



WALGETT SHIRE COUNCIL

MINUTES

16 OCTOBER 2007

*Stephen McLean
General Manager*

**MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL
HELD IN THE CARINDA TOWN HALL, CARINDA
ON TUESDAY, 16 OCTOBER 2007 COMMENCING AT 10.00 am**

PRESENT

Mr Vic Smith	Administrator
Mr Stephen McLean	General Manager
Mr Matthew Goodwin	Manager Planning and Regulations
Mr Alan Nelson	Manager Engineering
Mrs Emma Darcy	Manager Corporate Services
Mrs Kerry Warden	Minute Secretary
Miss Jodie Gates	Minute Secretary

OPEN FORUM PRESENTATIONS

Ms Annie Dayment – Brewon Turnoff

Ms Dayment raised concerns about the condition of the road at the turnoff to Brewon Station. Her concern was that the approaches are a hazard for motorists as they turn at the intersection.

Ms Dayment asked Council to inspect the site.

Mrs Peggy Rankmore – Block of land Lot 2 DP 309612 at Carinda

Mrs Rankmore raised concern about the sale of this land, as they had intentions of purchasing this block to extend the memorial park at Carinda, to erect an amenities block.

This block of land was sold under section 713 for unpaid rates.

Dominic Warnock

Block of Land Lot 2 DP 309612 at Carinda

Mr Warnock raised concern about the sale of this land, he believed that the house was to be demolished as it contained asbestos. He also raised concern that the public was not notified of the auction.

Business Paper – October Meeting

Mr Warnock raised concern that he only received his business paper the day before the meeting, and that the Carinda community was not notified of the Council meeting that was to be held at Town Hall.

Mr Warnock requested that Council advise of future meetings that are to be held at Carinda.

Item 28 – Carinda Waste Transfer Station

Mr Warnock requested that Council staff inspect the site. He advised that the site needed attention as it was in a poor condition.

Carinda Hotel – excess water laying in the gutters

Mr Warnock stated that there was an excess amount of water lying in the gutters outside of the Carinda Hotel, this water has been there for the past 2 months. He raised concern that this was a health hazard.

Mr Warnock asked Council to inspect the site.

Rural Road 7516

Mr Warnock advised Council that this road is a bulldust hazard ½ km west of the Ginghet bridge, as it makes the approaches dangerous for traffic.

The Administrator informed Mr Warnock that this concern will be investigated immediately.

Darryl Rankmore – Street Lightning at Carinda

Mr Rankmore advised Council that there is not enough street lighting in Carinda and that this can cause problems for the elderly people at night.

307/07 – Confirmation of Minutes – 18 September 2007

RESOLUTION:

It was resolved on the Motion of the Administrator that the Minutes of the Council Meeting held on 18 September 2007 be confirmed.

Carried.

308/07 – Acceptance of Reserve Trust Minutes

RESOLUTION:

It was resolved on the Motion of the Administrator that Council endorse the resolutions of the Reserve Trust meetings held 16 October 2007.

That Council takes action to implement the resolutions of the Reserve Trusts.

Carried

309/07 – Capital Expenditure Review

RESOLUTION:

It was resolved on the Motion of the Administrator that Council receive and note the Capital Expenditure Review for the proposed borrowing of funds for the development of residential housing.

Carried

310/07 – Darling River Run Nomination

RESOLUTION:

It was resolved on the Motion of the Administrator that Council nominate its Tourism Development Officer, Miss Alana Douglas as its representative for the Darling River Run Committee.

Carried

311/07 – Report on Management Plan 2007/2008

RESOLUTION:

It was resolved on the Motion of the Administrator that the Management Plan 2007/2008 first quarter report be received.

Carried

312/07 – Coonamble/Walgett Bush Fire Management Committee

RESOLUTION:

It was resolved on the Motion of the Administrator that Council endorse the motion passed at the Coonamble/Walgett Bush Fire Committee "That Warren Shire be able to join this committee and it be renamed a more appropriate name (North West BFMC)

Carried

313/07 – Payment of Expenses and Provision of Facilities for Councillors Policy

RESOLUTION:

It was resolved on the motion of the Administrator that Council place the "Payment of Expenses and Provision of Facilities for Councillors" policy on public exhibition for a period of 28 days, with submissions closing 4.30pm Wednesday 14th November 2007.

That submissions be considered and the policy and any amendments are presented to the November 20th meeting of Council for adoption.

Carried

314/07 – Constitutional Corporation

RESOLUTION:

It was resolved on the motion of the Administrator that Council receive and note the letter of advice received from Marsden's Law Group.

That Council note it is a constitutional corporation for the purposes of Work Choices and as such its employees are covered by a NAPSA which replaces but is equivalent to the Local Government (State) Award.

Carried

315/07 – Notional Agreement Preserving State Awards

RESOLUTION:

It was resolved on the motion of the Administrator

1. That Council adopt the Notional Agreement Preserving State Awards 2004.
2. That Council adopts a wage rise of 3.2% for all grades and levels with a minimum of \$22.00 within its adopted salary structure from 1 November 2007.
3. That the rise is inclusive of the minimum wage decisions of the Australian Fair Pay Commission.
4. That Council review its salary structure to ensure compliance with the previous decisions of the Australian Fair Pay Commission.
5. That Council consider implementation of all the amendments included in the “in principle” Local Government (State) Award 2007 once ratified, for adoption as a NAPSA.

Carried

316/07 – Request for Donation – Burren Junction Precinct Committee

RESOLUTION:

It was resolved on the motion of the Administrator

1. That Council make a Section 356 Donation of \$25.00 to Burren Junction Precinct Committee for the Temporary Licence Fees of \$25.00 for the use of the Burren Junction Public Hall (R85907).
2. That the bond of \$250.00 for the use of Burren Junction Public Hall be waived for Burren Junction Precinct Committee’s use of the reserve on 20th October 2007.
3. That the approval of this request not be seen as a precedent and that all future applications for waiving fees will be assessed by Council based on their individual request.

Carried

317/07 – Mungingi – Mendee Advisory Council

RESOLUTION:

It was resolved on the motion of the Administrator that Mrs Margaret Bow be nominated as Walgett Shire Council’s representative on the Mungindi-Menindee Advisory Council.

Carried

318/07 – Funding Agreement – Transition to Child Care Management System

RESOLUTION:

It was resolved on the Motion of the Administrator that Council approve the execution under seal of the Offer of Funding in respect of 2007 for assistance in costs associated with the transition to the Child Care Management System and that the General Manager and Administrator be authorised to sign the documents.

Carried

319/07 – Community Assistance Scheme Donation – 2007/2008 Budget

RESOLUTION:

It was resolved on the Motion of the Administrator that Council approve funds in the amount of \$2,000.00 for financial assistance to the Walgett World Youth Day Committee, under Section 356 of the *Local Government Act* 1993, and that funds are provided from Council's Contingency Account. The funds are provided by Council to meet expenses with the cost of erecting lights on the school oval, a PA system, and food for the BBQ on 4 January 2008.

Carried

320/07 – Domestic Waste Management Availability Over Charge

RESOLUTION:

It was resolved on the Motion of the Administrator that Council write-off \$1,120.78 from Assessment 683 to correct an overcharge of domestic waste management availability charge in accordance with Local Government (General) Regulations 2005, Part 5, Division 3, Clause 131(4)(a).

Carried

321/07 – Disclosure of Interests in Written Returns - Councillors and Designated Persons

RESOLUTION:

It was resolved on the Motion of the Administrator that Council note that Disclosures by Councillors and Designated Persons – Section 449 (3) Returns have been received by the following designated persons:-

- Mr Victor Smith Administrator
- Mr Stephen McLean General Manager
- Mr Matthew Goodwin Manager Planning and Regulations
- Mr Alan Nelson Manager Engineering
- Mrs Emma Darcy Manager Corporate Services

Carried

322/07 – Rating of Assessment 5734

RESOLUTION:

It was resolved on the Motion of the Administrator

1. That Council write-off \$1,255.87 from Assessment 5734, in accordance with Chapter 15, Part 6, Sections 556(1) and 558(1) of the LGA 1993.
2. That Assessment 5734 be classified as Exempt under Chapter 15, Part 6, Section 556(1) of the LGA,
3. That Assessment 5734 be granted exemption from sewerage rates under Chapter 15, Part 6, Section 558(1) of the LGA.
4. That a special exemption be granted on water rates under Chapter 15, Part 6, Section 558(1) of the LGA.
5. That a Domestic Waste Management Availability charge of \$31.40 remain, under Chapter 15, Part 1 Section 496 of the LGA, on the assessment as the user group has access to waste management facilities.

Carried

323/07 – Fees and Charges - Saleyards

RESOLUTION:

It was resolved on the Motion of the Administrator that the fees and charges for saleyards listed in the 2007/2008 – 2011/2012 Walgett Shire Management Plan be amended and appear as follows and to be effective from 1 July 2007:-

SHIRE OF WALGETT - MINUTES

ACTIVITY	FEE OR CHARGE	GST	BENEFIT	PRICING POLICY
ENGINEERING SALEYARDS				
Saleyard Fees Yard Dues	\$3.50 per head for cattle sold \$2.30 per head store cattle sold	Yes	Private	100% Cost Recovery
Saleyard Fees Yard Dues - Horses	\$12.50 per head	Yes	Private	100% Cost Recovery
Saleyard Fees Yard Dues - Bulls	\$12.50 per head	Yes	Private	100% Cost Recovery
Saleyard Fees Private Weighing of Cattle	\$3.50 per head	Yes	Private	100% Cost Recovery
Saleyard Fees Casual use of yards for sheep	\$28.90c per 1,000 or part thereof (min charge of \$28.90 per occasion)	Yes	Private	100% Cost Recovery
Saleyard Fees Casual use of yards for cattle	\$31.50 per 100 or part thereof (min charge of \$31.50 per occasion)	Yes	Private	100% Cost Recovery

Carried

324/07 – Amended Social Plan 2007-2010

RESOLUTION:

It was resolved on the Motion of the Administrator that Council receive and adopt, as tabled, the Walgett Shire Council Social Plan 2007-2010.

Carried

325/07 – Untaken Sick Leave Policy

RESOLUTION:

It was resolved on the motion of the Administrator that Council resolve to allow the Untaken Sick Leave Policy to apply to existing staff members who commenced their employment prior to 18 September 2007 and that the policy will only apply for the period of employment to 18 September 2007.

Carried

326/07 – Operational Documents - Review

RESOLUTION:

It was resolved on the motion of the Administrator that Council resolve to revoke the following policies:

- 1A.2 AIR SERVICES – SUPPORT OF
- 1A.3 BUSINESS PAPERS - COUNCILLORS
- 1A.4 BUSINESS PAPERS - AVAILABILITY
- 1A.5 BUSINESS PAPERS - COMMENTS BY OFFICERS
- 1A.6 BUSINESS PAPERS – RECEIPT OF CORRESPONDENCE
- 1A.7 COMMITTEES
- 1A.8 COMMUNITY/PUBLIC CONSULTATION
- 1A.12 COUNCIL MEETINGS – OPEN FORUM
- 1A.13 COUNCIL SEAL
- 1A.18 MEETINGS - COUNCIL
- 1A.19 MEETINGS – COUNCIL – TAPE RECORDING OF PROCEEDINGS
- 1A.21 PRESIDENTIAL/MAYORAL MINUTES
- 1A.23 TRAVEL ALLOWANCES
- 1A.24 TRAVEL ARRANGEMENTS
- 1B.1 EXPENSES – BLACK OPAL STAKES
- 1B.2 HIRE OF COUNCILS PLANT
- 1B.4 OUTSTANDING DEBTS – WRITING OFF OF
- 1B.6 QUOTES FOR CONTRACT WORK
- 1B.7 SCHOOL PRIZE GIVING DONATIONS
- 1B.9 TERTIARY TAX
- 1D.1 APPRENTICES – ENGAGEMENT OF
- 1D.3 CONDITIONS OF EMPLOYMENT 1. Christmas Break
- 1D.3 CONDITIONS OF EMPLOYMENT 2. Bank Holiday and Annual Picnic day
- 1D.3 CONDITIONS OF EMPLOYMENT 3. Corporate Dress
- 1D.3 CONDITIONS OF EMPLOYMENT 5. Housing
- 1D.3 CONDITIONS OF EMPLOYMENT 6. Housing Staff Standards
- 1D.3 CONDITIONS OF EMPLOYMENT 7. Lease Back Scheme
- 1D.3 CONDITIONS OF EMPLOYMENT 11. Untaken Sick Leave on Termination
- 1D.3 CONDITIONS OF EMPLOYMENT 12. Jury Duty
- 1D.4 DISMISSAL GUIDELINES
- 1D.6 INCENTIVE BONUS
- 2A.1 BUILDING LINE

SHIRE OF WALGETT - MINUTES

- 2A.3 DIVERSION OF EASTERN WATERS
- 2B.1 ADVERTISING BANNERS
- 2B.3 BUILDINGS – INCOMPLETE DWELLINGS
- 2B.4 CARAVANS – USE OF
- 2B.5 DISPLAY OF SIGNS
- 2B.6 HORSES – KEEPING OF
- 2B.9 MINING b. Camps on Mining Fields
- 2B.10 STREET STALLS
- 3.2 FLOOD PREPAREDNESS MONTH
- 3.8 USE OF COUNCIL PLANT

Carried

327/07 – Review Uniform - Policy

RESOLUTION:

It was resolved on the motion of the Administrator:

1. That Council adopt the amended Walgett Shire Council Staff Uniform Policy as attached.
2. That the Walgett Shire Council Staff Uniform Policy be reviewed in October 2009.

Carried

328/07 – Walgett Shire Council Internal Reporting Policy - Update

RESOLUTION:

It was resolved on the motion of the Administrator that Council note that the progress of the Protected Disclosures Act 1994 – Internal Reporting Policy.

Carried

329/07 – Walgett Shire Council Code of Conduct - Review

RESOLUTION:

It was resolved on the motion of the Administrator that Walgett Shire Council's Code of Conduct Policy be adopted for a further twelve months, with a review of the Policy to be held on 21 September 2008.

Carried

330/07 – Monthly Management Report to 30 September 2007

RESOLUTION:

It was resolved on the motion of the Administrator that Council note the Management Report for the period ending 30th September 2007 and adopts the changes as follows:-

1. Increase Expenditure - Executive - General Manager Recruitment by \$25,000 to \$25,000.
2. Increase Expenditure - Risk Management - Public Liability by \$14,000 to \$186,000.
3. Increase Expenditure - Community Services - Vacation Care - Lightning Ridge by \$20,000 to \$25,618.
4. Increase Expenditure - Community Services - Vacation Care - Collarenebri by \$15,000 to \$20,618.
5. Increase Expenditure - Contribution - New South Wales Fire Brigades by \$32,000 to \$32,000.
6. Increase Revenue - General Purpose Financial Assistance Grant by \$70,455 to \$2,426,455.
7. Increase Revenue - FAG Grant - Roads by \$67,545 to \$1,537,545.
8. Increase Expenditure - Community Services - After School Care - Walgett by \$20,000 to \$45,944.
9. Increase Expenditure - Community Services - After School Care -Collarenebri by \$8,000 to \$25,156.
10. Increase Expenditure Recreation and Community Capital Projects - Saleyard Capital Projects by \$13,420 to \$13,420.
11. Increase Expenditure Recreation and Community Capital Projects - Transfer to Assets by \$13,420 to \$1,177,544.
12. Reduce Expenditure - Economic Development - Salaries and Wages by \$13,420 to \$71,134.
13. Increase Expenditure - Risk Management - Consultancy Fees by \$38,000 to \$38,000.
14. Increase Expenditure - Manager Planning & Regulation - Office Furniture Upgrade Capital Expense by \$4,500 to \$4,500.
15. Increase Expenditure - Manager Planning & Regulation - Transfer to Assets by \$4,500 to \$4,500.
16. Increase Council Assets - Other Assets by \$15,000 to \$165,000.
17. Reduce Revenue - Roads & Bridges - Strategic Regional Program Grant by \$5,600,000 to \$2,100,000.

Carried

331/07 – Investment Report as at 30 September 2007

RESOLUTION:

It was resolved on the motion of the Administrator that the report be received and noted.

Carried

332/07 – Report on Rates and Charges – 30 September 2007

RESOLUTION:

It was resolved on the motion of the Administrator that the Report on Rates as at 30 September 2007 be received.

Carried

333/07 – Administrative Office - Christmas and New Year Closure

RESOLUTION:

It was resolved on the motion of the Administrator that Council endorse the closure of the administration building from 4.30pm on Friday 21 December 2007, and reopening at 9.00am Wednesday 2 January 2008 as per Council Policy (CM 240/06).

Carried

334/07 – Call for Tender - Audit Services 2007/2008 – 2012/2013

RESOLUTION:

It was resolved on the motion of the Administrator that Council acknowledges that a call for tender for Auditing Services 2007/2008 – 2012/2013 has been advertised in the Sydney Morning Herald, Western Magazine, The Ridge News and the Walgett Spectator with the closing date being 2.00pm on Thursday 1 November 2007.

Carried

335/07 – Areas excluded from opal mining and prospecting

RESOLUTION:

It was resolved on the motion of the Administrator that Walgett Shire Council resolve to:

1. Write to the Department of Primary Industries and the Lightning Ridge Miners Association and state that it is willing to agree to allowing up to 25% of the 100 hectare residue of the policy reserve located between the aerodrome and Fantasia Street, Lightning Ridge to be used for opal prospecting and mining at a given time.

Furthermore, it is prepared to agree to staged access, to 25% at a time, of the area when the Lightning Ridge Miners Association indicates that its members have no further desire to prospect the 25% area that is available at a given time (subject to written agreement from Walgett Shire Council, who will not withhold such agreement unless it believes there is a pressing demand for land for urban development and/or land has been significantly compromised by recent mining activity).

2. Write to the Department of Primary Industries and the Lightning Ridge Miners Association and state that it is willing to agree to allowing up to 50% of statutory reserve 280078 and Walgett Shire Council's freehold land located near the intersection of the Castlereagh Highway and Bill O'Brien Way, Lightning Ridge to be used for opal prospecting and mining at a given time.

Furthermore, it is prepared to agree to staged access, to 50% at a time, the area when the Lightning Ridge Miners Association indicates that its members have no further desire to prospect the 50% area that is available at a given time (subject to written agreement from Walgett Shire Council, who will not withhold such agreement unless it believes there is a pressing demand for land for urban development and/or land has been significantly compromised by recent mining activity).

Carried

336/07 – Development & Complying Development Certificate Applications

RESOLUTION:

It was resolved on the motion of the Administrator that Walgett Shire Council resolve to note the Development and Complying Development Certificate applications dealt with under delegated authority by the Manager Planning and Regulation and General Manager during September 2007.

Carried

337/07 – Achieving Sustainable Groundwater Entitlements Program Payment Offer

RESOLUTION:

It was resolved on the motion of the Administrator that following receipt of the Deed confirming Council's future rights to compensation for non Achieving Sustainable Groundwater Entitlements Program matters from NSW Department of Water and Energy, and subject to the General Manager being satisfied that this Deed and the Deed of Indemnity and Release Upper and Lower Namoi Groundwater Sources together do not expose Council to an unacceptable financial risk, approval is granted for both Deeds to be executed by the Administrator and General Manager and Council's seal to be affixed to each.

Carried

338/07 – Carinda Waste Transfer Station

RESOLUTION:

It was resolved on the motion of the Administrator that:

1. Council not proceed to develop a waste transfer station at Carinda until Council has adopted an Asset Management Plan for Solid Waste Services in Walgett Shire; and
2. The Manager Engineering prepare a report detailing a program for completing a draft Asset Management Plan for Solid Waste Services in Walgett Shire by Council's December 2007 ordinary meeting.

Carried

339/07 – Engineering Consultants

RESOLUTION:

It was resolved on the motion of the Administrator that Council reallocate \$76,000 from 11.2206.1210 Engineering Staff Salaries to 11.2206.1501 Engineering Contract Consultancy Fees to allow for the commissioning of engineering consultants to provide professional services for engineering works.

Carried

340/07 – Natural Disaster Mitigation Program – Walgett Levee Approval

RESOLUTION:

It was resolved on the motion of the Administrator that approval is granted for the contractual documents associated with the 2007-08 round of funding of the Natural Disaster Mitigation Program to be executed by the General Manger and Administrator and Council's seal to be affixed to each.

Carried

341/07 – Supply of Pavement Stabilisation Services

RESOLUTION:

It was resolved on the motion of the Administrator that Resolution 159/07 – Supply of Pavement Stabilisation Services, (*As reprinted below*) resolved at the Council Meeting held on 19 June 2007 be rescinded.

159/07 – Supply of Pavement Stabilisation Services

RESOLUTION: -

It was resolved on the Motion of the Administrator that Council, having regard to the specialised service required and the need to attract offers from suitably experienced operators, invite tenders from NSW based contractors who are members of the Australian Stabilisation Industry Association, in addition to the company Roadbusters Pavement Recycling and Stabilisation, for the supply of pavement stabilisation services in Walgett Shire for the period 1 July 2007 to 30 June 2008 in lieu of newspaper advertising.

Carried.

Carried

342/07 – Staff Housing – 24 Euroka Street Walgett

RESOLUTION:

It was resolved on the motion of the Administrator that Council elect to call public tenders in accordance with Section 166(a) of the Local Government (General) Regulation 2005 for the construction of a new three bedroom dwelling at 24 Euroka Street Walgett.

Carried

343/07 – Tree Replacement Program

RESOLUTION:

It was resolved on the motion of the Administrator that Council note progress of its Tree Replacement Program.

Carried

344/07 – Walgett Shire Consultative Committee Minutes – 1 August 2007

RESOLUTION:

It was resolved on the motion of the Administrator that Council receive and note the minutes of the meeting of the Consultative Committee held on 1 August 2007.

Carried

345/07 – Walgett Shire Consultative Committee Minutes – 5 September 2007

RESOLUTION:

It was resolved on the motion of the Administrator that Council receive and note the minutes of the meeting of the Consultative Committee held on 5 September 2007.

Carried

346/07 – Letter of Appreciation – Funding for Saleyards

RESOLUTION:

It was resolved on the motion of the Administrator that the Letter of Appreciation be received and noted.

Carried

The following resolutions were brought forward from the Closed Meeting

Civica Managed Services – User Issues

RESOLUTION: -

It was resolved on the Motion of the Administrator:-

1. That Council acknowledges that the managed service provided by Civica Pty Ltd has in recent months, improved to a standard that is considered acceptable by Council.
2. That Council advise Civica Pty Ltd that it intends to continue to closely monitor the managed service for the next three (3) months to assess the standards of service availability and support.

The meeting closed at 10.23 am.

Confirmed by Council at its meeting on Tuesday, 20 November 2007.

Administrator

General Manager