



MINUTES FOR ORDINARY COUNCIL MEETING

31st May 2016

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 **Collarenebri Hall** on **31 May 2016** commencing at 10:09am to discuss the items listed in the Agenda.

ADOPTED: 28th June 2016

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 COLLARENBRI HALL ON TUESDAY 31 MAY, 2016 AT 10:09 AM

PRESENT

Clr D Lane (Mayor)
Clr J Keir (Deputy Mayor)
Clr R Greenaway
Clr D Cooper
Clr M Martinez
Clr L Walford
Clr M Taylor
Clr I Woodcock
Don Ramsland (General Manager)
Michael Urquhart (Chief Financial Officer)
Jessica McDonald (Director Environmental Services)
Prafulla KC (Acting Deputy Director Engineering/Technical Services)
Bronte Kerr (Minute Secretary)

Apologies

4/2016/1 Apologies

Resolved:

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

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

Public Forum Presentations

- 1. Greg Rummery provided an update on the progression of the Walgett Weir Steering Committee and their recent meetings with Kevin Humphries and Mark Coulton. The committee chairman sought advice and support from Council to further lobby the Ministers and Government for the additional height of the weir.*
- 2. Karen McKinnon, Sean Andrews and Ann Dennis from the Walgett Community College provided an update to Councillors on the school in relation to attendance, timetable structure, composition of the reference group and the construction progress. The school is expecting to hold an open day on the 24th October, 2016. The school is focusing on five critical aspects including; Positive behaviour for learning, reading, attendance, professional teaching, and numeracy and literacy. The school is open to exploring work experience opportunities with local business in Walgett and implementing such program.*
- 3. George Mulder discussed his building compliance issues with Council and sought Council's approval to revert back to the original development application due to the cost involved in addressing the unauthorised building alterations.*

The meeting adjourned for morning tea at 11:50am.

The meeting resumed at 12.15pm with all those previously present again present.

Declaration of Pecuniary/Non Pecuniary Interests

Clr Martinez and Clr Keir declared a pecuniary interest in item 14.4.2 on page 100.

Confirmation of Minutes

4/2016/2 Minutes of Ordinary Council meeting – 26th April 2016

Resolved:

That the minutes of the Ordinary Council meeting held 26th April 2016, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Cooper
Seconded: Clr Walford

CARRIED

4/2016/3 Lightning Ridge Information Centre Operations

Resolved:

Walgett Shire Council take over the operations of the Lightning Ridge Information Centre from 1st July 2016.

Moved: Clr Keir
Seconded: Clr Walford

CARRIED

Mayoral Minutes

4/2016/4 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 Taylor

CARRIED

WAMS presented at 12:30pm and provided Council with a brief background and history of WAMS and discussed consideration of an MOU.

Reports of Committees/Delegates – Nil

Reports from Officers

4/2016/5 Council's Decision Action Report – May 2016

Resolved:

That the Resolution Register for May 2016 be received and noted.

Moved: Clr Greenaway

Seconded: Clr Walford

CARRIED

The meeting adjourned for morning tea at 1:10pm.

The meeting resumed at 1:40pm with all Councillors and Staff previously present again present.

4/2016/6 Circulars Received from the Local Government NSW

Resolved:

That the information contained in the weekly circulars numbers 14-20 from the Local Government NSW be received and noted.

Moved: Clr Cooper

Seconded: Clr Keir

CARRIED

4/2016/7 Circulars Received from the NSW Office of Local Government

Resolved:

That the information contained in the following Departmental circular 11-14 from the Local Government Division Department of Premier and Cabinet be received and noted.

Moved: Clr Greenaway

Seconded: Clr Taylor

CARRIED

4/2016/8 Monthly Calendar May – July 2016

Resolved:

That Council receive and note the regular monthly calendar for the period May 2016 to July 2016.

Moved: Clr Keir

Seconded: Clr Woodcock

CARRIED

4/2016/9 Local Government Reform – Zonal Taxation Concept**Resolved:**

That Council prepare and lodge a submission for the Legislative Assembly Zonal Taxation Inquiry.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED**4/2016/10 Local Government Reform – A Two Tiered Concept Model****Resolved:**

The General Manager's report be received and noted.

Moved: Clr Martinez

Seconded: Clr Walford

CARRIED**4/2016/11 Matters Generally for brief mention or information only****Resolved:**

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

Moved: Clr Cooper

Seconded: Clr Woodcock

CARRIED**4/2016/12 Cash and investment report as at 30 April 2016****Resolved:**

That the Investment report as at 30th April 2016 be received and noted.

Moved: Clr Keir

Seconded: Clr Taylor

CARRIED**4/2016/13 Third quarter operational plan****Resolved:**

1. That the content of the report be noted.
2. Council accept the progress made on the 2015/2016 Operational Plan as at 31st March 2016.

Moved: Clr Cooper

Seconded: Clr Greenaway

CARRIED

4/2016/14 Revised investment policy

Resolved:

1. That the content of the report be noted.
2. Council adopts the revised Investment policy as presented.

Moved: Clr Walford
Seconded: Clr Greenaway

CARRIED

4/2016/15 Quarterly Budget Review Statement 2015/2016

Resolved:

That Council adopt the attached Quarterly Budget Review Statement for 31st March 2016 as tabled.

Moved: Clr Cooper
Seconded: Clr Woodcock

CARRIED

4/2016/16 Move into Closed Session at 2.30pm

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 Greenaway
Seconded: Clr Taylor

CARRIED

4/2016/17 Return to Open Session at 2.30 pm

Resolved:

That Council return to open session.

Moved: Clr Walford
Seconded: Clr Keir

CARRIED

4/2016/18 Keeping of Animals Orders Policy

Resolved:

Adopt in principle 'Walgett Shire Council Keeping of Animals Orders Policy' and place on public exhibition for 28 days .

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

4/2016/19 Aboriginal community based environmental and waste management

Resolved:

Participate in the Aboriginal Community based Environmental and Waste Management program as part of the Fit For The Future Government Program.

Moved: Clr Woodcock

Seconded: Clr Walford

CARRIED

4/2016/20 Move into Closed Session at 2.41pm

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 Woodcock

Seconded: Clr Taylor

CARRIED

4/2016/21 Return to Open Session at 2.42 pm

Resolved:

That Council return to open session.

Moved: Clr Walford

Seconded: Clr Greenaway

CARRIED

4/2016/22 Unauthorised building works & occupation 6 Windlass Ave Lightning Ridge

Resolved:

1. Note the letter from George Mulder received 15 April 2016.
2. Inspect 6 Windlass Ave, Lightning Ridge (Lot 1, DP 827710) within 21 days to determine what works remain to be completed to comply with the:
 - a) Building Permit 31/94 and the Building Code of Australia in force at that time,
 - b) Environmental Planning and Assessment Act 1979 and associated regulation.

Moved: Clr Martinez

Seconded: Clr Keir

CARRIED

4/2016/23 Matters generally for brief mention or information only from Director of Environmental Services

Resolved:

Receive and note the report by the Director of Environmental Services on matters for brief mention, or information only and the Western Lands Lease matter be referred for further information.

Moved: Clr Greenaway

Seconded: Clr Walford

CARRIED

4/2016/24 Move into Closed Session at 3.00 pm

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 Cooper

Seconded: Clr Woodcock

CARRIED

4/2016/25 Report from Luka Group - Water Fund

Resolved:

That Council receive and note the report from Luka Group in relation to the Lightning Ridge Water Fund.

Moved: Clr Woodcock

Seconded: Clr Cooper

CARRIED

4/2016/26 Return to Open Session at 4.09 pm

Resolved:

That Council return to open session.

Moved: Clr Greenaway

Seconded: Clr Taylor

CARRIED

4/2016/27 Adoption of Closed Session Report

Resolved:

That Council adopt the recommendations of the Closed Committee Reports.

- Luka Group Report

Moved: Clr Woodcock

Seconded: Clr Walford

CARRIED

4/2016/28 Monthly RMCC works report from Director Engineering Services – April 2016

Resolved:

That Council receive and note the monthly RMCC works report for April 2016.

Moved: Clr Greenaway

Seconded: Clr Cooper

CARRIED

Clr Keir and Clr Martinez left the meeting room at 4.10pm

4/2016/29 Monthly maintenance grading report from Director Technical /Engineering Services

Resolved:

That Council receive and note the monthly maintenance grading works report for April 2016.

Moved: Clr Woodcock

Seconded: Clr Taylor

CARRIED

4/2016/30 Monthly Progress Report from Acting Director Engineering/Technical Services

Resolved:

That Council receive and note the April 2016 Monthly Progress Report from Acting Director Engineering/Technical Services.

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

CARRIED

Clr Keir left the meeting room at 4.14pm

4/2016/31 Gravel sheeting Work on Billybingbone Road (RR7516) and Millie Road (SR12)

Resolved:

That Council endorse the following re-allocations:

- \$9000 from 11.3150.2645 to 11.3150.2656
- \$43,000 from 11.3150.2525 to 11.3150.2656
- \$20,000 from 11.3185.2546 to 11.3185.2816

Moved: **Clr Cooper**
Seconded: **Clr Taylor**

CARRIED

Clr Keir returned to the meeting at 4.18pm

The General Manager informed Councillors of the correspondence received from Max Jones – Managing Director of Watermin Drillers Pty Ltd in relation to the tender/contract of the Grawin bore works.

4/2016/32 Matters Generally for Brief Mention or Information Only-Engineering/Technical Services

Resolved:

That the matters listed for brief mention or information only be received, noted and endorsed, noting letter from Watermin Drillers.

Moved: **Clr Woodcock**
Seconded: **Clr Martinez**

CARRIED

QUESTIONS

Clr Walford

Question 1

Can Council arrange for the rocks be to relocated to the outside of the bore bath fence in Lightning Ridge?

Response

The Acting Director Engineering/Technical Services to investigate and take action accordingly.

Clr Taylor

Question 1

Can Council remove the dead trees in Lions Park in Lightning Ridge?

Response

The Director of Engineering/Technical Services will investigate and take appropriate action.

Question 2

Can Council arrange for the sump drain to be cleaned out at the bore baths in Lightning Ridge?

Response

The Director of Engineering/Technical Services will investigate and take appropriate action.

Question 3

Can Council's Regulatory Officer ensure insurance checks are carried out on market day in Lightning Ridge?

Clr Taylor passed on thanks from the Rotary Club for allowing them to utilise the tennis courts for establishing a community garden.

Question 4

Can Council investigate installing additional powerpoints at the race club facilities in Lightning Ridge?

Response

The Chief Financial Officer advised of Council's grant application for an upgraded kitchen facility.

Clr Greenaway

Question 1

Can Council inform Peter Harrison of possible approval requirements to reopen the silo at Rowena?

Response

The Director of Environmental Services will investigate and take appropriate action.

Clr Woodcock

Question 1

Can Council investigate install irrigation for the trees in Lightning Ridge?

Response

The Acting Director Engineering/Technical Services to investigate and report accordingly.

Question 2

What is the progress on the disabled toilet for the visitor information centre in Lightning Ridge?

Response

The Chief Financial Officer advised that additional options are being explored and quote being sought.

Clr Keir

Question 1

Can Council look at the possibility of limiting the Council meetings to Walgett and Lightning Ridge?

Response

The General Manager to investigate and report accordingly.

Question 2

Can Council write to the Minister for Primary Industries, Lands and water, Niall Blair giving Council's support to the imminent changes to the Native Vegetation Act particularly in view of the economic benefits this will bring to the Walgett Shire?

Response

The General Manager to investigate and report accordingly.

Clr Cooper – Nil

Clr Martinez

Question 1

What is the expected completion date for the bore in Walgett?

Response

The Acting Director Engineering/Technical Services advised it is expected to be completed in three weeks.

Question 2

What is the update on the visitor information centre toilet block in Lightning Ridge?

Response

The Chief Financial Officer advised that additional options are being explored and quotes being sought.

4/2016/33 Move into Closed Session at 4.43pm**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 Keir

Seconded: Clr Greenaway

CARRIED

4/2016/34 Expression of interest in the development/exchange/purchase of Council land**Resolved:**

That the General Manager

1. Invite expressions of interest for the development of all or part of the CBD parking area
2. Consider submitting a tender price for land adjoining the CBD car park.
3. Advise the parties who have forwarded a draft MOU of the course of action Council is taking.

Moved: Clr Keir

Seconded: Clr Taylor

CARRIED

4/2016/35 Local Government Reform – Far West Initiative Update

Resolved:

1. The General Manager's report be received and noted and the action being taken to run a series of confidential workshops be endorsed.
2. The Mayor and General Manager attend the next FWIAC meeting during the week commencing 11 July, 2016 and expenses be paid.
3. The General Manager's paper on his Two Tiered Model is tabled in a separate report to this meeting, A copy has also been forwarded to DPC/OLG.
4. Continue to work with the far western division councils to devise, develop and consider alternate model(s) of both governance and service delivery.
5. Continue to work with Bourke and Brewarrina Shires to further enhance the Outback Shires Alliance through resource sharing
6. Carry out a detailed examination of Council's long term financial future with the aid of T-Corp support
7. Should the opportunity arise, seek approval to remain a stand-alone Council.
8. Where appropriate seek legal advice from LGNSW and/or legal practitioners with regards the local government reform process.
9. Following the release of the further discussion papers by the Minister for Local Government, Council consider whether or not it should be preparing submissions in respect of the recommendations it contains.
10. Commence its own community consultation process in conjunction with the 2016/17 draft budget forums.
11. Continue to press for the release of service mapping for the FWI area as a matter of urgency as Council believes that the DPC/OLG approach of determining a governance structure(s) first this is putting the cart before the horse as the service mapping exercise should be done at least concurrently, if not prior to the review of the governance, so that any change in the governance structure can be adequately reflected any change in responsibilities and/or legislation

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

4/2016/36 Return to Open Session at 5.14pm

Resolved:

That Council return to open session.

Moved: Clr Woodcock

Seconded: Clr Greenaway

CARRIED

4/2016/37 Adoption of Closed Session Reports

Resolved:

That Council adopt the recommendations of the Closed Committee Reports.

- Expression of interest in the development/exchange/purchase of Council land
- Local Government Reform Update – Far West Initiative Update

Moved: Cllr Greenaway

Seconded: Cllr Walford

CARRIED

Close of Meeting

The meeting closed at 5.15pm.

To be confirmed at the meeting of Council to be held on 28 June in Walgett.

Mayor

General Manager