



MINUTES FOR ADJOURNED ORDINARY COUNCIL MEETING

8th MAY, 2014

NOTICE IS HEREBY GIVEN pursuant to clause 7 of Council's Code of Meeting Practice that the Deferred Ordinary Council Meeting of Walgett Shire Council was held at the **Collarenebri Hall**, on **8 May 2014** commencing at 10:04 am to discuss the items listed in the Agenda.

ADOPTED:

Don Ramsland
GENERAL MANAGER

CONFLICT OF INTERESTS

What is a “Conflict of Interests” – A conflict of interests can be two types:

Pecuniary – an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

Non-Pecuniary – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature.)

Remoteness

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

Who has a Pecuniary Interest? – A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below)

Relatives, Partners

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter

N.B. “Relative”, in relation to a person means any of the following:

- (a) The parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse.
- (b) The spouse or de facto partners of the person or of a person referred to in paragraph (a)

No Interest in the Matter

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company of other body, or
- Just because the person is a member of, or is employed by, the Council
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

Disclosure and participation in meetings

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
 - (a) At any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) At any time during which the Council or Committee is voting on any question in relation to the matter.

No Knowledge – A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

Participation in Meetings despite Pecuniary Interest (S452 Act)

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

Non-Pecuniary Interest – Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-Pecuniary conflicts of interest must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

Disclosure to be Recorded (S453 Act)

A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub-Committee must be recorded in the minutes of the meeting.

MINUTES OF THE ORDINARY MEETING OF THE WALGETT SHIRE COUNCIL HELD AT THE COLLARENEBRI HALL ON THURSDAY 8th MAY, 2014 AT 10:04 AM

PRESENT

Clr G Murray (Mayor)
Clr J Keir
Clr R Greenaway
Clr D Cooper
Clr D Lane
Clr L Walford
Don Ramsland (General Manager)
Stephen Holland (Director Corporate Services)
Matthew Goodwin (Director Planning & Regulatory Services)
Raju Ranjit (Director Engineering Services)
Victoria Renshaw (Minute Secretary)

Apologies

7/2014/1 Apologies – 8 May 2014

Resolved:

1. That the apologies received from Councillors Martinez, Taylor and Woodcock are accepted and a leave of absence granted.

Moved: Clr Cooper
Seconded: Clr Walford

CARRIED

Confirmation of Minutes

7/2014/2 Minutes of Ordinary Council meeting –25 March 2014

Resolved:

That the minutes of the Ordinary Council meeting held 25 March 2014, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Walford
Seconded: Clr Greenaway

CARRIED

7/2014/3 Minutes of Ordinary Council meeting –8 April 2014

Resolved:

That the minutes of the Ordinary Council meeting held 8 April 2014, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Greenaway
Seconded: Clr Keir

CARRIED

Reports of Committees/Delegates

7/2014/4 Minutes of Health & Safety Committee Meeting – 13 March 2014

Resolved:

1. That the minutes of the Health & Safety Committee Meeting held 13 March 2014, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Cooper
Seconded: Clr Greenaway

CARRIED

Reports from Officers

7/2014/5 Council's Decision Action Report – April 2014

Resolved:

That the Resolution Register for March 2014 be received and noted.

Moved: Clr Cooper
Seconded: Clr Walford

CARRIED

7/2014/6 Circulars Received from the Local Government NSW

Resolved:

That the information contained in the weekly circulars numbers 10 – 14 from the Local Government NSW be received and noted.

Moved: Clr Walford
Seconded: Clr Keir

CARRIED

7/2014/7 Circulars Received from the Division of Local Government – April 2014

Resolved:

That the information contained in the following Departmental circulars 14-06 to 14-10 from the Local Government Division Department of Premier and Cabinet be received and noted.

Moved: Clr Lane
Seconded: Clr Cooper

CARRIED

7/2014/8 Monthly Calendar – April 2014 to June 2014

Resolved:

That Council receive and note the regular monthly calendar for the period April 2014 to June 2014.

Moved: Clr Keir
Seconded: Clr Walford

CARRIED

7/2014/9 2014 National General Assembly

Resolved:

That the Mayor and General Manager attend the National General Assembly of Local Government in Canberra 15-18 June 2014 and expenses be paid.

Moved: Clr Greenaway
Seconded: Clr Keir

CARRIED

7/2014/10 Matters Generally for Brief Mention or Information Only – General Manager

Resolved:

That the matters listed for brief mention or information is received, noted and endorsed.

1. Lightning Ridge Olympic Pool Association
2. Interdepartmental Committee on Opal Mining
3. 2014/15 Draft Operational Plan and Budget Meeting
4. Federal Government's Green Army
5. Remote School Attendance Strategy
6. Drought Assistance Measures

Moved: Clr Lane
Seconded: Clr Cooper

CARRIED

7/2014/11 Cash on Hand and Investment Report as at 31 March 2014

Resolved:

1. That the cash on hand and investment report as at 31 March 2014 be received and noted.

Moved: Clr Lane

Seconded: Clr Keir

CARRIED

7/2014/12 356 Donations to Local Churches and Other Organisations

Resolved:

1. That the applications from eligible non-profit organisations as per the attached list be approved and the rebates on annual service charges as detailed therein be granted.

Moved: Clr Walford

Seconded: Clr Cooper

CARRIED

7/2014/13 Lightning Ridge Water Standpipe Water Billing

Resolved:

That Council undertake negotiations with Transponder Technologies to develop a scope of works and quotation for the supply, installation and commissioning of a Point of Sale system at both the Harlequin St and Onyx St standpipes in Lightning Ridge.

Moved: Clr Keir

Seconded: Clr Lane

CARRIED

7/2014/14 NSW Local Government /Sport and Recreation Forum 2014

Resolved:

That the report be received and the revised changed of date noted.

Moved: Clr Lane

Seconded: Clr Cooper

CARRIED

7/2014/15 Manager Community Development Report - January- March 2014

Resolved:

1. That the quarterly report for January – March 2014 on Community Development be received and noted

Moved: Clr Lane

Seconded: Clr Keir

CARRIED

7/2014/16 Local Infrastructure Renewal Project Loans

Resolved:

1. That Council view the indicative interest rates listed, advise which loan agreement would be acceptable based on information provided, allowing the General Manager discretion in executing the loan/s should interest rates vary into the future.

Moved: Clr Greenaway

Seconded: Clr Walford

CARRIED

7/2014/17 Lightning Ridge Pool – Annual Subsidy

Resolved:

1. That provision be made in the 2014 / 2015 budget for a subsidy in the sum of \$350,000 to be provided to the Lightning Ridge Pool Committee.

Moved: Clr Walford

Seconded: Clr Cooper

CARRIED

7/2014/18 2015 Swimming NSW Country Regional Meet –Sponsorship Request

Resolved:

1. That the actions of the General Manager in agreeing to support the event be endorsed and that provision be made in the 2014/2015 budget for an amount of \$5,000 plus GST sponsorship for the conduct of the 2015 Swimming NSW Regional Meet at Lightning Ridge in January 2015.

Moved: Clr Greenaway

Seconded: Clr Cooper

CARRIED

7/2014/19 NSW Public Library Funding

Resolved:

That Council:

1. Provide support to the campaign mounted by the NSW Public Library Associations for increased State funding to local government for public libraries by:
 - a. Making representation to the local State Member in relation to the need for additional funding from the NSW State Government for the provision of public library services;
 - b. Writing to the Hon. Troy Grant, Minister for Hospitality, Gaming and Racing and Minister for the Arts, calling upon the Government to implement the Reforming Public Library Funding submission of the Library Council of NSW in 2012 for the reform of the funding system for NSW public libraries;
 - c. Approving the distribution of NSW Public Library Associations campaign information in Council libraries;
 - d. Taking a lead role in activating the campaign locally.

Moved: Clr Walford

Seconded: Clr Lane

CARRIED

7/2014/20 Walgett Mud Trials Club

Resolved:

1. That the Walgett Showground Trust are consulted in regards to this proposal and the item is deferred to a future meeting.

Moved: Clr Greenaway

Seconded: Clr Walford

CARRIED

7/2014/21 Gordon and Wool Pavilions – Walgett Showground

Resolved:

1. That the quotation from Nicholas Schiller and Yeomans Engineering, in the sum of \$12,407.12 for the upgrade of the Gordon and Wool pavilions be approved and that the project be funded from budget 11.03056.4081

Moved: Clr Lane

Seconded: Clr Walford

CARRIED

7/2014/22 Quarterly Rates Report – March 2014

Resolved:

Council note the improved outstanding rates percentage and ongoing commitment to improve this key performance indicator.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

The meeting adjourned at 11:47am.

The meeting resumed at 11:52am with all those previously present again present.

7/2014/23 Review of Development Determination 2014/003 – Michael McCarthy

Resolved:

That Walgett Shire Council resolve to:

1. Approve Development Application DA2014/003 by Michael McCarthy for a Change of Use to caretaker's accommodation on Lot 4 DP 833122 subject to the conditions of development consent recommended in the application assessment report.

Moved: Clr Lane

Seconded: Clr Keir

CARRIED

Planning Division

For

Clr Greenaway

Clr Keir

Clr Lane

Clr Walford

Clr Murray

Clr Cooper

Against

Nil

Absent

Clr Martinez

Clr Taylor

Clr Woodcock

7/2014/24 Development & Complying Development Certificate Applications

Resolved:

1. That Council note the report on Development and Complying Development Certificate applications dealt with by Council staff under delegated authority for February and March 2014.

Moved: Clr Greenaway

Seconded: Clr Cooper

CARRIED

7/2014/25 Mineral Claim Buffer Zones on Roads

Resolved:

That Walgett Shire Council resolve to:

1. Adopt amended exclusion buffers for opal mining and prospecting over public roads within the Walgett Shire as detailed in Attachment C.
2. Request that NSW Mineral Resources apply the amended exclusion buffers for opal mining and prospecting over public roads within the Walgett Shire as detailed in Attachment C and shown in mapping data prepared by Council's GIS Coordinator.

Moved: Clr Lane

Seconded: Clr Walford

CARRIED

7/2014/26 RMS funding for PAM Plans and Bike Plans for Walgett Shire

Resolved:

That this item is deferred to the May 2014 meeting as a 2014/15 budget item.

Moved:

Seconded:

CARRIED

7/2014/27 CCTV Policy & Procedures – April 2014

Resolved:

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

Moved: Clr Keir
Seconded: Clr Cooper

CARRIED

7/2014/28 Rural Fire Fighting North West Zone Service budget 2014/2015

Resolved:

1. That Council receive and approves the contribution of \$210,984.11 to Rural Fire Services fund for 2014/2015.

Moved: Clr Cooper
Seconded: Clr Walford

CARRIED

7/2014/29 Monthly Flood Works Report from Director Engineering Services

Resolved:

That Council receive and note the monthly flood restoration works report for April 2014.

Moved: Clr Greenaway
Seconded: Clr Lane

CARRIED

7/2014/30 Monthly RMCC Works Report from Director Engineering Services – April 2014

Resolved:

That Council receive and note the monthly RMCC works report for April 2014.

Moved: Clr Greenaway
Seconded: Clr Lane

CARRIED

7/2014/31 Sportsground Line marking Fee: Fees and Charges

Resolved:

1. That Council endorse and adopt the proposed sportsground line marking fee for the 2014/2015 financial year.
2. That Council adopt the line marking fee of \$690.80 including GST per season and \$338.35 including GST per event.

Moved: Clr Lane
Seconded: Clr Walford

CARRIED

7/2014/32 Matters Generally for Brief Mention or Information only from Acting Director Urban Infrastructure Services – April 2014

Resolved:

1. That the matters listed for brief mention or information be received and noted.
Walgett Levee Refurbishment-Stage 4
Aboriginal Community Water and Sewerage Operation and Maintenance Work Contract
Walgett New Water Treatment Plant 1.5 ML/day
Pipeline contract and Namoi Sewerage Upgrade Project
Walgett Levee Construction Grant Application

Moved: Clr Lane
Seconded: Clr Walford

CARRIED

Questions for the Next Meeting

Clr Cooper

Question 1

What is the progress of Karen Mackey's letter regarding a dog attack on her property?

Response

Director Planning and Regulatory Services to investigate.

Clr Lane

Question 1

Users of the Lightning Ridge football oval have advised that there is no grass on the oval. Junior Rugby will be using the oval in June. Can Council investigate?

Response

The General Manager advised that Council are undertaking work in order for the ground to be ready for use. Fertilisation and aeration of the oval has been completed recently and if needed, Council can reseed the oval

Question 2

Complaints have been received regarding used syringes being dropped in BMX area of park near the Lightning Ridge Hospital. Can Council investigate this?

Response

The General Manager advised that he will discuss this issue at the next Community Consultative Committee. The General Manager will also write to our Local Member requesting funding for staff to safely collect and dispose of used syringes.

Clr Keir**Question 1**

As the temporary IGA store are not currently selling the \$9.00 wine casks the police and hospital have noted a drop in alcohol related issues. Can Council request that this product is not sold in the new store?

Response

The General Manager to investigate.

Question 2

Can the Coolabah tree near the Walgett post office be looked at by an arborist?

Response

The General Manager advised that he has requested for the Acting Director Urban Infrastructure Services to investigate.

Question 3

What is the progress of the matter regarding weir access at the Schmetzer's property? Gavin Schmetzer has indicated that he will assist with construction of fencing.

Response

The General Manager advised that the matter will be resolved shortly.

Question 4

Can Council obtain a quote for the upgrade of the interior of the Council Chambers?

Response

Director Corporate Services to obtain quote.

Clr Greenaway**Question 1**

Can the broken light at the back of the Collarenebri Hall be fixed?

Response

Director Corporate Services to investigate.

Question 2

There are some tables missing from the Collarenebri Hall. Can this be investigated?

Response

Director Corporate Services to investigate.

7/2014/33 Move into Closed Session At 12:51PM

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 Lane

CARRIED

7/2014/34 Proposal Not to Renew/extend Lease – Temporary IGA Store

Resolved:

- 1. That Council receive and note the report.

Moved: Clr Keir

Seconded: Clr Cooper

CARRIED

7/2014/35 Performance of Concrete Crew – March 2014

Resolved:

- 1. That Council receive and note the performance of the Concrete Crew for March 2014

Moved: Clr Lane

Seconded: Clr Keir

CARRIED

7/2014/36 Return to Open Session at 1:10pm

Resolved:

- 1. That Council return to open session.

Moved: Clr Walford

Seconded: Clr Lane

CARRIED

7/2014/37 Adoption of Closed Session Reports

Resolved:

That Council adopt the following recommendation of the Closed Committee:

- 1) Proposal Not to Renew/extend Lease – Temporary IGA Store
- 2) Request for Inspection Report – George Mulder

Moved: Cllr Lane
Seconded: Cllr Greenaway

CARRIED

Close of Meeting

The meeting closed at 1:11pm.

To be confirmed at the meeting of Council to be held on 27 May 2014 at Walgett.

Mayor

General Manager