



MINUTES FOR ORDINARY COUNCIL MEETING

28th October, 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 **28 October 2014** commencing at 10:06am 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 28 OCTOBER, 2014 AT 10:06 AM

PRESENT

Clr D Lane (Mayor)
Clr J Keir
Clr G Murray
Clr R Greenaway
Clr D Cooper
Clr I Woodcock
Clr M Martinez
Clr L Walford
Clr M Taylor
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:

- Residents at Lightning Ridge have raised concerns about the Morilla Street upgrade project in Lightning Ridge.
- They believe that the concrete slabs in the area near the bank are too far out on the road, making it difficult for caravans to pass.
- Mr Hundy requested for compost toilets to be made available in Collarenebri near the river.
- Mr Hundy also requested that compost toilets are made available at 3 locations in Lightning Ridge, one near the hospital, another on the 3 Mile Road and the third near the Bowling Club/Cooper's Cottage.
- Mr Hundy suggested that the name "bore baths" in marketing materials be changed to "artesian springs".
- Mr Hundy noted that he believes there are issues with the running of the Lightning Ridge Tourist Association and Lightning Ridge Visitors Information Centre
- Mr Hundy noted that in other towns such as Walgett the Visitors Information Centres are successfully run by Council.
- Mr Hundy noted that the Lightning Ridge to Glengarry Road should be sealed.
- A road should be constructed between the Four and Three Mile Roads. This will bring a lot more tourism to Lightning Ridge.

Declaration of Pecuniary Interests

Clr Greenaway declared a Non-Pecuniary Interest in item 17 Development and Complying Development Certificate Applications as his relative has submitted a Development Application.

Confirmation of Minutes

13/2014/1 Minutes of Ordinary Council Meeting – 23 September 2014

Resolved:

That the minutes of the Ordinary Council meeting held 23 September 2014, having been circulated be confirmed as a true and accurate record of that meeting, subject to the words “and staff: being added after the words “General Manager” on page 5.

Moved: Clr Keir
Seconded: Clr Murray

CARRIED

13/2014/2 Minutes of Extra- Ordinary Council Meeting – 10 October 2014

Resolved:

That the minutes of the Ordinary Council meeting held 10 October, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Cooper
Seconded: Clr Walford

CARRIED

Mayoral Minutes

13/2014/3 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 Keir
Seconded: Clr Woodcock

Reports of Committees/Delegates -

13/2014/4 Minutes of Workplace Health & Safety Committee meeting – 9 October 2014

Resolved:

That the minutes of the Workplace Health and Safety Committee meeting held 9 October 2014, having been circulated be confirmed as a true and accurate record of that meeting.

Moved: Clr Walford
Seconded: Clr Greenaway

CARRIED

Minutes of Local Area Traffic Committee Meeting – 9 October 2014

This item was held over to allow for recommendations to be included in the minutes of the committee meeting.

Reports from Officers

13/2014/5 Council's Decision Action Report – October 2014

Resolved:

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

Moved: Clr Greenaway

Seconded: Clr Cooper

CARRIED

13/2014/6 Circulars Received from the Local Government NSW

Resolved:

That the information contained in the weekly circulars numbers 36 – 40 from the Local Government NSW be received and noted.

Moved: Clr Keir

Seconded: Clr Murray

CARRIED

13/2014/7 Circulars Received from the NSW Office of Local Government – October 2014

Resolved:

That the information contained in the following Departmental circulars 14-24 to 14-27 from the Local Government Division Department of Premier and Cabinet be received and noted.

Moved: Clr Walford

Seconded: Clr Greenaway

CARRIED

13/2014/8 Monthly Calendar –October 2014 to December 2014

Resolved:

That Council receive and note the regular monthly calendar for the period October 2014 to December 2014.

Moved: Clr Keir
Seconded: Clr Greenaway

CARRIED

13/2014/9 2015 Australia Day Celebrations

Resolved:

That:

1. The Mayor and the following Councillors be members of the 2015 Australia Day Awards Judging panel Clr Murray and Clr Taylor.
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 to invite community members to join the Panel

Moved: Clr Cooper
Seconded: Clr Murray

CARRIED

13/2014/10 Matters Generally for Brief Mention or Information Only General Manager

Resolved:

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

Moved: Clr Greenaway
Seconded: Clr Murray

CARRIED

13/2014/11 Cash on Hand and Investment Report as at 30 September 2014

Resolved:

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

Moved: Clr Cooper
Seconded: Clr Walford

CARRIED

13/2014/12 Community Development Report July – September 2014**Resolved:**

That the report for Community Development for July – September 2014 be received and noted.

Moved: Clr Keir
Seconded: Clr Woodcock

CARRIED**13/2014/12 Stocktake Variance Financial Year 2014****Resolved:**

1. That Council approve the write off of stock with a total value of (\$1,056.12) to the stores ledger and control account and the adjustments to the Stores Ledger as per the schedule of stock items attached.

Moved: Clr Greenaway
Seconded: Clr Taylor

CARRIED**13/2014/13 Carinda Swimming Pool****Resolved:**

1. That a community meeting be held in Carinda to discuss the operation of the Carinda Pool.
2. That following the community meeting the General Manager and Mayor be delegated authority to take appropriate action.

Moved: Clr Keir
Seconded: Clr Walford

CARRIED**13/2014/14 Matters for Brief Mention or Information Only – Director Corporate Services****Resolved:**

1. That the information be received and noted.

Moved: Clr Greenaway
Seconded: Clr Keir

CARRIED

13/2014/15 Off Leash Area for Dogs at Lightning Ridge

Resolved:

That Walgett Shire Council resolve to:

1. Note the response letter dated 25 September 2014 from NSW Crown Lands indicating that it has no objection to the establishment of an off-leash area for dogs at Lightning Ridge, within Crown Reserve R84117 for public recreation and a racecourse.
2. Proceed with the establishment of an off-leash area for dogs at Lightning Ridge, within Crown Reserve R84117 for public recreation and a racecourse, over the area shown in Attachment A.
3. Request the General Manager to make arrangements for the erection of appropriate signage for the off leash area.

Moved: Clr Woodcock

Seconded: Clr Walford

CARRIED

13/2014/16 Grants from the Walgett Shire Local Heritage Fund

Resolved:

That Walgett Shire Council resolve to:

1. Disperse \$9,533 from the Walgett Shire Council Local Heritage Fund 2014-2015 in the following manner:
 - (a) \$2,500 to Brian and Kay Gibbons to stabilise the external bathroom at Moongulla, Collarenebri.
 - (b) 1,700 to Anglican Parish of Coonamble to replace windows (stage 1) at the St John the Evangelist Church at Carinda.
 - (c) \$250 to Anglican Parish of Collarenebri upgrade roof drainage on St Johns Anglican Church at Collarenebri.
 - (d) \$3,345 to Anglican Parish of Coonamble to paint the exterior of St Peters Anglican Church, Walgett.
 - (e) \$1,738 to Lightning Ridge Community Church to replace the mains electrical connection of St Peters in the Pines Anglican Church, Cumborah.
2. That Council make an application for a Local Heritage Fund grant for the Burren Junction Hall upgrade project.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

13/2014/17 Development and Complying Development Certificate Applications

Resolved:

It is recommended that Walgett Shire Council resolve to note the report on Development and Complying Development Certificate applications dealt with by Council staff under delegated authority for September 2014

Moved: Clr Woodcock
Seconded: Clr Murray

CARRIED

13/2014/18 Western Lands Lease Proposal

Resolved:

That Walgett Shire Council resolve to:

1. Note the letter dated 9 September 2014 from NSW Trade and Investment seeking Council's comments on an application by Tony Cummings for a Western Lands Lease for Business Purposes over Part Lot 1952 DP 763834 (Sheepyard Inn) in the Grawin Opal Fields locality.
2. Write to the Department of Primary Industries and state that Walgett Shire Council has no objection to granting of a Western Lands Lease for Business Purposes (hotel) of up to 3200 square metres over Part Lot 1952 DP 763834 (Sheepyard Inn).

Moved: Clr Woodcock
Seconded: Clr Cooper

CARRIED

13/2014/19 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 initiative
 - Illegal waste dumping.
 - State heritage listing of Collarenebri Aboriginal Cemetery.
 - Pound dog rehoming.
 - Staff movements.
 - 90 Arthur Street Walgett – water leak

Moved: Clr Martinez
Seconded: Clr Murray

CARRIED

13/2014/20 2014 Local Government National Local Roads and Transport Congress - Tamworth

Resolved:

That Council approve Council staff attending the 2014 Local Government National Roads and Transport Congress and expenses be paid.

Moved : Clr Woodcock
Seconded: Clr Cooper

CARRIED

13/2014/21 Monthly Engineering Services Progress report from Director Engineering Services – October 2014

Resolved:

That Council receive and note the Engineering Services monthly work progress report for the period ending 3 October 2014.

Moved: Clr Keir
Seconded: Clr Woodcock

CARRIED

13/2014/22 Monthly RMCC works Report from Director Engineering Services – October 2014

Resolved:

That Council receive and note the monthly RMCC works report for the period ending 3 October 2014.

Moved: Clr Cooper
Seconded: Clr Woodcock

CARRIED

13/2014/23 Variation of School Bus Routes in Rowena and Collarenebri

Resolved:

That Council receive and approves the proposed School Bus Routes.

Moved : Clr Greenaway
Seconded: Clr Martinez

CARRIED

13/2014/24 Matters Generally for Brief Mention or Information Only –Director of Engineering Services

Resolved:

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

Moved: Clr Woodcock
Seconded: Clr Walford

CARRIED

13/2014/25 Upgrade of Morilla Street in Lightning Ridge – Black Spot Program

Resolved:

1. That rear to kerb parking in Morilla Street is retained
2. That bus stop parking hours include no bus parking between the hours of 6:00pm and 9:00pm.

Moved: Clr Woodcock
Seconded: Clr Martinez

CARRIED

13/2014/26 Matters Generally for Brief Mention or Information only from Acting Director Urban Infrastructure Services – October 2014

Resolved:

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

Moved: Clr Cooper
Seconded: Clr Martinez

CARRIED

The meeting adjourned for lunch at 1:06pm.

The meeting resumed after lunch at 1:39pm with all those previously present again present.

Questions for the Next Meeting

Clr Taylor

Question 1

The Lightning Ridge Bore Baths outside shower block may have a blocked sump. Can this be investigated?

Response

The Acting Director Urban Infrastructure Services to investigate.

Question 2

Can Council ensure that regular tree watering in Lightning Ridge takes place? Can the Rural Fire Service assist if needed?

Response

The Acting Director Urban Infrastructure Services to investigate.

Question 3

Can the road verges on roads across the Shire be slashed? If it is not Council's responsibility to do so, can Council request the Roads and Maritimes Services undertake the slashing?

Response

The Director Engineering Services to investigate.

Question 4

What is the position regarding Hudson Pear eradication funding?

Response

The General Manager to investigate.

Clr Murray

Question 1

I would like to congratulate and thank Council staff for upgrading the fencing at the skate park area in Walgett.

Response

Noted.

Question 2

Can the area around the Walgett landfill be cleaned as there is some rubbish in the area?

Response

The Acting Director Urban Infrastructure Services is to investigate.

Question 3

Properties in Walgett appear to not be watering their lawns. Is this a raw water pricing issue?

Response

The Director Corporate Services is to investigate.

Question 4

Can a roundabout be put in place in Fox Street near the BP?

Response

Council is to forward the request to the Local Area Traffic Committee Meeting for consideration.

Clr Martinez

Question 1

The Lightning Ridge soccer fields are patchy and there are burrs present. Can this be investigated?

Response

The Acting Director Urban Infrastructure Services is to investigate.

Question 2

Has Council received funding for the Walgett Boat Ramp project?

Response

The General Manager advised that Council has obtained funding for the project and work is to be completed by the end of this financial year.

Clr Greenaway

Question 1

What is the progress of updating the Council Chambers honour boards?

Response

The Director Corporate Services advised that the Administrative Services Officer is currently undertaking historical research for this project. Once this has been completed a report will be provided to Council.

Clr Keir

Question 1

I have received phone calls from residents of Carinda thanking Council for fixing potholes in the town so promptly following their request at the last Council Meeting.

Response

Noted.

Clr Woodcock

Question 1

There are potholes in the lane between Onyx and Brilliant Streets in Lightning Ridge. Can this be investigated?

Response

The Director Engineering Services to investigate.

Question 2

What is the progress of the Lightning Ridge IGA matter?

Response

The Director Planning and Regulatory Services advised that temporary measures are currently in place, with the permanent issues matter being dealt with by Council's solicitor and an update will be provided when available.

Question 3

What is the progress of the Lightning Ridge Arts and Crafts Council?

Response

The General Manager advised that the Arts and Crafts Council is holding its annual general meeting in November and further information should be available following the meeting.

Question 4

What is the progress of Mark Walsh's letter to Council regarding funds for the Lightning Ridge Bore Baths?

Response

The General Manager advised that he is currently reviewing letter.

13/2014/27 Move into Closed Session at 2:00PM**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 Woodcock

CARRIED

13/2014/28 Council Telephone Upgrade**Resolved:**

1. That Council accept the tender from Talkware in the sum of \$136,230.00 for the supply and installation of a Unified Communications system in accordance with the tender specification and the tender response.

2. That Council proceed with upgrading and replacing the current cable network infrastructure and that quotations be invited for this work.

3. That an amount of \$10,000 be transferred from Budget 11.03823.2336 (computer equipment replacement) to Budget 11.03823.3923 (telephone system upgrade).

Moved: Clr Keir

Seconded: Clr Cooper

CARRIED

13/2014/29 Pest Control Council Properties Tender

Resolved:

That the quotation from A1 Pest Control in the sum of \$15,785 including GST for the provision of an annual pest control services in accordance with the council specification be accepted.

Moved: Clr Martinez
Seconded: Clr Cooper

CARRIED

13/2014/30 Proposed Closure of Crown Road

Resolved:

It is recommended that Walgett Shire Council resolve to:

1. Note the letter dated 30th September 2014 from Mr Andrew Kerr requesting Council's support to establish a Permanent Practical access.
2. Note the correspondence received on 19th September and 1st October 2014 from Crown Lands regarding the proposal to close Crown Roads within the Walgett Shire.
3. Respond to Crown Lands indicating that Walgett Shire Council:
 - (a) Has not, and does not intend to, maintain any Shire Roads within the Crown Road Corridors proposed to be closed,
 - (b) Has no objection to the proposed Crown Road closures and wishes to relinquish control of any relevant roads.
 - (c) Notes that Mr Andrew Kerr is seeking ongoing legal access from the "Merndah" homestead to the Castlereagh Highway. It is Council's understanding that this should be able to be achieved via relevant Crown Roads remaining in place, a "right of way" or a similar mechanism.

Moved: Clr Woodcock
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

Absent

Nil

13/2014/31 Walgett IGA

Resolved:

That Council advise the Walgett IGA certifier that the external shutters do not meet the conditions of development consent.

Moved: Clr Greenaway

Seconded: Clr Keir

CARRIED

Planning Division

For

Clr Murray

Clr Cooper

Clr Keir

Clr Woodcock

Clr Greenaway

Clr Martinez

Clr Lane

Clr Walford

Against

Clr Taylor

Absent

Nil

**13/2014/32 Local Government Reform – NSW Government “Fit for the Future”
Announcement**

Resolved:

That Council prepare a list of questions/issues to be raised at both the meeting on 12 November, 2014 and the forum to be held in Cobar on 2 December, 2014.

Moved: Clr Keir

Seconded: Clr Greenaway

CARRIED

13/2014/33 Stormwater Issue

Resolved:

That Walgett Shire Council resolve to endorse the Planning and Urban Infrastructure departments' recommendation that stormwater from the site must flow to the existing stormwater channel, and expects that an easement be created over the channel.

Moved:

Seconded

CARRIED

Planning Division

For

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

Against

Nil

Absent

Nil

12/2014/34 Return to Open Session at 3:45pm

Resolved:

1. That Council return to open session.

Moved: Clr Woodcock

Seconded: Clr Walford

CARRIED

12/2014/35 Adoption of Closed Session Reports

Resolved:

That Council adopt the following recommendation of the Closed Committee:

- 1) Council Telephone Upgrade
- 2) Pest Control Council Properties Tender
- 3) Proposed Closure of Crown Road
- 4) Walgett IGA
- 5) Local Government Reform – NSW Government “Fit for the Future” Announcement
- 6) Stormwater Issue

Moved: Clr Greenaway

Seconded: Clr Cooper

CARRIED

Close of Meeting

The meeting closed at 3:45pm.

To be confirmed at the meeting of Council to be held on 25 November 2014 at Burren Junction.

Mayor

General Manager