



MINUTES FOR ORDINARY COUNCIL MEETING

27th October, 2015

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 **27 October 2015** commencing at 10:25am 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 SHIRECOUNCIL HELD AT THE WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY 27 OCTOBER, 2015 AT 10:25 AM

PRESENT

Clr D Lane (Mayor)
Clr J Keir (Deputy Mayor)
Clr G Murray
Clr R Greenaway
Clr D Cooper
Clr M Martinez
Clr M Taylor
Clr Woodcock
Don Ramsland (General Manager)
Stephen Holland (Director Corporate Services)
Matthew Goodwin (Director Planning and Regulatory Services)
Raju Ranjit (Director Engineering Services)
Dilip Tiwari (Acting Director Urban Infrastructure Services)
Matt Clarkson (Town Planner)
Bronte Kerr (Minute Secretary)

Apologies

9/2015/1 Apologies

Resolved:

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

Moved: Clr Keir

Seconded: Clr Murray

CARRIED

Public Forum Presentations

Iain McGregor of Smart Commercial Solar discussed a zero cost solution for installing solar across Walgett Shire assets.

Mr McGregor discussed the following;

- Immediately deliver the shire savings on electricity costs
- A ten year operation and maintenance program
- All costs associated tied directly to performance hence if the solar does not perform then Council does not pay
- Deliver a solar asset (with an expected 20 year further life) to Council after ten years for no cost

Declaration of Pecuniary/Non Pecuniary Interests

Clr Keir declared a pecuniary interest in item 15.4.3 & 15.4.6

Clr Martinez declared a pecuniary interest in item 15.4.3

Confirmation of Minutes

9/2015/2 Minutes of Ordinary Council meeting – 22 September

Resolved:

That the minutes of the Ordinary Council meeting held 22 September 2015, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Cooper

Seconded: Clr Keir

CARRIED

Mayoral Minutes

9/2015/3 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 Lane

Seconded: Clr Keir

CARRIED

Reports of Committees/Delegates

9/2015/4 Minutes of Workplace Health & Safety Committee meeting – 17 September 2015

Resolved:

That the minutes of the Workplace Health and Safety Committee meeting held 17 September 2015, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Keir

Seconded: Clr Cooper

CARRIED

9/2015/5 Local Area Traffic Committee Meeting – 8th October 2015

Recommendation:

That the minutes of the Local Area Traffic Committee meeting held Thursday 8th October 2015, be received and noted.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

9/2015/6 Minutes of the Western Division Meeting held 12th October 2015

Recommendation:

That the minutes of the Western Division meeting held 12th October 2015, be received and noted.

Moved: Clr Woodcock
Seconded: Clr Cooper

CARRIED

9/2015/7 Minutes of the Lightning Ridge and Surrounding Opal Fields Management Reserve Trust Meeting held 8th September 2015

Recommendation:

1. That the minutes of the Lightning Ridge and Surrounding Opal Fields Management Reserve Trust meeting held 8th September 2015, be received and noted.

2. That the Mayor be appointed as a delegate and Deputy Mayor as an alternative.

Moved: Clr Woodcock
Seconded: Clr Taylor

CARRIED

Reports from Officers

9/2015/8 Council's decision action Report – October 2015

Recommendation:

That the Resolution Register for October 2015 be received and noted.

Moved: Clr Martinez
Seconded: Clr Woodcock

CARRIED

9/2015/9 weekly's received from Local Government NSW

Recommendation:

That the information contained in the weekly circulars 37-40 from Local Government NSW be received and noted

Moved: Clr Woodcock
Seconded: Clr Cooper

CARRIED

9/2015/10 Circulars Received from the NSW Office of Local Government

Resolved:

That the information contained in the following Departmental circular 32-35 from the Local Government Division Department of Premier and Cabinet be received and noted.

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

CARRIED

9/2015/11 Monthly calendar October – December 2015

Recommendation:

That Council receive and note the regular monthly calendar for the period October – December 2015.

Moved: **Clr Murray**
Seconded: **Clr Greenaway**

9/2015/12 2016 Australia Day Celebrations

Recommendation:

That:

1. The Mayor and the following Councillors be members of the 2016 Australia Day Awards Judging panel Clr Taylor and Clr Cooper.
2. The Mayor be the chairperson of the Judging panel.
3. The Mayor and Councillors on the Panel be authorised to determine community members of the Panel and invite Chris Clemson to join the Panel.

Moved: **Clr Martinez**
Seconded: **Clr Keir**

CARRIED

Clr Murray left the meeting at 11.46 am

9/2015/13 2016 Australia Day Celebrations

Recommendation:

That Council endorse the recommended categories and the attached nomination form for the 2016 Australia Day awards.

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

CARRIED

Clr Murray Returned to the meeting at 11:49 am

9/2015/14 Local Government Reform Update

Recommendation:

That Council note how the outcomes of the “Fit For The Future” process have/will be impacting on Councils in the Orana Region and consider what immediate action it should be taking as part of the “Far West Initiative”.

Moved: Clr Greenaway
Seconded: Clr Woodcock

CARRIED

9/2015/15 Matters for brief mention or information only from General Manager

Recommendation:

That the above listed matters be received and noted.

Moved: Clr Cooper
Seconded: Clr Keir

CARRIED

9/2015/16 Cash on Hand and Investment Report as at 30 September 2015

Recommendation:

That the cash on hand and investment report as at 30 September 2015 be received.

Moved: Clr Woodcock
Seconded: Clr Murray

CARRIED

9/2015/17 Community Development Report July – September 2015

Recommendation:

That the report for Community Development for July – September 2015 be received and noted.

Moved: Clr Keir
Seconded: Clr Martinez

CARRIED

Clr Keir left the meeting at 12:22pm

Clr Keir returned to the meeting at 12:24pm

Clr Taylor left the meeting at 12:26pm

Clr Taylor returned to the meeting at 12:28pm

**9/2015/18 New Disabled Toilet Block – Lions Park – Visitor Information Centre
Lightning Ridge**

Item deferred for further consideration and investigation of alternative sources of funding and design options with a preference for a concrete/ brick building.

Moved: Clr Martinez
Seconded: Clr Woodcock

CARRIED

9/2015/19 Council Chambers Honour Boards

Recommendation:

1. That the honour boards only record Shire President / Mayor and Deputies, Councillors and Shire Clerk / General Managers and that the current boards be amended and updating of the boards proceed on this basis.

2. A separate board be made to record the service of senior staff and staff who have served for 25 years.

Moved: Clr Keir
Seconded: Clr Cooper

CARRIED

Against: Clr Murray

The meeting adjourned for lunch at 12:48pm

The meeting resumed at 1:38pm with all those previously present again in attendance.

9/2015/20 Grants from the Walgett Shire Local Heritage Fund

Recommendation:

That Walgett Shire Council resolve to:

Disperse \$7,398 from the Walgett Shire Council Local Heritage Fund 2015-2016 in the following manner:

(a) \$2,931 to Ivana Prasad to undertake conservation works on the Astronomers' Monument, Lightning Ridge.

(b) 1,717 to Anglican Parish of Coonamble to replace windows in the St John the Evangelist Church at Carinda (Stage 2).

(c) \$2,750 to Anglican Parish of Walgett to paint the exterior of St Peters Anglican Church, Walgett (Stage 1).

Moved: Clr Greenaway
Seconded: Clr Keir

CARRIED

9/2015/20 Matters Generally for Brief Mention or Information only from Director of Planning & Regulatory Services

Recommendation:

That Walgett Shire Council resolve to:

Receive and note the report by the Director of Planning & Regulatory Services on matters for brief mention, or information only.

Moved: Clr Martinez

Seconded: Clr Murray

CARRIED

9/2015/21 Monthly RMCC works Report from Director Engineering Services – September 2015

Recommendation:

That Council receive and note the monthly RMCC works report for September 2015.

Moved: Clr Greenaway

Seconded: Clr Woodcock

CARRIED

9/2015/22 Monthly Rural Infrastructure and Support Service Progress report from Director Engineering Services

Recommendation:

That Council receive and note the Engineering Services monthly works progress report for September 2015.

Moved: Clr Greenaway

Seconded: Clr Woodcock

CARRIED

Clr Martinez and Clr Keir left the meeting at 2.02pm

9/2015/23 Monthly Maintenance Grading Report from Director Engineering Services

Recommendation:

That Council receive and note the monthly maintenance grading works report for September 2015.

Moved: Clr Woodcock

Seconded: Clr Cooper

CARRIED

Clr Martinez and Clr Keir returned to the meeting at 2.07pm

Clr Murray left the meeting at 2.08 pm

9/2015/24 Aboriginal road safety infrastructure program funding 2015/2016

Recommendation:

1. That Council accepts funding of 93,000 (ex gst) to improve the significantly damage section inside the villages.
2. That Council accepts funding of \$ 65,000 to upgrade the intersection of Kamilaroi Highway & Gary Murphy Drive (\$10,000) and the intersection of Castlereagh Highway & George Sands Way (\$ 55,000).
3. That Council approve a ledger number for Aboriginal Road Safety Infrastructure Program funding (\$ 93,000)

Moved: Clr Woodcock

Seconded: Clr Keir

CARRIED

Clr Murray returned to the meeting at 2.10pm

9/2015/25 2015 Local Government National Local Roads and Transport Congress – Ballarat, VIC

Recommendation:

That General Manager be delegated authority to determine which staff , if any, should attend and expenses be paid.

Moved: Clr Martinez

Seconded: Clr Greenaway

CARRIED

9/25015/26 Outcomes from Shire Road Network Workshop

Recommendation:

That Council receive, note and endorse the suggestions from the Shire Road Network Workshop.

Moved: Clr Greenaway

Seconded: Clr Cooper

CARRIED

9/2015/27 Matters generally for brief mention or information only from Director Engineering Services

Recommendation:

That the matters listed by the Director of Engineering Services for brief mention or information be received and noted.

Moved: Clr Woodcock

Seconded: Clr Taylor

CARRIED

Questions for the Next Meeting

Clr Taylor

Question 1: What is the progress on the post office/bank building in Collarenebri?

Response: The General Manager advised that Council is currently seeking quotes and a report is being prepared for Council.

Question 2: Has Council erected the Narran Lake road sign on the Kamilaroi highway?

Response: The Director Engineering Services to investigate and respond accordingly.

Question 3: What is the timeframe in regards to the water supply at Grawin?

Response: Project engineer advised the tender and specification will be published by December, 2015.

Question 4: Can Council ensure the trees in the Main Street of Lightning Ridge are watered regularly?

Response: Project engineer to investigate and respond accordingly.

Question 5: When is the expected start date for the town beautification project?

Response: The General Manager indicated that as previously advised works would be carried out in the order of Collarenebri, Walgett and Lightning Ridge.

Question 6: Can Council investigate the available grants for Australia Day i.e. releasing fish into the river?

Response: The Director of Corporate Services to investigate.

Question 7: Can Council investigate constructing a drain in Lions Park in Lightning Ridge?

Response: Project Engineer to investigate and respond accordingly.

Clr Martinez

Question 1: How is Council going to recoup the additional funds of the Grawin bore?

Response: The General Manager advised Council will incorporate a fee through the general rates system of the Grawin residents.

Question 2: What is the progress regarding the grids on O'Brien's property?

Response: Director Engineering Services advised a reply letter had been received by Council and Council will follow the matter up with a phone call in order to clarify the details of the work.

Clr Murray

Question 1: Can Council write a letter to Barnaby Joyce in regards to the Shire retaining the service of rural financial Councillors?

Response: The General Manager to action accordingly.

Clr Cooper- Nil

Clr Greenaway – Nil

Clr Keir

Question 1: Has the new sign for Hardies Road been erected?

Response: The Director Planning and Regulatory Services to investigate and respond accordingly.

Clr Keir commented on the Tour de OROC event stating that there was poor communication by the event planner in regards to the delayed arrival time and hence children were left waiting on the levee bank for over an hour before the riders appeared.

9/2015/28 Move into Closed Session at 2:48pm

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

9/2015/29 Collarenebri Club Ltd (Temporary Administrator Appointed) Update

Recommendation:

That the proposal from the Administrator dated 27 August 2015 for the payment of arrears and current rates and charges be amended for payment of the lump sum of \$15,000 to be now made by 31 December 2015.

Moved: Clr Greenaway
Seconded: Clr Martinez

CARRIED

9/2015/30 J.B & R Mylan – Rate Assessment 3236

Recommendation:

That Council confirm that amendment to assessment 3236 and the refund of overpaid rates amounting to \$693.10 and compensatory interest of \$35.00 (total \$728.10)

Moved: Clr Greenaway
Seconded: Clr Keir

CARRIED

9/2015/31 Direction to take preventive action regarding generator noise

Recommendation:

That Walgett Shire Council resolve to:

Note and endorse the report from the Director of Planning & Regulatory Services about the status of a Direction to Take Preventive Action under section 96 of the Protection of the Environment Operations Act 1997 regarding generator noise associated with a mining camp on Western Lands Lease 15118 on the Canfells opal field, Lightning Ridge.

Moved: Clr Greenaway
Seconded: Clr Taylor

CARRIED

Clr Woodcock left the meeting at 3.07pm
Clr Woodcock returned to the meeting at 3.09pm

9/2015/32 Application to Modify Development Consent 2014/005 – Vaidehi Adhikari

Recommendation:

That Walgett Shire Council resolve to issue an amended Notification of Development Application Determination for Development Application 2014/005 on Lot 1 DP 1203370 with consent condition Hrs11 amended as requested by the applicant.

Moved: Clr Cooper
Seconded: Clr Keir

CARRIED

Planning Division

For	Against	Absent
Woodcock	Taylor	Walford
Cooper	Murray	
Keir		
Martinez		
Greenaway		

9/2015/33 RFT 15021 – Supply & Delivery of Two Graders, Two Rollers and Two Backhoes

Recommendation:

That the Council Plant Committee minutes be received and noted and approve the purchase of the 6 plant items (2 graders, 2 rollers & 2 backhoes) from Westrac Caterpillar.

Moved: Clr Greenaway
Seconded: Clr Keir

CARRIED

9/2015/34 Lightning Ridge Visitor Information Centre/ Tourism Association – Additional Subsidy Request – 2015/16

Recommendation:

That Council

Delegate authority to the General Manager and Mayor to take necessary action to resolve issues surrounding the operation of the Lightning Ridge Visitor Information Centre.

Moved: Clr Woodcock

Seconded: Clr Keir

CARRIED

9/2015/35 Plant Committee

Resolved:

Clr Greenaway nominates Clr Cooper be a member of the Plant Committee.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

9/2015/36 Meeting Arrangements - Far West Initiative

Resolved:

That the General Manager schedule a meeting with Brewarrina and Bourke Shire Councillors and General Managers to discuss future plans and options.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

9/2015/38 Return to Open Session at 4.54pm

Resolved:

That Council return to open session.

Moved: Clr Woodcock

Seconded: Clr Greenaway

CARRIED

9/2015/39 Adoption of Closed Session Reports

Resolved:

That Council adopt the following recommendation of the Closed Committee:

- 1) Collarenebri Club Ltd (Temporary Administrator Appointed) Update
- 2) J.B & R Mylan – Rate Assessment 3236
- 3) Direction to take preventive action regarding generator noise
- 4) Application to Modify Development Consent 2014/005 – Vaidehi Adhikari
- 5) RFT 15021 – Supply & Delivery of Two Graders, Two Rollers and Two Backhoes
- 6) Lightning Ridge Visitor Information Centre/ Tourism Association – Additional Subsidy Request – 2015/16
- 7) Plant Committee
- 8) Meeting Arrangements Far West Initiative

Moved: Clr Woodcock

Seconded: Clr Keir

CARRIED

Close of Meeting

The meeting closed at 4:55pm.

To be confirmed at the meeting of Council to be held on 24 November 2015 at Walgett.

Mayor

General Manager