



# **MINUTES FOR ORDINARY COUNCIL MEETING**

## **22 September, 2011**

**NOTICE IS HEREBY GIVEN** pursuant to clause 7 of Council's Code of Meeting Practice that the Ordinary Council Meeting of Walgett Shire Council will be held in the **Carinda Town Hall** on **22 September 2011**, commencing at 10.00am to discuss the items listed in the Agenda.

*ADOPTED: 25 October 2011*

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.

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**MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD AT CARINDA TOWN HALL ON THURSDAY 22 SEPTEMBER 2011 AT 9:58AM**

**PRESENT**

Clr B Murray (Mayor) – once elected  
Clr D Lane (Deputy Mayor) – once elected  
Clr L Walford  
Clr J Keir  
Clr R Greenaway  
Clr K Smith  
Clr I Woodcock (Outgoing Mayor)  
Clr M Martinez  
Don Ramsland (General Manager)  
Mr Raju Ranjit (Director Engineering Services)  
Mr Fred Coralde (Director Urban Infrastructure Services)  
Mr Matthew Goodwin (Director Planning & Regulatory Services)  
Mr Glen Warren (Acting Director Corporate Services)  
Mrs J Campbell (Minute Secretary)

**Welcome to Visitors**

The Mayor, Clr Ian Woodcock welcomed all visitors to the meeting and acknowledged the traditional owners of the land.

Council received a petition on behalf of the students at the Carinda Public School asking for a Carinda Skate and Scooter park for the older children.

**Apologies**

**9/2011/1 Apologies – 22 September 2011**

**Resolution:**

1. That apology from Councillor Walford be received and leave of absence be granted.

**Moved:** Clr Greenaway

**Seconded:** Clr Murray

**CARRIED**

**Mayoral Minutes**

A report by outgoing Mayor Ian Woodcock was tabled at the meeting

## **Mayoral Elections**

### **9/2011/2 Determination of Method of voting for Election of Mayor and Deputy Mayor by Councillors**

**Resolution:**

1. That Council adopt the ordinary ballot method for the election of the Mayor and Deputy Mayor.

**Moved:** Clr Greenaway

**Seconded:** Clr Murray

**CARRIED**

### **9/2011/3 Election of Mayor for Ensuring Twelve (12) Months**

1. That returning officer, being the General Manager, advised that only one nomination had been received for Clr Murray and declared Councillor Murray elected Mayor unopposed for the 2011/2012 term.

Mayor, Clr Murray assumed the chair

### **9/2011/4 Election of Deputy Mayor for Ensuring Twelve (12) Months**

1. The returning officer, being the General Manager, advised that only one nomination had been received and declared Councillor Lane elected as Deputy Mayor unopposed, for the 2011/2012 term.

Mayor, Clr Murray

"That I wish to congratulate and thank Councillor Woodcock on all his efforts and work for the Shire during his 3 year term. This was made especially difficult when the Council was reinstated after 4 years of Administration which needed a steady approach by the Council. This was achieved very well by Clr Woodcock and thank you again for being so approachable and leading the Council to work for the community."

## **Public Forum Presentation**

### **Margaret Johnstone – Precinct Committee**

Mrs Johnstone spoke on the following issues:

2. What are the outcomes of the traffic committee that was held last week, and in particular the request from Carinda for a zebra crossing from the park to the pub.
3. The old pilon cutoffs near Walgett, can the Carinda community please have these to use in the park for different functions as seating and can Council deliver these.

The Director Engineering Services responded to item 1 and advised that the traffic committee are looking at counting the traffic as part of this request.

The Director Engineering Services advised that those pilons are not required for other purposes and would be made available.

**Mrs Pat Reagan**

What is happening with the water pressure in Carinda. The water pressure reduced yesterday and we don't know why and then it increased.

The Director Urban Infrastructure Services advised that the biggest problem with the water is the pressure. He advised that Council are slowly increasing the pressure at the moment to see what will happen. It is currently sitting at 21 and can increase it to 25. He further advised that we are afraid of what can happen as the pipeline might not withstand the pressure.

Clr Colless asked the staff to communicate to the Carinda community each step as its happening, this way the residents can inform Council as to whether there is anything occurring or not.

**Declaration of Pecuniary/Non Pecuniary Interests**

Clr Keir declared a non pecuniary interest in item 19 – Local heritage Fund Grant Applications 2011-2012 as she was the applicant for the Come By Chance Hall items.

Clr Murray declared a pecuniary interest in item 19 – Local heritage Fund Grant Applications 2011-2012 as he is the applicant for the 'Milrea' Barracks item.

Clr Martinez declared a non pecuniary interest in item 1 of the closed section – Accident at Lightning Ridge Bore Baths as he attended the accident while working as the ambulance officer.

**Confirmation of Minutes/Matters Arising**

**9/2011/5 Minutes of Council meeting – 23 August 2011**

**Resolution:**

That the minutes of the Council meeting held 23 August 2011 be confirmed.

**Moved:** Clr Woodcock

**Seconded:** Clr Keir

**CARRIED**

## **Reserve Trust Management Committee Reports**

### **9/2011/6 Collarenebri Racecourse (D630054) Reserve Trust Users Meeting Minutes**

#### **Resolution:**

1. Council note the Collarenebri Racecourse Users Minutes of the Meeting held at Collarenebri Racecourse on 30 August 2011.
2. Council note the next Collarenebri Racecourse Users Group Meeting is to be held at Collarenebri Racecourse on 11 October 2011.

**Moved:** Clr Woodcock

**Seconded:** Clr Keir

**CARRIED**

### **Motions of which Notice has been given**

Nil

### **Presentation of Petitions**

Council received a petition on behalf of the students at the Carinda Public School asking for a Carinda Skate and Scooter park for the older children.

### **Councillors Questions From Last Meeting**

#### **Clr Smith**

##### **Question 1:**

Would like to find out what vacant blocks do the Shire own in Colly plus what are their DP numbers?

##### **Response:**

The Director Corporate Services advised that a list will be circulated at the September Council Meeting.

##### **Question 2:**

Collarenebri needs a bus stop sign on the Corner Wilson and Herbert Street Streets not an angle parking sign. Colly to Walgett Bus Run?

##### **Response:**

The Director Engineering Services advised that this item will be forwarded to the next local Traffic Committee meeting

**Question 3:**

At the last few Council meetings, things have been taken on notice but we never seem to have a response? For example we asked about the maintenance of Skateparks and this still does not seem to happen even though we have been told it does. The local Police man would like to have a skate on it but can't because of the cracks in the cement.

**Response:**

The General Manager advised that with the new resolutions/actions format just adopted should address this issue.

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

Sarah Bull from the Burren Junction preschool has approached me asking if Council can provide a bus stop area out the front of the preschool. The bus driver is not dropping or picking kids up from the preschool as it is not a designated bus stop area. Can Council look into this?

**Response:**

The Director Engineering Services advises that this item has been referred to the Local Traffic Committee for consideration.

**Clr Smith****Question 4:**

Aboriginal Community Transport bus driver has concerns with driveways in Earl & Barwon Streets?

**Response:**

The Director Urban Infrastructure Services advised that Council is responsible for the shoulder to the kerb line or in the absence of kerbs, to table drains. There are no kerb and gutters on both streets.

Council staff will start installing 150mm relief pipes for 10 household driveways at Earl Street starting on 15 September 2011. Pipes for six driveways at Barwon Street will follow as soon as pipes are available.

**Question 5:**

Collarenebri Cemetery needs attention eg: Mowing/whipper snipping/round up would help?

**Response:**

The Director Urban Infrastructure Services advised that an official complaint letter from Ms. Ainsley Norman was received on 5 September 2011 regarding the maintenance of the cemetery. Two Walgett urban employees were dispatched to Collarenebri to assist Barry Murray with the initial clean-up of the cemetery grounds as well as the show ground. The cemetery ground's maintenance is completed as at this report. Refer to attached photo.

**Question 6:**

Review Water Restrictions – Not necessary

**Response:**

The Director Urban Infrastructure Services that the water restriction policy will be reviewed and reported to the October Council Meeting.

**Question 7:**

Mission road no sign post – could a street sign be erected?

**Response:**

The Director Urban Infrastructure Services is investigating type and location for signage request.

**Clr Smith**

1. In relation to item 6 regarding the water restrictions, can the water from the Filtration plant be put back into the river? At the moment there is water left on the block and residents are not allowed to water their own properties because of the restrictions, however Council can leave the water sitting on the block.
2. Can signs be erected stating what the water restrictions are; the times of what the restrictions apply?

The General Manager advised we need to have flexible restrictions across the entire shire and that they will need to be seasonal. If they are seasonal then the signs will need to be adjustable.

The General Manager further advised that a report will need to be brought back to the next meeting making some recommendations.

3. In relation to question 7, can a sign be erected on Midgery road, not state Midery Lane.

The General Manager advised that it will be investigated.



**Clr Greenaway**

4. In relation to Clr Smith's question 5 is it possible to put some spray around the graves?

The General Manager advised that it is difficult as people tend to plant flowers at the grave sites.

Clr Smith further added that he is allergic to all chemicals and he would not like to visit a grave site and not be able to be there because of chemicals.

**Clr Keir**

5. In relation to my question 1, have we heard back from the traffic committee

The Director Engineering Services advised that the matter was the subject of a recommendation to Council from the September Local Traffic Committee.

## Reports of Delegates and Representatives

### **9/2011/7 Award Consultative Committee Minutes – May and July**

**Resolution:**

1. That Council received and note the minutes of the Award Consultative Committee meeting for 10 May and 19 July 2011.

**Moved:** Clr Colless

**Seconded:** Clr Smith

**CARRIED**

## Reservation of items for Debate

Nil

## Reports of Officers

### **9/2011/8 Council decisions Action Report – 23.08.11**

**Resolution:**

1. That the report be received and noted.

**Moved:** Clr Woodcock

**Seconded:** Clr Greenaway

**CARRIED**

### **9/2011/9 Circulars received from the Local Government Department of Premier and Cabinet - September 2011**

**Resolution:**

1. That the information contained in the Departmental circulars 11-19 to 11-21 from the Local Government Division Department of Premier and Cabinet be received and noted.

**Moved:** Clr Smith

**Seconded:** Clr Keir

**CARRIED**

**9/2011/10 Circulars received from the NSW Local Government and Shires Association of NSW – September 2011**

**Resolution:**

That:

1. The information contained in the weekly circulars from the NSW Local Government and Shires Association be received and noted.

**Moved:** Clr Lane

**Seconded:** Clr Colless

**CARRIED**

**9/2011/11 Monthly Calendar – September 2011**

**Resolution:**

1. That Council receive and note the regular monthly calendar for the period September to November 2011.

**Moved:** Clr Greenaway

**Seconded:** Clr Lane

**CARRIED**

**9/2011/12 Fees for Mayor and Councillors 2011/2012**

**A motion that:**

1. the Councillor fee for 2011/12 be \$9,500
- 2.
3. the Mayoral fee for 2011/12 be \$20,000

**Moved:** Clr Greenaway

**Seconded:** Nil

**FAILED FOR THE WANT OF A SECONDER**

**Recommendation:**

**That:**

1. the Councillor fee for 2011/12 be \$9,970
2. the Mayoral fee for 2011/12 be \$21,770
4. 25% of the Mayoral fee be allocated to the Councillor who occupies the position of Deputy Mayor
4. That as a policy, Councillor fees in future be set at the maximum level set by the Local Government Remuneration Tribunal.

**Moved:** Clr Colless

**Seconded:** Clr Martinez

**CARRIED**

11:08am Clr Colless left the meeting

**9/2011/13 Closedown of Administration over Festive Season**

**Resolution:**

1. Council operations close for the three days 28<sup>th</sup> to 30<sup>th</sup> December 2011 and the General Manager make satisfactory arrangements for the maintenance of essential services and provision of emergency call out services.
2. The closedown be effectively notified to residents along with details of essential service and emergency call out arrangements

**Moved:** Clr Woodcock

**Seconded:** Clr Keir

**CARRIED**

11:10am Clr Colless returned to the meeting

**9/2011/14 Ordinary Council meetings – Dates and Venues for 2012**

**Resolution:**

1. That the schedule of Ordinary Council Meetings for 2012 be outlined as follows:

14<sup>th</sup> February – Walgett  
27<sup>th</sup> March – Lightning Ridge  
24<sup>th</sup> April – Collarenebri  
22<sup>nd</sup> May – Walgett  
26<sup>th</sup> June – Walgett  
24<sup>th</sup> July – Rowena  
28<sup>th</sup> August – Walgett  
25<sup>th</sup> September – Carinda  
23<sup>rd</sup> October – Walgett  
27<sup>th</sup> November – Burren Junction  
18<sup>th</sup> December - Walgett  
and that the meetings commence at 10.00am

**Moved:** Clr Greenaway

**Seconded:** Clr Lane

**CARRIED**

**9/2011/15 Delegates and Representatives to, and members of External bodies**

**Resolution:**

1. That members, representatives and delegates be as outlined in the attached schedule with the following amendments:

| COMMITTEE                                                          | OFFICER                                           | COUNCILLOR.                                 |
|--------------------------------------------------------------------|---------------------------------------------------|---------------------------------------------|
| Australian Airports Association                                    | Director Urban Infrastructure Services            | Not Required                                |
| Bushfire Management Committee                                      | Director Engineering Services                     | Clr Keir                                    |
| Camps on Claims Working Group ( <i>Status to be determined</i> )   | Director Planning and Regulatory Services         | Clr Lane                                    |
| Castlereagh Macquarie County Council                               |                                                   | Clr Woodcock and Clr Greenaway              |
| Collarenebri Community Working party                               | Manager Community Services and General Manager    | Clr Smith                                   |
| Community Safety Precinct Committee                                | General Manager                                   | Mayor and Deputy Mayor                      |
| Lightning Ridge & Surrounding Opal Fields Management Reserve Trust | Director Planning and Regulatory Services         | Clr Lane                                    |
| Floodplain Management Authorities Group                            | Director Urban Infrastructure Services            | TO BE INVESTGATED                           |
| Inland Tourism Organisation                                        | Tourism Development Officer & General Manager     | Clr Martinez and Clr Lane                   |
| Kamilaroi Highway Group                                            | Tourism Development Officer                       | Not Required                                |
| Lightning Ridge Advisory Board                                     | General Manager                                   | Delegate Clr Lane<br>Alternate Clr Murray   |
| Lightning Ridge Tourism Board                                      | General Manager                                   | Clr Woodcock                                |
| Lightning Ridge Community Working Party                            | Manager Community Services and General Manager    | Mayor and Clr Walford                       |
| Local Emergency Management Committee                               | General Manager as LEMO                           | Mayor                                       |
| Local Government Group of the Namoi Catchment Management Authority | Director Urban Infrastructure Services            | Clr Greenaway                               |
| Local Traffic Committee                                            | Director Engineering Services and General Manager | Clr Colless and Clr Martinez                |
| Mungindi Menindee Advisory Council                                 |                                                   | Clr Greenaway and Clr Murray                |
| Namoi peel Catchment Customer Service Committee                    | Director Urban Infrastructure Services            | Clr Greenaway                               |
| Netwaste                                                           | Director Urban Infrastructure Services            | Not Required                                |
| Northwest Slopes & Plains Cooperative Library Service              | Director Corporate Services and General Manager   | Clr Smith and Clr Keir                      |
| Orana Regional Organisations of Council – GMAC                     | General Manager                                   | Not Required                                |
| Orana Regional Organisations of Council (OROC)                     | General Manager                                   | Mayor and Deputy Mayor                      |
| Outback Arts Incorporated                                          | Director Corporate Services                       | Clr Keir                                    |
| Plant Committee                                                    | Director Engineering Services and General Manager | Clr Colless, Clr Woodcock and Clr Greenaway |
| Regional Development Australia - Orana                             | General Manager                                   | Clr Lane                                    |
| Regional Procurement Initiative                                    | Director Engineering Services                     | Not Required                                |
| Rural Bush Fire Group Management                                   | Director Engineering Services                     | Clr Keir                                    |
| Saleyards Advisory Committee                                       | Director Urban Infrastructure Services            | Clr Colless                                 |
| Shire's Association of NSW C Division                              | General Manager                                   | Mayor and Deputy Mayor                      |
| Western Division of the Shire's Association                        | General Manager                                   | Mayor and Deputy Mayor                      |
| Walgett Community Working Party                                    | Manager Community Services and General Manager    | Mayor                                       |
| Walgett Community College Board                                    |                                                   | Clr Murray                                  |
| Walgett Shire Interagency Group                                    | General Manager                                   | Clr Keir                                    |
| Weight of Loads Committee                                          | Director Engineering Services                     | Clr Colless and Clr Martinez                |
| Home and Community Care (HACC)                                     | General Manager                                   | Clr Keir                                    |
| Namoi House Inc                                                    | General Manager                                   | Clr Greenaway                               |

Moved: Clr Lane  
 Seconded: Clr Smith

**CARRIED**

11.36am Clr Lane left the meeting  
11.37am Clr Lane returned to the meeting

**9/2011/16 New Lightning Ridge Town Bore Site - Licence**

**Resolution:**

1. That Council endorse the action taken in securing a temporary licence (R1 491528) over part of lot 2 DP 1167811 for the establishment of the new Lightning Ridge town bore the licence and execute the agreement with the NSW Department of Primary Industries under the Common Seal of Council.

**Moved:** Clr Martinez  
**Seconded:** Clr Lane

**CARRIED**

**9/2011/17 Proposed Compulsory Acquisition of Land – Woolaroo Road – Lightning Ridge**

**Resolution:**

That:

1. Council acquire by compulsory acquisition the land described as Lots 1004, 1005, 1006 & 1007 in Deposited Plan 1117849 under section 178 of the Roads Act 1993 for Road Construction and Dedication.
2. Council apply to the Minister and/or Governor for approval to acquire the subject land by compulsorily process under the Land Acquisition (Just Terms) Compensation Act 1991.
3. That all minerals are to be excluded from the compulsory acquisition of the subject land.
4. That upon acquisition, the subject land be classified operational land.
5. That any necessary documentation be executed under the common seal of Council.

**Moved:** Clr Lane  
**Seconded:** Clr Smith

**CARRIED**

**9/2011/18 Matters Generally for Brief Mention or Information only from General Manager – September 2011**

**Resolution:**

1. That the matters listed by the General Manager for brief mention or information be received and noted.
2. That Council accepts the subsidy of \$16,186.00 from Special Broadcasting Service for the purpose of providing SBS for Walgett, and Council authorise the General Manager to execute the documentation required.

**Moved:** Clr Lane  
**Seconded:** Clr Colless

**CARRIED**

**9/2011/19 Cash on Hand and Investment Report as at 31 August 2011**

**Resolution:**

1. That the cash on hand and investment report as at 31 August 2011 be received.

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

**CARRIED**

**9/2011/20 Outstanding Rates & Charges Report as at 30 June 2011**

**Resolution:**

1. That Council note the Outstanding Rates & Charges Report as at 30 June 2011.

**Moved:** Clr Smith  
**Seconded:** Clr Lane

**CARRIED**



**9/2011/21 Non Urban Water Connection Request, Collarenebri**

**Resolution:**

That the matter be deferred for further investigations:

- Ascertain the history of the connection and if there is an agreement
- Ascertain what the town supply capacity is
- Have a discussion with the new operator of the commercial premises and see what level of water supply is required
- Send a letter to Richard Cochrane outlining what action Council is taking.

**Moved:** Clr Lane

**Seconded:** Clr Greenaway

**CARRIED**

**9/2011/22 Draft Policy Geological Resource Exploration on Council land**

**Resolution:**

That Walgett Shire Council resolve to:

1. Adopt the draft policy titled "P&R – Geological Resource Exploration on Council Land" and place the policy on public exhibition for a period of 28 days for public comment as required under the Local Government Act 1993.

**Moved:** Clr Greenaway

**Seconded:** Clr Keir

**CARRIED**

- 12:15pm Clr Keir declared a non-pecuniary interest in the following item as she was the applicant for the Come By Chance Hall items and left the meeting.
- 12:15pm Clr Murray declared a pecuniary interest in the following item as he is the applicant for the 'Milrea' Barracks item and left the meeting.
- 12:15pm Clr Lane as Deputy Mayor assumed the role of Chairperson

**9/2011/23 Local Heritage Fund grant applications 2011-2012**

**Resolution:**

That Walgett Shire Council resolve to:

1. Disperse \$13,675 from the Walgett Shire Council Local Heritage Fund 2011-2012 in the following manner:
  - (a) \$2,500 for floor repair and treatment of the Come-by-Chance hall, Colless St., Come-by-Chance.
  - (b) \$3,675 to finish restoration & painting of the "Glenburnie" stables, Burren Junction.
  - (c) \$4,500 for restoration & conservation of the "Milrea" barracks, Walgett.
  - (d) \$3000 for fencing at Burren Junction CWA Hall.
2. Note that \$11,825 has not yet been allocated from the local heritage fund budget and request Council's Heritage Advisor to encourage further grant applications from any eligible and interested parties for Council's consideration.

**Moved:** Clr Smith

**Seconded:** Clr Martinez

**CARRIED**

- 12:17pm Clr Murray returned to the meeting and assumed the role of Chairperson
- 12:18pm Clr Keir returned to the meeting

**9/2011/24 Development Application, LPG Storage Tank**

**Resolution:**

That Walgett Shire Council resolve to:

1. Approve Development Application 2011/018 by Hazkem Pty Ltd on the Caltex Service Station site (lot 2, DP 623130) at the corner of Morilla and Onyx Streets at Lightning Ridge, subject to the conditions of development consent recommended by Walgett Shire Council's Director of Planning & Regulatory Services. The proposed development includes:
  - (a) Removal of a 4.2 kilolitre above ground LPG storage vessel.
  - (b) Installation of a 14.5 kilolitre above ground LPG storage vessel.
  - (c) Construction of a fire rated block wall.

**Moved:** Clr Martinez

**Seconded:** Clr Lane

**CARRIED**

**Planning Division:**

**For:** Clr Martinez, Clr Smith, Clr Lane, Clr Keir, Clr Woodcock, Clr Greenaway, Clr Colless, Clr Murray

**Against:** Nil

**Note:** Clr Walford was absent at this meeting

**9/2011/25 Submission to vary the Codes SEPP 2008**

**Resolution:**

That Walgett Shire Council resolve to:

1. Endorse the submission of a request to the Department of Planning & Infrastructure for a local variation to State Environmental Planning Policy (Exempt and Complying Development) 2008 to remove the following requirements under 'Part 3A Rural Housing Code' for the Walgett LGA:
  - (a) Sub-clause 3A.2(1)(a), 3A.3(1)(a) and 3A.5(1)(a) for dwellings, alterations and ancillary development in an RU1 equivalent zone which requires a minimum lot size of 4,000m<sup>2</sup>.
  - (b) Sub-clause 3A.19(e)(iv) which requires a dwelling house or outbuilding to be located at least 250m away from any land used for mines.
2. Note that the intent of requesting a variation to State Environmental Planning Policy (Exempt and Complying Development) 2008 is to re-instate dwellings (mining camps) on the 'preserved' opal fields as a form of complying development under the Environmental Planning & Assessment Act 1979.

**Moved:** Clr Lane  
**Seconded:** Clr Smith

**CARRIED**

**Planning Division:**

**For:** Clr Martinez, Clr Smith, Clr Lane, Clr Keir, Clr Woodcock, Clr Greenaway, Clr Colless, Clr Murray  
**Against:** Nil  
**Note:** Clr Walford was absent at this meeting

**9/2011/26 2010-2011 State of Environment Report**

**Resolution:**

That Walgett Shire Council resolve to:

1. Note the draft Walgett Shire State of the Environment Report for 2010-2011.
2. Publicly exhibit the draft Walgett Shire State of the Environment Report for 2010-2011 for a minimum of two weeks and invite public submissions on the report, including:
  - (a) Advertising in the Walgett Spectator and The Ridge News.
  - (b) Advertising and making the report available via Councils' web site.
3. Consider any submissions received from the public regarding the draft Walgett Shire State of the Environment Report for 2010-2011 at the end of the public exhibition period.

**Moved:** Clr Lane  
**Seconded:** Clr Keir

**CARRIED**

**9/2011/27 Companion Animal Welfare Scheme 2011-2012**

**Resolution:**

That:

1. Allocate a budget of \$8,000 from contingencies fund for sponsorship of the RSPCA NSW 2011 Companion Animal Welfare Scheme (CAWS) in Walgett Shire.
2. Inform the RSPCA NSW via letter that Walgett Shire Council:
  - (a) Has allocated \$8,000 for 2011/2012 to support the CAWS program. This money will be paid upon completion of the proposed program and the supply of a suitable invoice.
  - (b) Will provide microchips to identify animals treated under the program.
  - (c) Thanks the RSPCA for its ongoing efforts within the Walgett Shire to improve companion animal welfare.

**Moved:** Clr Lane

**Seconded:** Clr Woodcock

**CARRIED**

**9/2011/28 Review of Water Metre Policy**

**Resolution:**

1. Council note the following amendments of Water Meter Policy Rev. 2:
  - a. Policy Statement
  - b. Section A.5.1 – Policy Statement
  - c. Section C – Water Flow Restrictors or Cutting Off Water Supply
  - d. Section A – Change of Affectivity to 01/07/12.
  - e. Section A.7 – Charging Revenue Policy to 2012/13 of Management Plan
  - d. Section Header – Change of Adoption Date to 27/09/2013 and Review Date to 27/09/2013.
  - e. Section B.7 - Charging Revenue Policy to 2012/13 of Management Plan
2. Council approve the Water Meter Policy Rev. 2 effective 27 September 2011.

**Moved:** Clr Lane

**Seconded:** Clr Martinez

**CARRIED**

**9/2011/29 Matters Generally for Brief Mention or Information from Director Urban Infrastructure Services**

**Resolution:**

1. That the matters listed by the Director Urban Infrastructure Services for brief mention or information only be received and noted.

**Moved:** Clr Lane  
**Seconded:** Clr Smith

**CARRIED**

**9/2011/30 Burren Junction Issues Update – September 2011**

**Resolution:**

1. That Walgett Shire Council receives and note the progress of the issues

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

**CARRIED**

**9/2011/31 Auslink Roads to Recovery 2011-2012 Projects**

**Resolution:**

That Walgett Shire Council endorse the Programme of Works proposed for 2011/2012 and note that the works will only proceed subject to the availability of funding except for the Come By Chance item, which is to be deferred until after the 2011 harvest season.

**Moved:** Clr Colless  
**Seconded:** Clr Greenaway

**CARRIED**

**9/2011/32 Monthly Report from Director Engineering Services – September 2011**

**Resolution:**

That Council receive and note the regular Monthly Road & Bridge Report

**Moved:** Clr Lane  
**Seconded:** Clr Smith

**CARRIED**

**Reports of Committees**

Nil

## **Questions for the next Meeting**

### **Clr Woodcock**

**Question 1:**

I sent an email in this morning regarding a lady in the Ridge whose yard is continually flooded.

**Response:**

The General Manager advised that he saw the email and will contact Clr Woodcock later in relation to the matter.

### **Clr Smith**

**Question 1:**

When could the trees be planted and guards put in, in the main street, Collarenebri?

**Response:**

The Director Urban Infrastructure Services advised that he will would take the matter on notice.

### **Clr Colless**

**Question 1:**

Where did we get the money for the grandstand at No1 oval and what is the costing and progress?

**Response:**

The Director Urban Infrastructure Services advised that he would take the matter on notice.

### **Clr Greenaway**

I would like to advise Council to have a public meeting in relation to the Coal Seam Gas issues, so that the public can show their backing for Council's actions in relation to the issue.

**Response:**

No Action required.

**Question 1:**

Is there a men's shed in Walgett?

**Response:**

Clr Keir advised that she suspected that the one with the AMS is still operational. She further advised that she will investigate.

### **Clr Martinez**

Clr Martinez advised that he will be an apology for next meeting as he will be away.

**Response:**

Noted

**Clr Murray**

**Question 1:**

There are four lights that need replacing in Wee Waa Street to Fox Street?

**Response:**

The Director Urban Infrastructure Services advised that he will take on notice.

**Question 2:**

The light pole in front of Landmark in Fox Street, when is it going to be replaced?

**Response:**

The Director Urban Infrastructure Services advised that he will take on notice.

**Question 3:**

Can we have a report on the residential and light industrial land available in Walgett and Lightning Ridge for possible development and or sale?

**Response:**

The Director Urban Infrastructure Services advised that he will take on notice.

**Question 4:**

Can the pot holes in the bitumen road to Namoi Reserve/George Sands Way be fixed?

**Response:**

The Director Engineering Services advised that he will take on notice.

**Question 5:**

Can we grade the bitumen road from the Gingie Mission to Conrad Bolton irrigation channel as it is dangerous in parts?

**Response:**

The Director Engineering Services advised that he will take on notice.

**Question 6:**

Gravel be replaced on the bottom of the Barokaville Creek Bridge, (RTA Floodway) has this been done?

**Response:**

The Director Engineering Services advised that he will take on notice.

**Disclosure Returns**

Pursuant to Section 450A of the Local Government Act 1993 the General Manager tabled disclosure returns completed and submitted pursuant to Section 449 of the Act by the following designated persons:

|                           |                             |                             |
|---------------------------|-----------------------------|-----------------------------|
| Raju Ranjit               | Shane Roberts               | Mark Ward (2009/2010)       |
| Mark Ward (2009/2010)     | Gregory Leersen (2010/2011) | Gregory Leersen (2009/2010) |
| Alana Copelin (2009/2010) | Alana Copelin (2010/2011)   | Prafulla KC                 |
| Clarence Chape            | Siefredo O Coralde          | Roy White (2009/2010)       |
| Roy White (2010/2011)     | Matthew Goodwin             | Clr Manuel Martinez         |
| Clr Ian Woodcock          | Clr Gustavus Murray         | Clr Lawrence Walford        |
| Clr Kelly Smith           | Clr David Lane              | Clr Geoffrey Colless        |



**9/2011/33 Move into Closed Session at 1.09pm**

**Resolution:**

That the public be excluded from the meeting pursuant to Sections 10A (2)(a) of the Local Government Act 1993 on the basis that the items deal with:

- (a) personnel matters concerning particular individuals (other than councillors)

**Moved:** Clr Lane  
**Seconded:** Clr Smith

**CARRIED**

1.09pm Clr Martinez declared a non pecuniary interest in the following item as he attended the accident while working as ambulance officer and left the meeting

**Confidential Reports/Closed Council meeting**

**9/2011/34 Accident at Lightning Ridge Bore Baths**

**Resolution:**

1. That the matter be referred to Council's solicitors for an opinion.

**Moved:** Clr Colless  
**Seconded:** Clr Woodcock

**CARRIED**

1:17pm Clr Martinez returned to the meeting

**9/2011/35 Performance Review of General Manager**

**Resolution:**

That the process with regards the General Manager's performance review be as follows:

- a. Council conduct the formal performance review meeting with the General Manager at the end of the October Council Meeting to be held in Walgett on Tuesday 25 October 2011.
- b. Any questions of the General Manager to be forwarded in writing by the Mayor prior to the close of business on Friday 7 October 2011.
- c. The General Manager respond to questions and address other relevant matters in a Confidential Report to the October Council Meeting.
- d. A "written statement" prepared pursuant to Section 7.10 of the General Manager's contract be provided to the General Manager prior to the November 2011 Council Meeting.
- e. The key priorities for the General Manager in 2010/11 be as outlined in the above report.

**Moved:** Clr Keir  
**Seconded:** Clr Smith

**CARRIED**

**Close of Meeting**

**9/2011/36 Return to Open Session at 1.25pm**

**Resolution:**

That Council return to Open Session.

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

**CARRIED**

**6/2011/37 Adoption of Closed Session Reports**

**Resolution:**

That Council adopt the following resolutions of the Closed Committee:

1. Accident at Lightning Ridge Bore Baths
2. Performance Review of General Manager

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

**CARRIED**

## **Close of Meeting**

The meeting closed at 1.18pm

To be confirmed at the meeting of Council to be held on Tuesday 25 October 2011

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Mayor

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General Manager