



# **MINUTES FOR ORDINARY COUNCIL MEETING**

## **27<sup>th</sup> 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 **Walgett Shire Council Chambers**, on **27 May 2014** commencing at 10:18 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 WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY 27<sup>th</sup> MAY, 2014 AT 10:18 AM**

**PRESENT**

Clr G Murray (Mayor)  
Clr J Keir  
Clr R Greenaway  
Clr D Cooper  
Clr D Lane  
Clr L Walford  
Clr R Martinez  
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 – Nil**

**Public Forum Presentations**

**Mr Col Hundy discussed the following;**

- Currently one Council meeting per year is held in Lightning Ridge.
- It would be beneficial for more Council meetings to take place in Lightning Ridge.
- The latest Walgett Shire Council Newsletter contains limited items about Lightning Ridge.
- Can more items containing Lightning Ridge news be included in the next newsletter.
- Difficulty arises when Council staff implement policy and principles made in urban areas outside of the Shire.

**Declaration of Pecuniary Interests**

Clr Lane declared a Non Pecuniary Interest in item 9 as his nephew is a scholarship recipient.

Clrs Greenaway and Keir declared a Pecuniary Interest in item 24 as their families are currently operating contract plant.

**Confirmation of Minutes**

**8/2014/1 Minutes of Ordinary Council meeting – 8 May 2014**

**Resolved:**

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

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

**CARRIED**

## Mayoral Minutes

### **8/2014/2 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:** Cllr Woodcock

**Seconded:** Cllr Keir

**CARRIED**

## Reports of Committees/Delegates

### **8/2014/3 Minutes of Health & Safety Committee Meeting – 13 May 2014**

**Resolved:**

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

**Moved:** Cllr Cooper

**Seconded:** Cllr Taylor

**CARRIED**

## Reports from Officers

### **8/2014/4 Council's Decision Action Report – May 2014**

**Resolved:**

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

**Moved:** Cllr Walford

**Seconded:** Cllr Keir

**CARRIED**

### **8/2014/5 Circulars Received from the Local Government NSW**

**Resolved:**

That the information contained in the weekly circulars numbers 15 – 18 from the Local Government NSW be received and noted.

**Moved:** Cllr Keir

**Seconded:** Cllr Lane

**CARRIED**

**8/2014/6 Circulars Received from the Division of Premier & Cabinet – May 2014**

**Resolved:**

That the information contained in the following Departmental circulars 14-11 to 14-12 from the Local Government Division Department of Premier and Cabinet be received and noted.

**Moved: Clr Cooper**  
**Seconded: Clr Lane**

**CARRIED**

**8/2014/7 Monthly Calendar –May 2014 to July 2014**

**Resolved:**

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

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

**CARRIED**

**8/2014/8 ICAC Investigation – “Operation Jarek”**

**Resolved:**

That Council endorse the action taken/being taken by the General Manager to implement the recommendations of the findings of the ICAC Investigation and the reporting of these action to ICAC.

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

**CARRIED**

*Clr Lane declared a Non Pecuniary Interest in the following item and left the meeting at 11:06am.*

#### **8/2014/9 Dick Colless Memorial Scholarship Awards**

##### **Resolved:**

That Council adopt the following recommendations for the awarding of the 2014 Dick Colless Memorial Scholarships:

Geoffrey Lane	\$2,000 (Electrical Apprenticeship)
Brook Holland	\$2,000 (Bachelor of Business)
Emma Denyer	\$1,200(Bachelor of Civil Engineering/Commerce)
Rebecca Clauss	\$1,200 (Bachelor of Pharmacy)
Leonie Gawthorne	\$1,200 (Master of Physiotherapy)
Anna Holcombe	\$1,200 (Bachelor of Agricultural Science)
Sky Holland	\$1,200 (Bachelor of Sport and Exercise Science)

and an appropriate presentation ceremony be arranged to co-incide with the June/July university vacations.

**Moved: Clr Walford**

**Seconded: Clr Martinez**

**CARRIED**

*Clr Lane returned to the meeting at 11:16am.*

#### **8/2014/10 Request to Write Off Debt Owing by Lightning Ridge Olympic Pool Committee**

**A motion was moved by Clr Woodcock/Clr Martinez**

1. That the debt of \$200,000 owing by the Lightning Ridge Olympic Pool Committee be written off subject to advice from the Department of Local Government and Council's legal advisors and internal auditor.

**An amendment was moved by Clr Greenaway/Clr Keir**

1. That Council defer the item until all relevant information is available and a decision then be made with regards to writing off the debt.

**On being put to the vote the amendment was lost.**

**The original motion was then put to the meeting.**

**Resolved**

That the debt of \$200,000 owing by the Lightning Ridge Olympic Pool Committee be written off subject to advice from the Department of Local Government and Council's legal advisors and internal auditor.

**Moved: Clr Woodcock**

**Seconded: Clr Martinez**

**CARRIED**

Councillors Keir, Greenaway and Cooper requested it be noted that they had voted against the resolution.

**Resolved**

1. That Council obtain detailed report on cost of running all sporting services in Walgett Shire.
2. That naming rights for the Lightning Ridge Pool are investigated.

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

**CARRIED**

**8/2014/11 CASH ON HAND AND INVESTMENT REPORT AS AT 30 April 2014**

**Resolved:**

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

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

**CARRIED**

**8/2014/12 Disposal of Council's redundant IT Equipment**

**Resolved:**

That Council approve the disposal of identified e-waste and the Reserve e-waste be engaged to remove and dispose of the e-waste at no cost to Council

**Moved:** Clr Greenaway  
**Seconded:** Clr Lane

**CARRIED**

*The meeting adjourned for morning tea at 12:03pm.*

*The meeting resumed at 12:21pm with all those previously present again present.*

**8/2014/13 Stock Take Variance Financial Year 2014**

**Resolved:**

1. That Council approve the write off of stock with a total value of \$-1,892.05 to the stores ledger and control account and the adjustments to the Stores Ledger as per the schedule of stock items attached.

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

**CARRIED**

**8/2014/14 Matters Generally for Brief Mention or Information Only from Director Corporate Services – May 2014**

**Resolved:**

1. That the Funding Deed between Walgett Shire Council and NSW Family and Community Services be executed under the Seal of Council.

**Moved:** Clr Lane  
**Seconded:** Clr Taylor

**CARRIED**

**8/2014/15 Revised draft Walgett Shire Council Consent Authority Conflict of Interest Policy**

**Resolved:**

**That Walgett Shire Council resolve to:**

1. Note the draft revised Walgett Shire Council Consent Authority Conflict of Interest Policy.
2. Place the draft Walgett Shire Council Consent Authority Conflict of Interest Policy on public exhibition for a minimum of four weeks and invite written submissions from the public on the draft policy.
3. Advertise the public exhibition of the draft Walgett Shire Council Consent Authority Conflict of Interest Policy via:
  - (a) Council's newspaper column in the Lightning Ridge News and the Walgett Spectator.
  - (b) Council's web site.

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

**CARRIED**

**Planning Division**

**For**

Clr Murray  
Clr Cooper  
Clr Keir  
Clr Woodcock  
Clr Greenaway  
Clr Martinez  
Clr Lane  
Clr Walford  
Clr Taylor

**Against**

Nil



**8/2014/16 Development and Complying Development Certificate Applications**

**Resolved:**

**That Walgett Shire Council resolve to:**

1. Note the report on Development and Complying Development Certificate applications dealt with by Council staff under delegated authority for April 2014.

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

**CARRIED**

**8/2014/17 Development Determination 2014/017 Gregory Sim**

**Resolved:**

**That Walgett Shire Council:**

1. Approve Development Application 2014/017 in the name of Gregory Sim for a Rural Fire Station at Rowena (lot 21, DP 552634) subject to the recommended conditions of development consent.
2. Waive the requirement under Council's Consent Authority Conflict of Interest Policy for an assessment review by an appropriately skilled independent party, such as external planning consultants or planners from another Council.

**Moved: Clr Lane**  
**Seconded: Clr Taylor**

**CARRIED**

**Planning Division**

**For**

Clr Murray  
Clr Cooper  
Clr Keir  
Clr Woodcock  
Clr Greenaway  
Clr Martinez  
Clr Lane  
Clr Walford  
Clr Taylor

**Against**

Nil

**8/2014/18 Monthly RMCC works Report from Director Engineering Services – May 2014**

**Resolved:**

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

**Moved: Clr Walford**  
**Seconded: Clr Cooper**

**CARRIED**

**8/2014/19 Monthly Flood Works Report from Director Engineering Services**

**Resolved:**

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

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

**CARRIED**

**8/2014/20 Move into Closed Session At 12:30PM**

**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:

- (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 Walford**

**CARRIED**

**8/2014/21 Walgett Home Hardware**

**Resolved:**

That the General Manager and Mayor be authorised to negotiate 2-3 year options on suitable land for commercial development in the Walgett CBD and also negotiate in relation to the possible commercial redevelopment of the carpark off Neilly Street, Walgett.

**Moved: Clr Walford**  
**Seconded: Clr Taylor**

**CARRIED**

**8/2014/22 Interest in Purchase of Council Residence**

**Resolved:**

That the General Manager is authorised to negotiate a sale for the property at 6 Vaughn Place.

**Moved: Clr Walford**  
**Seconded: Clr Taylor**

**CARRIED**

### 8/2014/23 Update of Supermarket Development Proposals

**Resolved:**

That the General Manager and Mayor are authorised to negotiate with IGA, DPC, Department Education and Minister Humphries in regards to Walgett IGA continuing to use the Primary School site for the temporary supermarket for a further six months as the alternate premises identified by DPC are considered unsuitable following an inspection by Council.

**Moved:** Clr Kier  
**Seconded:** Clr Martinez

**CARRIED**

*The meeting adjourned for lunch at 1:16pm.*

*The meeting resumed at 2:15pm with all those previously present again present except for Clr Greenaway.*

### 8/2014/24 Performance of Concrete Crew - May 2014

**Resolved:**

That Council receive and note the performance of the Concrete Crew for April 2014.

**Moved:** Clr Lane  
**Seconded:** Clr Cooper

**CARRIED**

*Clr Keir declared a Pecuniary Interest in the following item and left the meeting at 2:33pm.*

### 8/2014/25 Tender Casual Hire Plant - July 1<sup>st</sup> 2014- June 30 2015 Report from Director Engineering Services

**Resolved:**

1. That Council accept tenders from the following businesses for RFQ 14/031 Request for Standing Offers: Casual Plant Hire Walgett Shire NSW - for 1st July 2014 to 30th June 2015.  
MaxHire  
Ezyquip Hire  
Cutting Edge  
Sherrin Rentals  
Bunyan Earthmoving  
Rollers Australia  
Kennards Hire  
Grace Civil  
Conplant Pty Ltd  
Eastern Mechanical Services  
Earth Plant Hire  
North West Plant Hire  
J R Weate Pty Ltd  
Ellis Profiling Pty Ltd  
PR & JA Cochrane  
Thurstons Transport  
Hyroll Hire Pty Ltd  
Rob Ruby & Ruby Bros Pty td  
Wintergreen Investment Pty Ltd

Tierney Crushing & Transport Pty Ltd  
MJ & GD Barton Pty Ltd  
RGT Cochrane  
Stabilco Pty Ltd  
Doncorp Pty Ltd  
Calvani Crushing Pty Ltd  
Coates Hire Operations Pty Ltd  
Sandaran Australia Pty Ltd  
Bows Sand & Gravel Pty Ltd

**Moved: Clr Cooper**

**Seconded: Clr Lane**

**CARRIED**

*Clr Keir returned to the meeting at 2:37pm*

#### **8/2014/26 Walgett Levee Refurbishment Stage 4 Tender**

**Resolved:**

1. That Council endorse the NSW Public Works tender recommendation for the Walgett Levee Stage 4 works.
2. This report also recommends that Council accept the tender price offered by Central West Civil Pty Ltd in the amount of \$1,166,050.00 inclusive of GST.
3. This report also recommends that Council accept the proposal for Project Management of the Construction phase for Stage 4 submitted by the NSW Public Works for the amount of \$95,610.00 exclusive of GST.

**Moved: Clr Taylor**

**Seconded: Clr Lane**

**CARRIED**

#### **8/2014/27 Return to Open Session at 2:40pm**

**Resolved:**

1. That Council return to open session.

**Moved: Clr Walford**

**Seconded: Clr Lane**

**CARRIED**

## 8/2014/28 Adoption of Closed Session Reports

### Resolved:

That Council adopt the following recommendation of the Closed Committee:

- 1) Interest in Purchase of Council Residence
- 2) Update on Temporary Supermarket
- 3) Performance of Concrete Crew
- 4) Tenders Casual Plant Hire
- 5) Walgett Levee Stage 4 Tender

**Moved:** Clr Lane

**Seconded:** Clr Cooper

**CARRIED**

### Questions for the Next Meeting

#### Clr Taylor

##### **Question 1**

The Grawin Glengarry Sheeppark Miners Association have applied for a community grant. What is the progress of this application?

##### **Response**

The General Manager advised that applications are considered in the 2014/15 draft budget and paid to successful applicants in the new financial year.

##### **Question 2**

What is the progress of the Grawin Miner's association request for financial assistance for a new bore?

##### **Response**

The General Manager advised that this item will be considered in the 2014/15 draft budget.

##### **Question 3**

Will any funds received from the Catchment Authority be available to the Lightning Ridge and Grawin Miners Association for weeds control?

##### **Response**

The General Manager advised that this matter is being addressed by the Castlereagh Macquarie County Council, not Walgett Shire Council. The General Manager advised that he has confirmed with both Miner's Associations that approximately \$20,000 each will be available on the proviso that funds are spent on weed control in these areas. Funds will also be made available to individual farmers on this basis. Ken Harrison is preparing a strategic analysis that will be circulated once available.

##### **Question 4**

Thank you for repairing the grid on the Angledool Road as requested. The school bus driver is also appreciative of this.

##### **Response**

Noted

##### **Question 5**

Can Council investigate the possibility of implementing a user pays system at the Burren Junction Bore Baths?

**Response**

The General Manager advised that investigations will take place as part of Council's review of Shire wide services.

**Question 6**

What is the progress of the Walgett Shire promotional booklet?

**Response**

The General Manager advised that the booklet is currently being drafted and it is anticipated that it will be ready by late July 2014.

**Question 7**

There is bitumen breaking away in one part of the Grawin to Lightning Ridge Road 1km off the Kamilaroi Highway. Can patching be done to resolve this?

**Response**

Director Engineering Services to investigate.

**Clr Lane****Question 1**

Does Council have an employment/appointment policy as raised by Mr Col Hundy earlier in the meeting?

**Response**

General Manager to investigate.

**Question 2**

There are currently no precinct committees in operation in Lightning Ridge, Walgett and Grawin. Should we encourage residents to get these committees up and running again?

**Response**

General Manager to investigate. The General Manager also advised that the Collarenebri Precinct Committee is in the process of being re-established as the Town Improvement Committee.

**Clr Martinez****Question 1**

The latest Walgett Shire Council newsletter contains limited items about Lightning Ridge news. Can the next newsletter include more items about Lightning Ridge?

**Response**

All Councillors were encouraged to submit items for inclusion in future newsletters. The General Manager also advised that he will ensure a wider range of items are included.

**Question 2**

Can Council implement the use of a tender system for the supply of concrete to Council?

**Response**

The General Manager advised that this issue was discussed at the April Council meeting.

**Question 3**

Can 3 grids north of Lightning Ridge on the O'Brien's property be addressed?

**Response**

Director Engineering Services to investigate.

**Question 4**

What is the progress of the reporting into the previous tip contractor?

**Response**

The General Manager advised that a meeting has been held with the contractor and as a result Council will seek advice from the EPA.

**Clr Cooper****Question 1**

What is the expected timeframe for water and sewer to be connected to the industrial blocks in Walgett?

**Response**

General Manager to investigate.

**Question 2**

Can a potential drainage issue be investigated in the Walgett Cemetery area between the Castlereagh Highway and Carinda Road.

**Response**

Acting Director Urban Infrastructure Services to investigate.

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

Who is monitoring the Police Only parking in Wee Waa Street?

**Response**

The General Manager advised that the purpose of this parking restriction is to provide the Police vehicles adequate parking while the new Police Station is being constructed. Once construction commences Highway Patrol Officers should monitor the area.

**Question 2**

A ramp on the Pilliga to Walgett road near the cement bridge has collapsed. Can this be investigated/signage placed either side?

**Response**

Director Engineering Services to investigate.

**Question 3**

Is there a drill hole in the levee near the golf course for accessing pipes?

**Response**

Acting Director Urban Infrastructure Services advised that such a drill hole should not affect the strength of the levee.

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

Can Council investigate the possibility of the Rural Financial Counsellor attending a future Council meeting to discuss current drought issues in the Shire?

**Response**

General Manager to invite Rural Financial Counsellor to a future meeting.

**Question 2**

There are two ramps on SH 18 North that need to be repaired;

- Big Warrambool 16 km south of Lightning Ridge turn off
- 1 km north of Lightning Ridge turn off at Lone Pine Road intersection

Can this be investigated?

**Response**

The Director Engineering Services advised that this project is included in the 2014/15 budget.

**Close of Meeting**

The meeting closed at 3:32pm.

To be confirmed at the meeting of Council to be held on 24 June 2014 at Walgett.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
General Manager

DRAFT