



# **MINUTES FOR ORDINARY COUNCIL MEETING**

**24<sup>th</sup> JUNE, 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 **Walgett Shire Council Chambers**, on **24 June 2014** commencing at 10:10 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 absentsing 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 WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY 24<sup>th</sup> JUNE, 2014 AT 10:10 AM**

**PRESENT**

Clr G Murray (Mayor)  
Clr J Keir  
Clr R Greenaway  
Clr D Cooper  
Clr M Taylor  
Clr I Woodcock  
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**

**9/2014/1 Apologies – 24 June 2014**

**Resolved:**

That the apologies received from Councillors Lane, Martinez and Walford are accepted and a leave of absence granted.

**Moved: Clr Woodcock**

**Seconded: Clr Cooper**

**CARRIED**

**Public Forum Presentations**

**Mr Col Hundy discussed the following;**

- Residents of Lightning Ridge have made complaints about the roundabout near the pool with rocks around it.
- Mr Hundy suggested that Council undertake a review of potential Health and Safety issues in the Walgett Shire.
- Residents who live at Cumborah near the turnoff onto the Goodooga Road are experiencing dust issues. Can this section of the Road be sealed, possibly through Council obtaining funding from the Health Department at a Federal level.

**Ms Julie Casey, Rural Financial Counsellor discussed the following;**

- Ms Casey received an announcement this morning that the State Government's Water Infrastructure funding for this financial year has already been expended and will not continue into the next financial year.
- This will negatively impact upon many producers and small businesses within the Walgett Shire.
- A number of producers have installed water infrastructure on the basis that a rebate of 75% would be available to claim.
- Likewise, local businesses have incurred costs due to the purchase of materials for water infrastructure.
- The Freight Rebate will also no longer be available in the next financial year.
- Ms Casey noted that she has received numerous enquiries for support services.

- Ms Casey is encouraging those producers who were going to make a claim for water infrastructure to still do so, and also contact their Local Member.

**Declaration of Pecuniary Interests - Nil**

**Confirmation of Minutes**

**9/2014/2 Minutes of Ordinary Council meeting – 27 May 2014**

**Resolved:**

That the minutes of the Ordinary Council meeting held 27 May 2014, having been circulated be confirmed as a true and accurate record of that meeting.

**Moved: Clr Keir**  
**Seconded: Clr Taylor**

**CARRIED**

**9/2014/3 Minutes of Extra-Ordinary Council meeting – 27 May 2014**

**Resolved:**

That the minutes of the Extra-Ordinary Council meeting held 27 May 2014, having been circulated be confirmed as a true and accurate record of that meeting.

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

**CARRIED**

**Mayoral Minutes**

**9/2014/4 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 Greenaway**  
**Seconded: Clr Cooper**

**CARRIED**

**Reports of Committees/Delegates - Nil**

## Reports from Officers

### **9/2014/5 Council's Decision Action Report – June 2014**

**Resolved:**

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

**Moved:** Clr Keir  
**Seconded:** Clr Greenaway

**CARRIED**

### **9/2014/6 Circulars Received from the Local Government NSW**

**Resolved:**

That the information contained in the weekly circulars numbers 19 – 22 from the Local Government NSW be received and noted.

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

**CARRIED**

### **9/2014/7 Circulars Received from the Division of Local Government – June 2014**

**Resolved:**

That the information contained in the following Departmental circulars 14-13 to 14-14 from the Local Government Division Department of Premier and Cabinet be received and noted.

**Moved:** Clr Greenaway  
**Seconded:** Clr Taylor

**CARRIED**

### **9/2014/8 Monthly Calendar –June 2014 to August 2014**

**Resolved:**

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

**Moved:** Clr Greenaway  
**Seconded:** Clr Woodcock

**CARRIED**

**9/2014/9 Council's Future Sustainability – Establishment of an Assets Renewal Reserve.**

**Resolved:**

That Council be proactive in this area of its operations by the creation of a cash backed assets renewal reserve from the additional FAGS grant funds received in 2013/14 and to also commence a detailed review of the infrastructure replacement issues raised at an internal audit level.

**Moved: Clr Greenaway**

**Seconded: Clr Woodcock**

**CARRIED**

**9/2014/10 Water Security for the Regions Grant Programme – Walgett Weir and Grawin Bore Projects**

**Resolved:**

That Council submit applications for both the Walgett Weir Raising Project and the Grawin Bore Project.

**Moved: Clr Woodcock**

**Seconded: Clr Keir**

**CARRIED**

**9/2014/11 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. NeatStreets

**Moved: Clr Keir**

**Seconded: Clr Cooper**

**CARRIED**

**9/2014/12 Cash on Hand and Investment Report as at 31 May 2014**

**Resolved:**

That the cash on hand and investment report as at 31 May 2014 be received.

**Moved: Clr Greenaway**

**Seconded: Clr Taylor**

**CARRIED**

**9/2014/13 Request to write off of rates on cancelled assessments**

**Resolved:**

1. That Council resolve to write off outstanding rates and charges totalling \$38,370.42 on assessments noted in attachment in accordance with Section 607 of Local Government Act 1993 and Section 131 of Local Government (General) Regulation 2005.

**Moved: Clr Woodcock**

**Seconded: Clr Taylor**

**CARRIED**

**9/2014/14 Heritage Advisor and Activities 2013-2014**

**Resolved:**

That Walgett Shire Council resolve to:

1. Note the report on the activities of Walgett Shire Council's Heritage Advisor, Ray Christison, during 2013-2014.
2. Endorse and adopt the following documents, as prepared by Walgett Shire Council's Heritage Advisor, Ray Christison:
  - (a) Walgett Shire Local Heritage Fund Annual Report 2013-2014.
  - (b) Walgett Shire Council Heritage Strategic Plan 2014-2017.
3. Endorse submission of the documents to the Heritage Branch of the NSW Department of Planning & Environment.
4. Note that Ray Christison of High Ground Consulting has advised Walgett Shire Council that he will cease providing heritage advisory services as soon as Council can find a replacement advisor.
5. Write to Ray Christison and thank him for his work as Walgett Shire Council's heritage advisor from 2008 until 2014.
6. Seek expressions of interest for a new Heritage Advisor:
  - (a) Consistent with the document titles "How to Establish a Heritage Advisor Service", published by Heritage Branch, NSW Office of Environment & Heritage, July 2011.
  - (b) Where feasible, in consultation with the Bourke and Brewarrina Shire Councils as part of a resource sharing initiative of the Outback Shires Alliance.

**Moved: Clr Cooper**

**Seconded: Clr Greenaway**

**CARRIED**

**9/2014/15 Matters Generally for Brief Mention or Information Only from Director of Planning & Regulatory Services**

**Resolved:**

That Walgett Shire Council resolve to:

1. Receive and note the report by the Director of Planning & Regulatory Services on matters for brief mention, or information only, regarding:
  - Outback Shires Alliance – Resource Sharing Initiatives
  - New Mining Camp Dwellings in Crown Reserve 1024168
  - Rural Residential Land Use Strategy discussion paper
  - Pound dog rehoming.
  - Staff movements
  - All materials locator
  - Electronic housing code & DA tracking
  - Western Region Exempt & Complying Development forum
  - Additional CORS site

**Moved: Clr Keir**

**Seconded: Clr Taylor**

**CARRIED**

**9/2014/16 Monthly RMCC Works Report from Director Engineering Services – June 2014**

**Resolved:**

That Council receive and note the monthly RMCC Works report for June 2014.

**Moved: Clr Woodcock**

**Seconded: Clr Taylor**

**CARRIED**

**9/2014/17 Monthly Flood Works Report from Director Engineering Services**

**Resolved:**

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

**Moved: Clr Greenaway**

**Seconded: Clr Taylor**

**CARRIED**

**9/2014/18 Walgett & Lightning Ridge Waste Management Facilities – Waste Disposal Fee**

**Resolved:**

1. That a report is prepared regarding extending the opening hours for the Walgett and Lightning Ridge Waste Management Facilities and potential measures for Council to cover the cost of extending opening hours.
2. That an educational campaign is prepared in order to inform Shire residents of the proposed fees and charges

**Moved: Cllr Woodcock**

**Seconded: Cllr Taylor**

**CARRIED**

**Questions for the Next Meeting**

**Cllr Taylor**

**Question 1**

Can Council investigate moving the bins at the Astronomers Monument, Lightning Ridge to a location further down the hill?

**Response**

Acting Director Urban Infrastructure Services to investigate.

**Question 2**

Can the dead trees in Pandora Street, Lightning Ridge be removed and the area given a general tidy up?

**Response**

Acting Director Urban Infrastructure Services to investigate.

**Cllr Cooper**

**Question 1**

Can Council contact Kevin Humphries MP regarding drought relief assistance ?

**Response**

The General Manager advised that both Kevin Humphries MP and Mark Coulton MP will be contacted. A Media Release in relation to the matter may also be issued.

**Question 2**

What is the progress of the fencing and ramps to be installed on Gerard O'Brien's property?

**Response**

The Director Engineering Services advised that Expressions of Interest close on Friday 4 July 2014.

**Cllr Greenaway**

**Question 1**

What is the progress of the maintenance work at Spider Brown Oval, Lightning Ridge?

**Response**

The General Manager advised that this matter will be discussed in the Extra-ordinary Meeting to be held later today.

**Question 2**

Does Council currently have a Carpenter on staff?

**Response**

The General Manager advised that Council do not currently have a Carpenter, however are interested in hiring one. Council's current Building Maintenance Officer does undertake small tasks in the main administration building.

**Question 3**

What is the progress of the Coonabarabran to Mungindi Road Improvement Programme?

**Response**

The General Manager advised that Council have undertaken a feasibility study and are now waiting for response from Kevin Humphries MP who is coordinating the programme. Director of Engineering is to contact Mr Humphries to investigate where matter is up to.

**Question 4**

Can Council investigate a water leak in Barwon Street, Collarenebri?

**Response**

The Acting Director Urban Infrastructure Services to investigate.

**Question 5**

Can the Pilliga to Burren Junction Road (SR103) be graded?

**Response**

The Director Engineering Services advised that the road will be graded in July 2014.

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

Funding has been obtained for an independent toilet block at Come By Chance Hall. Will a Development Application need to be lodged for this project?

**Response**

The Director Planning and Regulatory Services advised that Council's Town Planner will be able to assist with this. Clr Keir to forward project details to Council's Town Planner to determine if a Development Application is needed.

**Question 2**

Does Council have access to Shire Tourism data, in particular visitor numbers?

**Response**

The General Manager advised that both the Walgett and Lightning Ridge Visitor Information Centres keep a record of visitor numbers.

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

There are still bike users driving through the park area near Butterfly Avenue, Lightning Ridge. Can Council implement further measures to dissuade bike users?

**Response**

The Acting Director Urban Infrastructure Services to investigate.

**9/2014/19 Move into Closed Session at 12:29PM**

**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 Woodcock**  
**Seconded: Clr Greenaway**

**CARRIED**

**9/2014/20 Request for Connection to the Urban Potable Water Supply System**

**Resolved:**

- 1. That Council defer both Graincorp Walgett and Southern Game Meat Pty Ltd's request to connect to the filtered water connection.
- 2. Negotiate with the business houses to share the cost of upgrading the production capacity of the under construction filtration plant and meet the cost of pipe work. The pipe work has to comply with WSAA Water Supply Code of Australia
- 3. Negotiate contract based water rates to these business houses to recover the cost of plant upgrading and extending the water mains to these business houses.

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

**CARRIED**

*The meeting adjourned for lunch at 1:10pm.*

*The meeting resumed at 1:52pm with all those previously present again present.*

**9/2014/21 Expression of Interest in the Development/exchange/purchase of Council Land**

**Resolved:**

- 1. That the General Manager be authorised to take the necessary steps to resolve outstanding Title issues in respect of the Neilly Street Carpark.
- 2. That Council draft a Memorandum of Understanding regarding the possible development of the Neilly Street Carpark and exchange of adjacent land.

**Moved: Clr Greenaway**  
**Seconded: Clr Keir**

**CARRIED**

**9/2014/22 Review of Council's Housing Stock – Future Directions**

**Resolved:**

1. That a detailed review of Council's staff housing stock be carried out in the 2014/15 financial year with a view to preparing not only not only a routine maintenance programme but also a capital upgrade and replacement programme as well.
2. Further that Council reaffirm the approach of transferring the income from any property sales to a cash backed reserve to provide for future property development.
3. Council obtain quotes for upgrade of work to the 6 Vaughn Place property and undertake work as necessary.

**Moved: Clr Woodcock**  
**Seconded: Clr Greenaway**

**CARRIED**

**9/2014/23 General Manager Contract Review**

**Resolved:**

That this item was deferred for consideration at the July 2014 Council Meeting.

**9/2014/24 Performance of Concrete Crew – June 2014**

**Resolved:**

1. That Council receive and note the performance report of the Concrete Crew for June 2014 and that further reports are prepared quarterly instead of monthly.

**Moved: Clr Cooper**  
**Seconded: Clr Greenaway**

**CARRIED**

**9/2014/25 Installation of Sewer Rising Main Walgett: Tender Recommendation**

**Resolved:**

1. That Council endorse the NSW Public Works tender recommendation for the Installation of Sewer Rising Main in Walgett.
2. Council accept the tender price offered by Earthfrom Pty Ltd in the amount of \$202,305.61 inclusive of GST.

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

**CARRIED**

**9/2014/26 Return to Open Session at 2:07pm**

**Resolved:**

1. That Council return to open session.

**Moved: Cllr Greenaway**

**Seconded: Cllr Keir**

**CARRIED**

**9/2014/27 Adoption of Closed Session Reports**

**Resolved:**

That Council adopt the following recommendation of the Closed Committee:

- 1) Request for Connection to the Urban Potable Water Supply
- 2) Expression of Interest in Council Land
- 3) Review of Council's Future Housing Stock
- 4) General Manager Contract Review
- 5) Performance of Concrete Crew – June 2014
- 6) Installation of Sewer Rising Main Walgett: Tender Recommendation

**Moved: Cllr Keir**

**Seconded: Cllr Cooper**

**CARRIED**

**Close of Meeting**

The meeting closed at 2:09pm.

To be confirmed at the meeting of Council to be held on 22 July 2014 at Rowena.

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Mayor

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General Manager