



MINUTES FOR ORDINARY COUNCIL MEETING

22nd JULY, 2014

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 **Rowena Hall**, on **22 July 2014** commencing at 10:10am 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 ROWENA HALL ON TUESDAY 22 JULY, 2014 AT 10:10 AM**

PRESENT

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

Apologies

10/2014/1 Apologies – 22 July 2014

Resolved:

That the apology received from Councillor Taylor is accepted and a leave of absence granted.

Moved: Clr Greenaway
Seconded: Clr Walford

CARRIED

Public Forum Presentations

Mr Neil McIntosh discussed the following:

- Mr McIntosh is the President of Lightning Ridge Junior Rugby League Club and is seeking feedback on the Club's submission to Council regarding the 2014/15 draft budget.
- Mr McIntosh sought information on what work Council is undertaking to improve the condition of the Spider Brown Oval.
- The General Manger advised that Council have made provision for work to be done this financial year from the Parks and Gardens budget.
- Work to be undertaken will include levelling and top dressing.
- The General Manager advised that in regards proposed work for next financial year a detailed costing will need to undertaken first.
- The Director Corporate Services advised that Council are planning to undertake an upgrade of the two western light towers.
- Council have also applied for a Sport and Rec grant to upgrade the remaining two eastern light towers.
- Mr McIntosh requested that the Club are consulted in regards to proposed future work being undertaken at the oval.

Declaration of Pecuniary Interests

Clr Lane declared a pecuniary interest in item 24 as his family are the current contractor.

Confirmation of Minutes

10/2014/2 Minutes of Ordinary Council meeting – 24 June 2014

Resolved:

That the minutes of the Ordinary Council meeting held 24 June 2014, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Keir
Seconded: Clr Cooper

CARRIED

10/2014/3 Minutes of Extra-Ordinary Council meeting – 24 June 2014

Resolved:

That the minutes of the Extra-Ordinary Council meeting held 24 June 2014, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Walford
Seconded: Clr Keir

CARRIED

Mayoral Minutes

10/2014/4 Matters Generally for Brief Mention or Information only from Mayor

Resolved:

That the matters listed by the Mayor for brief mention or information only be received and noted.

Moved: Clr Woodcock
Seconded: Clr Greenaway

CARRIED

The Director Corporate Services gave a presentation regarding the Burren Junction Hall following the Community Forum held on 16 July 2014 to discuss repair work and future use of the Hall.

Reports of Committees/Delegates - Nil

Reports from Officers

10/2014/5 Council's Decision Action Report – July 2014

Resolved:

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

Moved: Clr Greenaway

Seconded: Clr Walford

CARRIED

10/2014/6 Circulars Received from the Local Government NSW

Resolved:

That the information contained in the weekly circulars numbers 23 – 26 from the Local Government NSW be received and noted.

Moved: Clr Lane

Seconded: Clr Woodcock

CARRIED

10/2014/7 Circulars Received from the NSW Office of Local Government – July 2014

Resolved:

That the information contained in the following Departmental circulars 14-15 to 14-18 from the Local Government Division Department of Premier and Cabinet be received and noted.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

10/2014/8 Monthly Calendar –July 2014 to September 2014

Resolved:

That Council receive and note the regular monthly calendar for the period July 2014 to September 2014.

Moved: Clr Woodcock

Seconded: Clr Lane

CARRIED

10/2014/9 Walgett Shire – Joint Drought Submission

Resolved:

1. That Council receive, note and endorse the submission.
2. That Council invite members of both the state and federal opposition, relevant financial institutions and media contacts to visit the Walgett Shire to further discuss drought in the Shire.

Moved: Clr Keir
Seconded: Clr Greenaway

CARRIED

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

Resolved:

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

Moved: Clr Lane
Seconded: Clr Cooper

CARRIED

10/2014/11 Cash on Hand and Investment Report as at 30 June 2014

Resolved:

1. That the cash on hand and investment report as at 30 June 2014 be received.

Moved: Clr Walford
Seconded: Clr Keir

CARRIED

10/2014/12 Quarterly Rates Report & End Of Financial Year – June 2014

Resolved:

That Council note the improved outstanding rates percentage (8.66%) and ongoing commitment to improve this key performance indicator.

Moved: Clr Lane
Seconded: Clr Woodcock

CARRIED

10/2014/13 356 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, excluding the Serbian Church property in Lightning Ridge and Catholic Church property at 18 Middle Street Rowena which are to undergo further investigation .

Moved: Clr Greenaway
Seconded: Clr Walford

CARRIED

10/2014/14 Healthy Communities Support of equipment to Lightning Ridge HACC Centre

Resolved:

1. That Council receive and note the report.

Moved: Clr Woodcock
Seconded: Clr Martinez

CARRIED

10/2014/15 Manager Community Development Report April – June 2014

Resolved:

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

Moved: Clr Woodcock
Seconded: Clr Keir

CARRIED

10/2014/16 Lighting Upgrade Spider Brown Oval Lightning Ridge

Resolved

1. That repairs to the existing lights on the western towers be undertaken at an estimated cost of \$10,000 subject to unspent funds being brought forward from the 2013/2014 Parks and Reserves Capital Maintenance Vote.
2. That an application be submitted under the Sport and Recreation Facility Development Program for 50% funding of a total upgrade of the Spider Brown Oval lights and if successful, that matching funding be provided from Parks and Reserves Capital Maintenance Vote in the 2015 / 2016 Budget.

Moved: Clr Walford
Seconded: Clr Lane

CARRIED

The meeting adjourned at 12:35pm for lunch.

The meeting resumed at 1:05pm with all those previously present again present.

10/2014/17 Monthly RMCC works Report from Director Engineering Services – July 2014

Resolved:

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

Moved: Clr Woodcock

Seconded: Clr Greenaway

CARRIED

10/2014/18 Monthly flood works Report from Director Engineering Services

Resolved:

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

Moved: Clr Woodcock

Seconded: Clr Lane

CARRIED

10/2014/19 North West Weight of Loads Committee Meeting– July 2014

Resolved:

1. That the report is received and noted.
2. That the minutes of the NWWOLG meeting held on 7 July 2014 be circulated to Councillors when available.

Moved: Clr Woodcock

Seconded: Clr Walford

CARRIED

10/2014/20 Matters Generally for Brief Mention or Information only from Acting Director Urban Infrastructure Services – July 2014

Resolved:

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

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

Questions for the Next Meeting

Clr Martinez

Question 1

Members of the new Lightning Ridge Pony Club Committee have asked if the Lightning Ridge Pony Club grounds are able to be used. What should they be doing to finalise the DA for the facility?

Response

The Director Planning & Regulatory Services requested that the Committee contact Council's Town Planner and Senior Environmental Health & Building Surveyor to discuss.

Question 2

When are Council staff going to produce a report on the \$460,000 that was put into reserve trust and allocated for main street beautification? I would like to know that the money was used for and when did Council vote to take the funds out of reserve?

Response

The General Manager is preparing a supplementary report for consideration at the August Meeting.

Question 3

When is Council going to produce a report on all reserve trust accounts, I would like to know the amounts in these accounts and what they are assigned for?

Response

The Director Corporate Services is preparing a report for the August Meeting.

Question 4

Can the General Manager look into staff following the correct procedure when advertising for contractors for expressions of interests for work that will cost over \$3,000.00?

Response

The General Manager refers Council to the established Policy and Procedures in this regard and the need for a degree of operational flexibility in this regard.

Clr Lane

Question 1

The Lightning Ridge Bore Baths are currently closed for two hours in the morning for cleaning. Bore Baths users would prefer that this closure for cleaning takes place between 12:00pm and 2:00pm instead. Can this be investigated?

Response

The Acting Director Urban Infrastructure Services is investigating whether or not a change of hours is possible operationally and will implement accordingly.

Question 2

Can the Pilliga to Burren Junction road be graded?

Response

The Director Engineering Services advises that the road has been inspected and grading will be undertaken when operators are available.

Question 3

There are parts of fencing, doors and windows missing from a house on the corner of Morilla and Gem Streets which looks untidy. Can Council issue an order for the property to be tidied up?

Response

The Director Planning & Regulatory Services is arranging an inspection of the premises with a view to implementing appropriate action.

Clr Woodcock

Question 1

I have heard that the tractor used to fill graves at the Lightning Ridge Cemetery will be relocated in the near future. Is this correct?

Response

The General Manager advises that this information is not correct. The plant item has been flagged for routine maintenance at the Walgett Workshop.

Question 2

Why is there an excavator being used by Council from a contractor from outside of the Walgett Shire?

Response

The Director Engineering Services advised that a contractor was engaged from outside the Shire as Expressions of Interest were not received from any local contractors.

Question 3

An artist in Lightning Ridge would like to make and sell leadlight works from a property at 6-8 Windlass Avenue Lightning Ridge. Is this able to be undertaken at the property?

Response

The Director Planning & Regulatory Services will investigate and advise the resident direct of the planning requirements.

Question 4

The change room floor at the Lightning Ridge Bore Baths becomes slippery and a user has fallen. There are also loose floor tiles and drainage issues. Can work be done to resolve these issues?

Response

The Director Corporate Services advised that the Property Officer is in the process of organising a non-slip flooring to be installed as an interim measure.

Clr Keir

Question 1

The Outback Arts Committee has requested that a public meeting be held to discuss the future of the Lightning Ridge Arts and Crafts Committee. Can this be arranged?

Response

General Manager is investigating various issues surrounding the operation and activities at this facility.

Question 2

Can the temporary fencing at the Walgett Masonic Hall be upgraded so that the Hall can be accessed by members of the Historical Society?

Response

The Director Planning & Regulatory Services is investigating the type and cost of appropriate fencing.

Question 3

What is the progress of the Walgett IGA?

Response

The General Manager advised that construction of the new site is underway, with completion anticipated to take place in mid-November. The Department of Education have extended the lease on the temporary store until early August and negotiations are progressing between IGA and St Vincent De Paul for the second temporary store location.

Clr Greenaway

Question 1

Does Council currently own a mobile kitchen?

Response

The General Manager advised that Council does own a mobile kitchen which is kept at the Depot. Some work will need to be done before it is able to be used. Arrangements are in place for this to occur.

Question 2

Does Council have a system of recording work that is being undertaken by the Property Officer in relation to work to be done on Council assets such as the Burren Junction Hall?

Response

The Director Corporate Services advised that all information compiled will be kept within Council's recording system, Trim.

Clr Walford

Question 1

The ride on lawn mower that Council was to fix has still not been returned to the Lightning Ridge Preschool. Can this be investigated?

Response

The General Manager is investigating the issue and will provide a report in due course.

Question 2

Will Council advertise for the currently vacant Backhoe Operator position?

Response

The General Manager advised that the position will be shortly advertised internally.

Clr Cooper

Question 1

What is the progress of works to be undertaken at the Lightning Ridge IGA?

Response

The Director Planning & Regulatory Services advised that propping has been put in place and an engineer has approved this propping. Council recently wrote to the IGA owner requesting information regarding permanent propping with no response. The Director Planning & Regulatory Services will follow up response.

Note: Councillors are reminded of the procedure for raising Questions for the Next Meeting which requires them to submit their questions in writing each month. Each Councillor has been provided with a stock of blank forms for this purpose.

10/2014/21 Move into Closed Session at 2:18PM

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.

Moved: Clr Walford
Seconded: Clr Greenaway

CARRIED

10/2014/22 Mayoral Minute – General Manager Salary Review

Resolved:

That a confidential report is prepared for the next meeting regarding established salary figures and SES increase details for the General Manager's salary.

Moved: Clr Lane
Seconded: Clr Martinez

CARRIED

10/2014/23 Use of Opal Gravel for Roads - Report from Director Engineering Services

Resolved:

1. That Council receive and note the Director of Engineering Services report.

Moved: Clr Greenaway
Seconded: Clr Cooper

CARRIED

Clr Lane declared a pecuniary interest in the below item and left the meeting at 3:03pm.

10/2014/24 Walgett and Lightning Ridge Waste Management Facilities Cost Analysis

Resolved:

1. That Council receive and note the report and consider the waste management facilities opening hours.
2. That Council conduct a consumer survey to establish the times consumers use the facilities to see if the actual hours of operation need to be varied rather than the length of time the facilities are open.
3. That Council conduct an education campaign for the users of all waste management facilities within the Shire.

Moved: Clr Walford

Seconded: Clr Cooper

CARRIED

Clr Lane returned to the meeting at 3:18pm.

10/2014/25 Return to Open Session at 3:19pm

Resolved:

1. That Council return to open session.

Moved: Clr Keir

Seconded: Clr Cooper

CARRIED

10/2014/26 Adoption of Closed Session Reports

Resolved:

That Council adopt the following recommendation of the Closed Committee:

- 1) Mayoral Minute – General Manager Salary Review
- 2) Use of opal gravel for roads
- 3) Walgett and Lightning Ridge Waste Management Cost Analysis

Moved: Clr Keir

Seconded: Clr Cooper

CARRIED

Close of Meeting

The meeting closed at 3:19pm.

To be confirmed at the meeting of Council to be held on 26 August 2014 at Walgett.

Mayor

General Manager