



MINUTES FOR ORDINARY COUNCIL MEETING

20 December, 2011

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 20 December 2011**, commencing at 10.00am to discuss the items listed in the Agenda.

Don Ramsland
GENERAL MANAGER

WALGETT SHIRE COUNCIL MINUTES

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.

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**MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD AT WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY 20 DECEMBER 2011 AT 10:25AM**

**PRESENT**

Clr B Murray (Mayor) arrived at 11:12am  
Clr D Lane (Deputy Mayor)  
Clr I Woodcock  
Clr L Walford  
Clr G Colless  
Clr J Keir  
Clr K Smith  
Don Ramsland (General Manager)  
Mr Raju Ranjit (Director Engineering Services)  
Mr Fred Coralde (Director Urban Infrastructure Services)  
Mr Glen Warren (Consultant)  
Mr S Holland (Director Corporate Services)  
Mrs J Campbell (Minute Secretary)  
Miss J Farkas (Minute Secretary)

**Welcome to Visitors**

The Deputy Mayor assumed the role of Chairperson and welcomed all visitors to the meeting and acknowledged the traditional owners of the land.

**Apologies**

**12/2011/1 Apologies – 20 December011**

**Resolution:**

1. That apologies from Clr Greenaway and Clr Martinez be received and a leave of absence be granted.
2. That apology from Clr Murray be received and that a leave of absence be granted until he arrives later today.

**Moved:** Clr Walford

**Seconded:** Clr Keir

**CARRIED**

**Mayoral Minutes**

Nil

**Public Forum Presentations**

Public Forum presentations were held over until after the Mayor arrives for the meeting.

**Declaration of Pecuniary/Non Pecuniary Interests**

Nil

**Confirmation of Minutes/Matters Arising**

12/2011/2 Minutes of Council meeting –22 November 2011

**Resolution:**

That the minutes of the Council meeting held 22 November 2011 be confirmed.

**Moved:** Clr Woodcock

**Seconded:** Clr Lane

**CARRIED**

**Reserve Trust Management Committee Reports**

Nil

**Mayoral Minutes**

Nil

**Motions of which Notice has been given**

Nil

**Presentation of Petitions**

N/A

**Councillors Questions From Last Meeting**

**Clr Martinez**

**Question 1:**

It was noted in the July meeting that staff were going to investigate the dump point in front of the Vic centre in Lightning Ridge. At the moment nothing has been done. As the dump point is only about 10 feet away from the front door of the vic centre it causing problems. Can this dump point be moved away? In the July minutes it was noted that we were going to look at the Caravan association for funding?

**Response:**

The Director urban Infrastructure Services advised that the dump point has been in place for 12 years already and is considered the ideal place to dispense the waste. This can be moved away but Council needs to find a suitable place and funding to do this. Approach to Caravan Association is in progress. The dump point is fully secured & capped and no known complaints have been received from the community.

**Question 2:**

Can we use the money that is allocated to the sewerage/waste fund to move the dump point?

**Response:**

The Director Urban Infrastructure Services advised yes.

**Clr Woodcock**

**Question 1:**

There was some money for the Lightning Ridge Swimming pool funding which seems to have been removed and you were going to find some more money for them. Has this been done?

**Response:**

The General Manager advised that he will follow up this matter.

**Clr Lane**

**Question 1:**

Railway crossings at Burren end has deteriorated to such a point where new concrete meets bitumen that it is breaking truck springs.

**Response:**

The Director Engineering services advised that this matter is Scheduled for January Works Programme

**Clr Smith**

1. Several streets are in urgent need of ATTENTION eg potholes filled and replace bitumen where necessary.  
  
George/Albert/Walgett / Earl /Maitland and Mission Road.
2. Drainage needs to be sorted with water from Swimming Pool.
3. Skatepark
4. Collarenebri Racecourse access for disability ramp to be completed.
5. Tree planting project Precinct Committee the holes need to be wider and deeper.
6. Concerns with the long over grown grass in many streets and Sporting and Rec areas several complaints received re mosquitoes/sand flies breeding and water smelling outside some homes.
7. WSC house behind Agency in need of URGENT repair neighbours have concerns that people are drinking down stairs and loitering around in the yard. Across the road the owner has boarded up windows because people were squatting in house.
8. Process [Coonamble Fire Captain] to have houses with overgrown yards and rubbish eg old cars etc inspected and advise owner to clean up. It is very unfair on the neighbours who

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have to worry about snakes and their neighbours yard looking so untidy when they take pride in their own yard and gardens.

9. Could we please have a Grader put on RR426 /RR457 / SR5? As soon as roads are open. Weather Permitting (ASAP)

### **General Manager's Note:**

These matters were raised too late for comment to be included in the agenda and comment will be made verbally at the meeting.

#### **12/2011/3 Council residence behind the Collarenebri agency**

##### **Resolution:**

1. That urgent repairs be carried out on the Council residence behind the Collarenebri Agency and that it be cleaned out by Councils staff and ready for possible renting.

**Moved:** Clr Woodcock

**Seconded:** Clr Smith

**CARRIED**

### **Reports of Delegates and Representatives**

#### **12/2011/4 Orana Regional Organisation of Council (OROC) Minutes of meeting**

##### **Resolution:**

1. That Council receive and note the minutes of the Orana Regional Organisation of Councils held on 2 December 2011.

**Moved:** Clr Walford

**Seconded:** Clr Keir

**CARRIED**

### **Reservation of items for Debate**

Nil

### **Reports of Officers**

#### **12/2011/5 Council Decisions Action Report – 22.11.11**

##### **Resolution:**

1. That the action register be received and noted.

**Moved:** Clr Woodcock

**Seconded:** Clr Smith

**CARRIED**

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**12/2011/6 Circular received from the Division of Local Government – December 2011**

**Resolution:**

1. That the information contained in the following Departmental circulars 11-37 to 11-42 from the Local Government Division Department of Premier and Cabinet be received and noted.
  - Circular to Councils 11/37 - Council Procurement and Contract Management Practices - Contracts for Consultancy and Professional Services
  - Circular to Councils 11/38 - Dual Roles: Councilors as Members of Parliament in NSW- request for Submissions Discussion Paper
  - Circular to Councils 11/39 - NSW 2021- A plan to make NSW number one
  - Circular to Councils 11/40 - Release of The Draft Destination 2036 Action Plan
  - Circular to Councils 11/41 – Updated Guideline on the exercise of functions under the Companion Animals Act 1998
  - Circular to Councils 11/42 – Developing a Council Community Events Policy – A Toolkit for NSW Councils

**Moved:** Clr woodcock

**Seconded:** Clr Colless

**CARRIED**

**12/2011/7 Circulars received from the NSW Local Government and Shires Association of NSW – December 2011**

**Resolution:**

That:

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

**Moved:** Clr Colless

**Seconded:** Clr Walford

**CARRIED**

**12/2011/8 Monthly Calendar – December 2011**

**Resolution:**

1. That Council receive and note the regular monthly calendar for the period December 2011 to February 2012.

**Moved:** Clr Smith

**Seconded:** Clr Keir

**CARRIE**

**12/2011/9 Destination 2036 Response**

**Resolution:**

1. That Council endorse the proposal to conduct a workshop during January, 2012 to review the draft Destination 2036 Action Plan.

**Moved:** Clr Woodcock

**Seconded:** Clr Keir

**CARRIED**

**12/2011/10 Organisational Restructure Input**

**Recommendation:**

1. For Council's information.

**Moved:** Clr Woodcock

**Seconded:** Clr Walford

**CARRIED**

**12/2011/11 Application for Rate Increase 2012/2013**

**Resolution:**

1. That Council endorse the action taken by the General Manager in notifying of a possible application for a special rate variation/increase under Sections 508 (2) or 508A for 2012/2013.

**Moved:** Clr Colless

**Seconded:** Clr Keir

**CARRIED**

11:12am Clr Murray arrived at the meeting  
11:14am Council Adjourned for a small break

11:36am Council returned from a small break, all previously present again in attendance  
Clr Lane Deputy Mayor stood down from the position of Chairperson and Clr Murray Mayor assumed the position of Chairperson.

**Public Forum Presentation**

Council received a presentation from Gary Mattou – Council's Auditor from Hill Rogers Spencer Steer on Council's Financial Statements.

12:35pm Clr Smith left the meeting  
12:36pm Clr Smith returned to the meeting



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**12/2011/12 2010-2011 Audited financial statements and audit report**

**Resolution:**

1. That Council receive the Audited Financial Reports together with the Auditor's Reports for the period 1 July 2010 to 30 June 2011.

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

**CARRIED**

**12/2011/13 Matters Generally for Brief Mention or Information only from General Manager – November 2011**

**Resolution:**

1. That the matters listed by the General Manager for brief mention or information be received and noted.
  1. RAAP-Application form -Round One - 2011-12
  2. Polly Haley
  3. Regional Development Australia Fund – Round Two - Expression of Interest
  4. Review of the Role of the public number database
  5. Correspondence Received - Statement by the Minister for Sustainability, Environment, Water, Population and Communities, the Hon Tony Burke, MP - Murray Darling Basin reform
  6. Correspondence – From Hon. George Souris MP – Minister for Tourism, Major Events, Hospitality and Racing, Minister for the Arts
  7. 2010/2011 Annual Report – Energy and Water Ombudsman
  8. Expression of Interest - ALGWA
  9. Operation hours of Commonwealth Bank
  10. One Association Concept
  11. Community Plan Think Tank
  12. Walgett PCYC Proposal
  13. Health Issues
  14. New Depot Proposal
  15. Community Welcome Functions
  16. Australia Day Nominations

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

**CARRIED**

12:49pm Clr Walford left the meeting

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**12/2011/14 Lightning Ridge Diving Pool Sponsorship**

**Resolution:**

1. That Walgett Shire Council contribute \$1000 towards the New South Wales Diving Country Championships on 21<sup>st</sup> & 22<sup>nd</sup> January 2012 at Lightning Ridge.

**Moved:** Clr Woodcock

**Seconded:** Clr Colless

**CARRIED**

**12/2011/15 Cash on Hand and Investment Report as at 30 November 2011**

**Resolution:**

1. That the cash on hand and investment report as at 30 November 2011 be received.

**Moved:** Clr Lane

**Seconded:** Clr Smith

**CARRIED**

**12/2011/16 Sec 713 Sale of land for unpaid Rates – December 2011**

**Resolution:**

1. That the report be received and noted.
2. The General Manager be delegated authority to complete the required legal documentation and to affix the Council Seal where required.

**Moved:** Clr Lane

**Seconded:** Clr Keir

**CARRIED**

12:52pm Clr Walford returned to the meeting

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**12/2011/17 NSW Rural Fire Service Proposed Transfer of Lot 1 DP 13603, Come By Chance to Walgett Shire Council**

**Resolution:**

1. That, Council approve the Transfer of Lot 1 DP 13603 to Walgett Shire Council.
2. Council execute the Contract of Sale and Transfer documents in anticipation of exchange, settlement and registration by our solicitor, Mr. Nick Wilson of Booth, Brown, Samuels & Olney.

**Moved:** Clr Keir

**Seconded:** Clr Lane

**CARRIED**

**12/2011/18 RTA Regional Roads Repair Program Applications for 2012/2013**

**Resolution:**

1. That Council note the applications for funding of the re construction and sealing of one kilometre of each of MR 457 Gundabloui Road and MR 426 Ridge Road and 5km of MR 7716 Come By Chance Road under the RTA Regional roads REPAIR Program.

**Moved:** Clr Lane

**Seconded:** Clr Smith

**CARRIED**

**12/2011/19 Monthly Flood Works Report from Director Engineering Services – December 2011**

**Resolution:**

1. That Council receive and note the regular Monthly December 2010 flood works

**Moved:** Clr Woodcock

**Seconded:** Clr Walford

**CARRIED**

**12/2011/20 Monthly Report from Director Engineering Services – December 2011**

**Resolution:**

1. That Council receive and note the regular Monthly Road & Bridge Report

**Moved:** Clr Lane

**Seconded:** Clr Walford

**CARRIED**

**12/2011/21 Matters Generally for Brief Mention or Information only from Director Engineering Services – November 2011**

**Resolution:**

1. That the matters listed by the Director of Engineering Services for brief mention or information be received and noted.
  1. Barwon Councils Strategic Roads Committee- Walgett Shire Road projects

**Moved:** Clr Walford

**Seconded:** Clr Colless

**CARRIED**

**Reports of Committees**

Nil

**Questions for the next Meeting**

**Clr Smith**

**Question 1:**

Local contractor at Collarenebri – Pokataroo (John Green) is not being utilised to carry out lawn mowing and slashing around the highways and towns. He submitted his tender paperwork in June 2011 and when he followed it up, he was advised that it had been lost. He resubmitted the paperwork in November this year and still has not heard anything?

**Response:**

The General Manager advised that he will investigate this matter.

**Clr Keir**

**Question 1:**

Just wanted put in a reminder about the bus stop at the Burren Preschool, I don't want it to be forgotten?

**Response:**

The Director Engineering Services advised that the Bus culvert has been ordered and he is waiting for its delivery. He further advised that the culvert was suppose to be in Walgett about 3 weeks ago and he has not heard from the company as yet.

**Clr Murray**

**Question1:**

Has there been any further progress with the dump site at Burren Junction?

**Response:**

The Director Engineering Services advised that this matter is for the Director Urban Infrastructure Services.

**Clr Colless**

**Question 1:**

Have we had a State of Emergency declaration as yet?

**Response:**

The General Manager advised that he has applied for a declaration and is waiting for a response. He further advised that he has emailed all the councillors of this.

**Clr Woodcock**

**Question 1:**

The Bore baths at Burren Junction have closed, is this correct and why?

**Response:**

The General Manager advised that the Bore Baths have been closed. He further advised that he had spoken with Brett Stevens about the matter; Brett advised him that no one uses the baths over the Christmas season and it was not worthwhile keeping them open.

**Confidential Reports/Closed Council meeting**

Nil

**Close of Meeting**

The meeting closed at 1:13pm

To be confirmed at the meeting of Council to be held on Tuesday 14 February 2012 which was deferred until Tuesday 6 March 2012.

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Mayor

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General Manager