETING**

**22<sup>nd</sup> October, 2013**

**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 **22 October 2013** commencing at 10:17 am to discuss the items listed in the Agenda.

**ADOPTED: 26 November 2013**

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, partner 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 MEETING OF THE WALGETT SHIRE COUNCIL HELD AT WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY 22<sup>nd</sup> OCTOBER, 2013 AT 10:17 AM**

**PRESENT**

Clr B Murray (Mayor)  
Clr D Cooper  
Clr R Greenaway  
Clr J Keir  
Clr D Lane  
Clr L Walford  
Clr M Taylor  
Clr I Woodcock  
Don Ramsland (General Manager)  
Stephen Holland (Director Corporate Services)  
Andrew Wilson (Acting Director Planning & Regulatory Services)  
Raju Ranjit (Director Engineering Services)  
Prafulla K.C (Acting Director Urban Infrastructure Services)  
Victoria Renshaw (Minute Secretary)

**Welcome to Visitors**

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

**10/2013/1 Apologies – 22 October 2013**

**Resolved:**

That apologies received from Clr Martinez be accepted and leave of absence granted.

**Moved: Clr Cooper**

**Seconded: Clr Martinez**

**CARRIED**

**Public Forum Presentations**

**Inspector Rod Stonestreet of Castlereagh LAC discussed the following;**

- He is currently the acting Superintendent until the new commander arrives.
- Regarding the IGA fire, from a policing perspective the fire investigation has been completed.
- Detectives are preparing a report for the Coroner.
- It is anticipated that the IGA site will be handed back to the owner later on this afternoon.
- Clean-up of the site will be the owner's responsibility.
- Rod provided an overview of current police staffing and 2 vacant positions in the Shire.
- Confirmed there is one police officer at Burren Junction but he is not currently working. There are 3 in Collarenebri and 10 in Lightning Ridge.
- Rod is amenable for him and/or his colleagues attending future Council meetings to discuss issues generally if Council wishes.

### **Declaration of Pecuniary/Non Pecuniary Interests**

Clr Keir declared a Pecuniary Interest in item 26 - Monthly Flood Works from Director Engineering Services as her family are currently operating a plant.

### **Confirmation of Minutes**

#### **10/2013/2 Minutes of Council meeting – 24 September 2013**

**Resolved:**

1. That the minutes of the Council meeting held 24 September 2013, having been circulated be confirmed as a true and accurate record of that meeting, subject to the additional notation that the tennis courts at Lightning Ridge were in need of repair.

**Moved: Clr Lane**

**Seconded: Clr Cooper**

**CARRIED**

### **Mayoral Minutes**

#### **10/2013/3 Matters for Brief Mention or Information Only from Mayor**

**Resolved:**

1. That the matters listed for Brief Mention by the Mayor are received and noted.

**Moved: Clr Walford**

**Seconded: Clr Keir**

**CARRIED**

### **Councillors Questions From Last Meeting**

**Clr Martinez**

**Question 1**

What is happening with work regarding Sherman's Way?

**Response**

The General Manager advised that he has requested Council's engineer to prepare a report. The General Manager and Clr Woodcock inspected the road last Friday and General Manager notes that he was surprised at the type of gravel used on the road. The General Manager advised that a decision was previously made by Council to not seal the road. The report to be prepared will include a costing and funds will be utilised from the current maintenance budget, resulting in a delay on other projects. The General Manager is to circulate the draft report to Councillors once prepared.

**Question 2**

The Lightning Ridge netball competition plays in the evening and there is a lack of lightning available to the courts. Can this be addressed?

**Response**

The Director Corporate Services advised that there is a light from the soccer fields that can be turned around but it does not give enough light. Suggestion that for this season the lightning tower is used until a more permanent solution is available.

**Clr Lane****Question 1**

What will be the solution regarding the Lightning Ridge Racetrack?

**Response**

The General Manager advised that he had recently been to inspect the racetrack with Clr Woodcock. Noted that the following issues need to be addressed;

- Pipe running across track halfway up the straight
- Running rail near the finish line needs to be curved and extended
- Trees on bend and near new pump station to be removed
- Sprinkler and control box on track need to be relocated

The General Manager advised that the Director Urban Infrastructure has been away causing a delay in work. The trees near the pump station have been removed. Funds for this will come out of Council's maintenance fund where available. However, additional costs may need to be covered from Race Course Development Grants or other Sport and Recreation grants. The race club has indicated it would contribute about \$15,000.

**Question 2**

What is the process for putting a motion to Council to write to the Minister regarding the LEP?

**Response**

The General Manager advised Clr Lane should draft a notice of motion to Council, to be listed at the next Council meeting. Clr Lane is to draft the notice. The General Manager noted that at the August 2013 Council Meeting the Regional Director of Planning was requested to investigate, he is yet come back to Council with a response.

**Clr Taylor****Question 1**

After the recent storm in Lightning Ridge the caretaker of the race club advised that the tree leaning over the race club and over the care takers residence have suffered damage. Can these be cut down?

**Response**

The Director Urban Infrastructure to investigate.

**Question 2**

Houses adjacent to the Lightning Ridge Diving Complex are experiencing dust from passing traffic. Can a bitumen sideway be layed?

**Response**

The Director Engineering Services to investigate.

**Question 3**

The presentation of Lyons Park in Lightning Ridge is tatty. There are approximately 100/200 to pine logs that are rotting and/or falling down. Can they be replaced?

**Response**

The General Manager advised that issues such as this need to be costed and added to the annual budget. This should not be done halfway through the year and the correct process needs to be followed. The General Manager will see if an interim solution can be made.

**Question 4**

There is a pot hole in Pandora Street Lightning Ridge near Khans IGA. Can this be investigated?

**Response**

The Director Engineering Services advised that engineering staff have inspected the site and has been scheduled for October 2013.

**Clr Greenaway**

**Question 1**

Can a sign be placed in Collarenebri at the intersection of Wilson and Herbert Streets to indicate where the primitive camping ground is?

**Response**

The Director Engineering Services advised that this item is listed for discussion at the October Local Area Traffic Control meeting.

**Question 2**

Funds were allocated towards improving roads in Collarenebri. When will this work commence?

**Response**

The Director Engineering Services advised that there are no funds allocated in the 2013/14 FY budget for this work.

**Question 3**

There are funds available to be spent improving Shire Road #11. Will funds be spent on improving the low level crossing?

**Response**

The Director Engineering Services advised that full funds available have been used for Shire Road 1 and re inspection is in progress.

**Question 4**

There are gaps in doorways of the Rowena Hall. Can they be fixed?

**Response**

The Director Urban Infrastructure to investigate.

**Clr Keir**

**Question 1**

The General Manager circulated a copy of the NSW Health Plan recently and responses to be received by 30 September. There are shortcomings in the plan; can a response be formulated addressing these shortcomings?

**Response**

The General Manager and Clr Keir to liaise regarding a response.

**Question 2**

Can Council have a liaison officer available to assist people when completing Development Applications?

**Response**

The General Manager advised that the Economic Development Officer could assist. Another option could be that a private consultant is available to the applicant at Council's cost.

## **Clr Cooper**

### **Question 1**

What is happening with the pool work and shade structures?

#### **Response**

The Director Corporate Services advised that a tentative completion date has been set for November. The 30 metre shade structure is currently being repaired. The Walgett Pool will open on 1 October and the Collarenebri Pool will open 1 week after, as work is still being done on chlorine equipment and fibre glassing issues.

## **Clr Walford**

### **Question 1**

Youth Suicide is on the increase in the area, as is Domestic Violence.

#### **Response**

Noted.

### **Question 2**

After the Knockout last weekend it was noted that there were not enough toilets or shade for the crowd. An amplifier also had to be plugged in to power points located in the shower room with leads running through water.

#### **Response**

The General Manager advises that initially when Knockout started the committee were also going to contribute towards costs, but to date no contributions have been made. Council have not been approached to provide additional toilets, committee could hire additional services if needed. In regards to shade there are a number of local organisations that may be able to provide shade marquees. General Manager will investigate issues with access to power. The General Manager congratulated the indigenous community for the event running smoothly.

## **Reports of Officers**

### **10/2013/4 Council Decision Action Report – September 2013**

#### **Resolved:**

That the Resolution Register for September 2013 be received and noted.

**Moved: Clr Cooper**

**Seconded: Clr Greenaway**

**CARRIED**

### **10/2013/5 Circulars Received from the Local Government NSW**

#### **Resolved:**

That the information contained in the weekly circulars numbers 39 - 41 from the Local Government NSW be received and noted.

**Moved: Clr Keir**

**Seconded: Clr Walford**

**CARRIED**

**10/2013/6 Circulars Received from the Division of Local Government – October 2013**

**Resolved:**

That the information contained in the following Departmental circulars 13-42 to 13-46 from the Local Government Division Department of Premier and Cabinet be received and noted.

**Moved: Clr Woodcock  
Seconded: Clr Cooper**

**CARRIED**

**10/2013/7 Monthly Calendar – October to January 2014**

**Resolved:**

That Council receive and note the regular monthly calendar for the period October 2013 to December 2013.

**Moved: Clr Keir  
Seconded: Clr Walford**

**CARRIED**

**10/2013/8 Review of Policy and WSC Procedures – Payment of Expenses and Provision of Facilities for Councillors**

**Resolved:**

That, in accordance with the requirements of Sections 361, 362 and 363 of the Local Government Act 1993 as amended Council adopt the draft “Policy – Payment of Expenses and Provision of Facilities for Councillors Policy”.

**Moved: Clr Taylor  
Seconded: Clr Cooper**

**CARRIED**

#### **10/2013/9 2014 Australia Day Celebrations**

**Resolved:**

That:

1. The Mayor and the following Councillors be members of the 2014 Australia Day Awards Judging panel Clr Taylor and Clr Cooper.
2. The Mayor be the chairperson of the Judging panel.
3. The Mayor and Councillors on the Panel be authorised to determine community members of the Panel and to invite community members to join the Panel.

**Moved: Clr Walford**

**Seconded: Clr Greenaway**

**CARRIED**

#### **10/2013/10 Reporting on Disclosure Returns**

**Resolved:**

That Council receive and note the Report.

**Moved: Clr Keir**

**Seconded: Clr Greenaway**

**CARRIED**

#### **10/2013/11 RDAF Round 5 – Main Street Makeovers – Focus for Delegation**

**Resolved:**

That OROC be requested to compile a summary of the impact not proceeding with Round 5 RDAF grants will have on smaller communities across western NSW with a view to making this summary the focus of a delegation to the Deputy Prime Minister, Hon. Warren Truss, who holds the portfolio responsibility for regional development and local government.

**Moved: Clr Cooper**

**Seconded: Clr Woodcock**

**CARRIED**

**10/2013/12 Local Infrastructure Renewal Scheme – Execution of Funding Agreements**

**Resolved:**

That Council formally authorise the execution of the Round 2 Local Infrastructure Renewal Scheme (LIRS) funding agreements under the Common Seal of Council.

**Moved: Cllr Lane**

**Seconded: Cllr Walford**

**CARRIED**

**10/2013/13 Local Government Reform Process - Update**

**Resolved:**

That Council endorse the proposed amendments to the draft Barwon Darling Co-ordination Group Agreement, arrange with the two other participating Councils for the agreement to be signed, and then proceed with the introduction of local resource sharing.

**Moved: Cllr Lane**

**Seconded: Cllr Walford**

**CARRIED**

**10/2013/14 Matters for Brief Mention or Information Only – General Manager**

**Resolved:**

That the General Manager's Report on matters for brief mention or information only be received and noted.

**Moved: Cllr Lane**

**Seconded: Cllr Greenaway**

**CARRIED**

**10/2013/15 LEMC – IGA Fire**

**Recommendation:**

That the Mayor and General Manager's actions be endorsed and that they be given delegated authority to resolve any matters as and when they arise.

**Moved: Cllr Greenaway**

**Seconded: Cllr Taylor**

**CARRIED**

**10/2013/16 Cash on Hand and Investment Report as at 30 September 2013**

**Resolved:**

That the Cash on Hand and Investment Report as at 30 September 2013 be received and noted.

**Moved: Clr Cooper**  
**Seconded: Clr Keir**

**CARRIED**

**10/2013/17 Public Toilet – Opal Street Lightning Ridge**

**Resolved:**

1. That the public toilet located in Opal Street Lightning Ridge be demolished and that it not be replaced.
2. That the cost of demolishing the toilet be funded from Budget Ledger 11.03056.4081.

**Moved: Clr Greenaway**  
**Seconded: Clr Walford**

**CARRIED**

**10/2013/18 Internal Reporting Policy & Procedures – Public Interest Disclosures Act**

**Resolved:**

That Council having noted that no submissions were received now adopt the Internal Reporting Policy and Procedures.

**Moved: Clr Woodcock**  
**Seconded: Clr Keir**

**CARRIED**

**10/2013/19 Manager Community Development Report July – September 2013**

**Resolved:**

That the quarterly report for June – September 2013 on Community Development be received and noted.

**Moved: Clr Keir**  
**Seconded: Clr Woodcock**

**CARRIED**

**10/2013/20 Walgett Swimming Club – Friday Night Club Activities**

**Resolved:**

1. That the Council approve the earlier closing time for the Walgett Swimming Pool on Fridays from 7pm to 6pm.

**Moved: Clr Woodcock**

**Seconded: Clr Keir**

**CARRIED**

**10/2013/21 Lightning Ridge Tennis Courts – Synthetic Turf**

**Resolved:**

1. That the matter be deferred and an expression of interest be lodged to allow a price for the second hand synthetic turf to be negotiated.

**Moved: Clr Walford**

**Seconded: Clr Greenaway**

**CARRIED**

**10/2013/22 Draft State of the Environment Report**

**Resolved:**

That Walgett Shire Council resolve to:

1. Adopt and endorse the Walgett Shire State of the Environment Report for 2012-2013.
2. Submit the Walgett Shire State of the Environment Report for 2012-2013 to the Division of Local Government and the Department of Premier and Cabinet as a component of Council's Annual Report by 30 November 2013.
3. Publish the Walgett Shire State of the Environment Report for 2012-2013 on Council's website.

**Moved: Clr Keir**

**Seconded: Clr Woodcock**

**CARRIED**

#### 10/2013/23 Grants from the Walgett Shire Local Heritage Fund

**Resolved:**

**That Walgett Shire Council resolve to:**

1. Disperse \$20,000 from the Walgett Shire Council Local Heritage Fund 2013-2014 in the following manner:
  - (a) \$1,000 to Lightning Ridge Historical Society for cleaning and painting roof of hospital gallery & Spicer's hut, 7 Morilla St, Lightning Ridge.
  - (b) \$4,000 to Oliver Hall to repair the roof and western wall of a cottage at 35 Slacksmith St, Burren junction.
  - (c) \$2,500 to Brian and Kay Gibbons to repair termite damage to the Moongulla outbuildings, Collarenebri.
  - (d) \$4,000 to Best Employment to repair termite damage and paint external timberwork at the old post office at 63 Fox St, Walgett.
  - (e) \$3,300 to Anglican Parish of Coonamble to repair the interior walls of the St John the Evangelist Church at Colin St, Carinda.
  - (f) \$5,200 to Anglican Parish of Coonamble to repair roof, repair guttering and paint exterior of St Peters Anglican Church, Walgett.

**Moved: Clr Woodcock**

**Seconded: Clr Keir**

**CARRIED**

#### 10/2013/24 Draft Swimming Pool Inspection Program

**Resolved:**

**That Council resolve to;**

1. Adopt the Swimming Pool Inspection Program that was publicly exhibited from 1 September 2013 to 30 September 2013.
2. Advertise the adoption of the Swimming Pool Inspection Program in Council's newspaper columns.
3. Make the Swimming Pool Inspection Program available to the public via Council's website.

**Moved: Clr Keir**

**Seconded: Clr Cooper**

**CARRIED**

*Matt Clarkson, Town Planner discussed the following item.*

#### **10/2013/25 Strategic Agricultural Land Maps**

**Resolved:**

**That Council resolve to;**

1. Note the public exhibition of strategic agricultural land maps by the Department of Planning and Infrastructure.
2. Make a submission to the Department of Planning and Infrastructure regarding Strategic Agricultural Land Map sheet STA\_018 that:
  - (a) It does not accurately show the extent of reflect the extent of “best quality soil and water resources” as it is partially based on a notional catchment boundary and does not correlate with the Agricultural Land Classification Study - Walgett Shire (July 2000, by NSW Agriculture).
  - (b) Council requests that the Department revise the map to include significant additional areas of important agricultural land, especially to the south of the currently mapped area.

**Moved: Clr Lane**

**Seconded: Clr Greenaway**

**CARRIED**

*Clr Keir declared a Pecuniary Interest in the following item and left the meeting at 12:17pm.*

#### **10/2013/26 Monthly flood works Report from Director Engineering Services**

**Resolved:**

1. That Council receive and note the monthly flood restoration works report for October 2013

**Moved: Clr Lane**

**Seconded: Clr Taylor**

**CARRIED**

*Clr Keir returned to the meeting at 12:20pm.*

**10/2013/27 Monthly RMCC works Report from Director Engineering Services – October 2013**

**Resolved:**

That Council receive and note the monthly RMCC works report for October 2013.

**Moved: Clr Walford**  
**Seconded: Clr Lane**

**CARRIED**

**10/2013/28 Acquisition of LOT 3172 IN DP 765377 – October 2013**

**Resolved:**

1. That Council accepts the acquisition proposal and the budget.
2. That funds for the acquisition are allocated from the legal expenses budget.

**Moved: Clr Lane**  
**Seconded: Clr Greenaway**

**CARRIED**

**10/2013/29 RR426- SHERMANS WAY – GRAVELLING WORKS- October 2013 Report**

**Resolved:**

1. That Council note the Director of Engineering's Report and accept option 3.
2. That Council defer the work programme for RR457 (\$ 300,000) for FY2013/2014 and approve to transfer the budget \$ 300,000 to RR426 Sherman's Way sealing works.
3. That an increased amount be allocated in the 2014/2015 FY budget for work on Regional Road 457 equivalent to the amount transferred in 2013/2014.

**Moved: Clr Lane**  
**Seconded: Clr Woodcock**

**CARRIED**

**10/2013/30 New Provisions in the Local Government (General) Regulation 2005: Sewage & Trade Waste Discharge**

**Resolved:**

1. That Council receive and note the amendments in the Local Government (General) Regulation 2005 in regard to regulate sewage and trade waste discharge to council sewerage system.

**Moved: Clr Cooper**  
**Seconded: Clr Lane**

**CARRIED**

**Questions for the next Meeting**

**Clr Taylor**

**Question 1**

During a recent game of netball at the Lightning Ridge netball courts the lights were turned off mid-game. Why did this occur?

**Response**

The Director Corporate Services advised that he is aware of this happening and it was due to the light operator mistakenly believing that the game was finished. There are available lights on the soccer grounds that have been turned around but at this stage they are not a permanent solution. Funds were used out of the Health Communities budget to fund turning the lights around. Council is planning on submitting a grant application to Sport and Rec to update lighting at the courts.

**Question 2**

Has Council received Gerard O'Brien's complaint regarding causeways?

**Response**

The General Manager advised that Council has received the complaint and a report will be prepared for the November Council Meeting.

**Question 3**

Footpath edges in Opal Street, Lightning Ridge have become damaged due to erosion. Council may be liable if an accident occurs. Can we attempt to resolve this so to decrease our liability?

**Response**

The Director Corporate Services advised of Council's general exemption from liability.

**Question 4**

Have water connection issues at Lightning Ridge Race Course to the property of George Moulder been resolved?

**Response**

The General Manager advised that Council have previously approached to Mr Moulder regarding this and the matter will again be followed up.

**Question 5**

I would like to commend the General Manager and Mayor for their emergency response to the grocery supply issue.

**Response**

Noted.

## Clr Lane

### Question 1

Dean Schellmegger has requested a letter of support regarding registration of his equipment. Can Council assist with this?

#### Response

The General Manager advised that he cannot see why Council would not give a letter of support. Clr Keir and the Director of Engineering Services are to liase with Dean to offer assistance. After discussion the following motion was resolved;

### 10/2013/31 Letter of Support for Dean Schellmegger

#### Resolved:

1. That Council write a letter of support on behalf of Dean Schellmegger.

**Moved: Clr Walford**

**Seconded: Clr Lane**

**CARRIED**

## Clr Cooper

### Question 1

Drainage problems are being experienced in Peel Street, between Arthur & Euroka Streets on the Western side. Can this be investigated?

#### Response

The Acting Director Planning & Regulatory Services advised that a site inspection will be undertaken and outcome circulated to Councillors.

### Question 2

Work is currently going on at the Northern Gateway on the road between Walgett and Lightning Ridge. What is the extent of this work and is it being undertaken by Council?

#### Response

The General Manager advised that Council's staff are tidying up the northern approach to Walgett to make it easier to maintain in the future.

### Question 3

What is happening regarding the depot break-ins?

#### Response

The General Manager advised that a couple of break-ins have occurred this year. Council is working with police to identify the offenders. Offenders have attempted to start light vehicles and one has been driven through the depot fence. Doors have been damaged and keys and security cameras have been taken. Council is currently preparing a proposal for CCTV to cover the whole depot area.

## Clr Greenaway

### Question 1

What is happening regarding the bank house repairs?

#### Response

General Manager advises that grounds maintenance is currently being undertaken and temporary staff are being engaged to undertake repairs in-house.

**Question 2**

What is happening regarding the Collarenebri water supply?

**Response**

Acting Director Urban Infrastructure Services advises that upgrading investigations are continuing and a further report will be prepared shortly.

**Question 3**

Is Council planning on replacing the pavers in the main street in Collarenebri?

**Response**

The General Manager advised that this work was included in the Main Street Beautification Program for 2013/14.

**Question 4**

Can Council write to the LHPA requesting that the following ramps are removed?

- Shire Road 5, 1km from State Highway 12
- West of Merrywinebone Silo, Shire Road 2.

**Response**

Director Engineering Services to investigate.

**Question 5**

Can Council investigate the regional road 329 crossroads out of Rowena (2 causeways with levee banks each side)?

**Response**

Director Engineering Services to investigate.

**Clr Keir****Question 1**

Will recycling still continue at the Walgett tip under the new contractors?

**Response**

Acting Director Urban Infrastructure Services to investigate.

**Clr Woodcock****Question 1**

Can Council prepare a test of the bore water in Lightning Ridge from both the new and old bores?

**Response**

The General Manager noted that we need to take specific samples from both bores for chemical analysis.

**Question 2**

What is happening with the Lightning Ridge Racetrack?

**Response**

The General Manager advised that recent work done at the racetrack was not undertaken by Council staff, nor with Council's knowledge. If an issue occurs while work is being undertaken by anyone at the racetrack both those individuals and Council may be liable. The General Manager advised that anyone who undertakes work without prior notification to Council will be issued with a formal warning.

*The meeting adjourned for lunch at 1:17pm.*

*The meeting resumed at 1:47pm with all those previously present again in attendance.*

#### **10/2013/32 Move into Closed Session At 1:47PM**

##### **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:

- (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)
- (d) 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 Taylor**

**CARRIED**

#### **10/2013/33 Lehman Brothers (Asia) and (Australia) Update**

##### **Recommendation:**

- 1. That the content of the report be noted
- 2. That the actions of the General Manager to, agree to the Scheme of Arrangement with Lehman Bros (Aust) Insurers and to, not continue with action against Lehman Bros (Asia) in the event that IMF funding ceases be endorsed.

**Moved: Clr Lane**

**Seconded: Clr Walford**

**CARRIED**

#### **10/2013/34 John Crouch – Outstanding Hangar Rental**

##### **Recommendation:**

- 1. That an amount of \$731.36 be written off debtor number 1711.14 (J Crouch) and that a payment arrangement be offered to Mr Crouch on the basis that, an amount of \$2,000 is paid before 30 November 2013 and the balance of \$2,000 is paid when his aircraft is sold but no later than 30 June 2014
- 2. Should Mr Crouch decline to enter into the payment arrangement detailed above or, subsequently not meet the terms of the arrangement, that the debt be referred to Councils collection agents.

**Moved: Clr Lane**

**Seconded: Clr Cooper**

**CARRIED**

**10/2013/35 Sec 713 Sale of Land for Overdue Rates – 14 December 2014 (Confidential)**

**Resolved:**

1. That Lot 30 DP 238035 being rate assessment 7476 in the name of Richard Dennis be withdrawn from sale of land for unpaid rates scheduled for Saturday 14 December 2013
2. That the request by Mr Jozef Stark Strzelecki for his payment arrangement to be accepted for the property Lot 10 Sec 19 DP 758612, WLL 12758 being rate assessment 20024 be refused and that, he be advised that payment in full is required before the property will be withdrawn from the sale for unpaid rates on Saturday 14 December 2013.

**Moved: Clr Lane**

**Seconded: Clr Woodcock**

**CARRIED**

**10/2013/36 RFT13/005- Construction of Box Culvert in Old Burren Creek – Merrywinebone Road (RR329) for October 2013 Report**

**Recommendation:**

1. That Council accepts the tender with rating 1 submitted by Deniliquin Irrigation Contracting P/L in the sum of \$374,569 subject to confirmation of the availability of special grant funds.

**Moved: Clr Greenaway**

**Seconded: Clr Cooper**

**CARRIED**

**10/2013/37 RFT13/015- Construction of Big Baroka Bridge – Brewon Road (SR112) for October 2013 Report**

**Recommendation:**

1. That Council accepts the tender with rating 1 submitted by Mathews Civil and Asphalt Pty Ltd in the sum of \$592,000.00.

**Moved: Clr Lane**

**Seconded: Clr Walford**

**CARRIED**

*Clr Lane declared a potential Pecuniary Interest in the following item and left the meeting at 2:37pm.*

**10/2013/38 Walgett Levee Rehabilitation-Stage 4, Tender**

**Recommendation:**

1. That this item is deferred for consideration at the adjourned Council meeting.

**Moved: Clr Cooper**

**Seconded: Clr Keir**

**CARRIED**

*Clr Lane returned to the meeting at 2:58pm.*

**10/2013/39 General Manager's Performance Review**

**Recommendation:**

1. That this item be deferred for consideration at the adjourned meeting.

**Moved: Clr Greenaway**

**Seconded: Clr Walford**

**CARRIED**

**10/2013/40 Return to Open Session at 3:00pm**

**Resolved:**

1. That Council return to open session.

**Moved: Clr Greenaway**

**Seconded: Clr Walford**

**CARRIED**

## 10/2013/41 Adoption of Closed Session Reports

### **Resolved:**

That Council adopt the following recommendation of the Closed Committee:

- 1) Lehman Bros (Asia) and (Australia);
- 2) John Crouch Outstanding Hangar Rental;
- 3) Section 713 Sale of Land for Unpaid Rates;
- 4) Tenders – Construction of Box Culvert in Old Burren Creek;
- 5) Tenders – Construction of Big Baroka Bridge – Brewon Road;
- 6) Walgett Levee Refurbishment Stage 4;
- 7) General Manager's Performance Review.

**Moved: Cllr Greenaway**

**Seconded: Cllr Taylor**

**CARRIED**

### **Adjournment and Resumption of Meeting**

*The meeting adjourned at 3:03pm to allow the General Manager & Mayor to attend a meeting of the Walgett LEMC in relation to the IGA fire.*

*The meeting resumed on 6 November at 2:15pm.*

**MINUTES OF THE ADJOURNED MEETING OF THE WALGETT SHIRE COUNCIL HELD AT WALGETT SHIRE COUNCIL CHAMBERS ON WEDNESDAY 6<sup>TH</sup> NOVEMBER, 2013 AT 2:15PM**

**PRESENT**

Clr B Murray (Mayor)  
Clr D Cooper  
Clr R Greenaway  
Clr J Keir  
Clr D Lane  
Clr M Martinez  
Clr L Walford  
Clr I Woodcock  
Don Ramsland (General Manager)  
Stephen Holland (Director Corporate Services)  
Matthew Goodwin (Director Planning & Regulatory Services)  
Raju Ranjit (Director Engineering Services)  
Prafulla K.C (Acting Director Urban Infrastructure Services)  
Victoria Renshaw (Minute Secretary)

**10/2013/42 Apologies – 6 November 2013**

**Resolved:**

That apologies received from Clr Taylor be accepted and leave of absence granted.

**Moved: Clr Walford**

**Seconded: Clr Cooper**

**CARRIED**

**Reports of Officers**

**10/2013/43 Move into Closed Session At 2:23PM**

**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.
- (c) And the following matters of urgency also be considered;
  - 1. Lightning Ridge IGA Store – Unauthorised Building Works
  - 2. Compulsory Acquisition of New Walgett Water Treatment Plant Site.

**Moved: Clr Greenaway**

**Seconded: Clr Keir**

**CARRIED**

**10/2013/44 Walgett Levee Rehabilitation Stage 4, Tender**

**Recommendation:**

1. That Council endorse the proposal to proceed with work on the levee between the Come-By-Chance Road and Castlereagh Highway.
2. That Council endorse the recommendation to proceed with two milestones for stage 4 and scope of each milestone.
3. That Council accept the tender proposal submitted by Public Works - \$15,800 (inclusive GST) for stage 4 for project management.

**Moved: Clr Cooper**

**Seconded: Clr Keir**

**CARRIED**

**10/2013/45 Walgett IGA Fire Update**

**Recommendation:**

That the General Manager's verbal report in relation to the Walgett IGA Fire be received and noted.

**Moved: Clr Woodcock**

**Seconded: Clr Keir**

**CARRIED**

**10/2013/46 Lightning Ridge IGA – Unauthorised Building Works**

**Recommendation:**

That Council contact Council's solicitor to determine if Council's current actions are appropriate in the circumstances and, if not, what actions should be taken instead.

**Moved: Clr Greenaway**

**Seconded: Clr Walford**

**CARRIED**

#### 10/2013/47 Compulsory Acquisition - New Water Filtration Plant Site

##### Recommendation:

1. That Council firstly proceed to take appropriate action with regards the Native Title Claim over Reserve R81681 based on legal advice currently being obtained, which may amongst other steps, involve notification of the native title claimants in accordance with the Native Title Act 1993
2. Council proceed to take appropriate action with regards the Aboriginal Land Rights Act 1983 (NSW) to have the determination of Aboriginal Land Claims over Reserve R81681 fast tracked and approach the Walgett Aboriginal Land Council for a letter indicating that it supports Council's acquisition of the land as the propose water filtration plant will be servicing the needs of the Namoi Village and has no objection to Council seeking to occupy the site under licence pending the finalisation of the acquisition process
3. Council acquire by compulsory acquisition the land described as Reserve R 81681 in Lots 1 - 20 Section 18 Deposited Plan 759036 under the provisions of the Public Works Act 1912.
4. Council apply to the Minister and/or Governor for approval to acquire the subject land by compulsory process under the Land Acquisition (Just Terms) Compensation Act 1991 for the purpose of constructing a public infrastructure facility being a water filtration plant for the benefit of the residents of Walgett.
5. That all minerals are to be excluded from the compulsory acquisition of the subject land.
6. That upon acquisition, the subject land be classified operational land.
7. That any necessary documentation be executed under the common seal of Council.
8. That Council seek to have an additional purpose of "user services" added to the reserve's purposes.
9. That Council seek the granting of a licence to occupy the reserve site pending finalisation of the compulsory acquisition process which should also be fast tracked if possible.

**Moved: Clr Cooper**  
**Seconded: Clr Walford**

**CARRIED**

#### 10/2013/48 General Manager's Performance Review

##### Recommendation:

1. That this matter be held over until Council's December meeting.

**Moved: Clr Keir**  
**Seconded: Clr Woodcock**

**CARRIED**

**10/2013/49 Return to Open Session at 4:00pm**

**Resolved:**

1. That Council return to open session.

**Moved: Cllr Woodcock**

**Seconded: Cllr Keir**

**CARRIED**

**10/2013/50 Adoption of Closed Session Reports**

**Resolved:**

That Council adopt the following recommendations of the Closed Committee:

- 1) Walgett Levee Rehabilitation Stage 4, Tender;
- 2) Walgett IGA Fire Update;
- 3) Lightning Ridge IGA – Unauthorised Building Works;
- 4) Compulsory Acquisition – New Water Filtration Plant Site;
- 5) General Manager's Performance Review.

**Moved: Cllr Woodcock**

**Seconded: Cllr Walford**

**CARRIED**

**Close of Meeting**

The meeting closed at 4:05pm.

To be confirmed at the meeting of Council to be held on 26 November 2013 at Burren Junction.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager