



MINUTES FOR ORDINARY COUNCIL MEETING

TUESDAY, 24 May 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 **Walgett Shire Council Chambers** on **Tuesday 24 May 2011**, commencing at 10.00am to discuss the items listed in the Agenda.

ADOPTED: 28 June 2011

Don Ramsland
GENERAL MANAGER

WALGETT SHIRE COUNCIL MINUTES

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 WALGETT COUNCIL CHAMBERS ON TUESDAY 24 MAY 2011 COMMENCING AT 10:12AM**

**PRESENT**

Clr I Woodcock (Mayor)  
Clr B Murray (Deputy Mayor) arrived at 10:16am  
Clr L Walford  
Clr J Keir  
Clr R Greenaway  
Clr K Smith  
Clr M Martinez  
Clr D Lane  
Don Ramsland (General Manager)  
Mr M Goodwin (Director, Planning & Regulatory Services)  
Mr P Kc (Acting Director, Urban Infrastructure Services)  
Mrs S Jones (Finance Manager)  
Mrs J Campbell (Minute Secretary)

**Welcome to Visitors**

The Mayor welcomed all visitors to the meeting and acknowledged the traditional owners of the land.

**Apologies**

**5/2011/1 Apologies – 24 May 2011**

**Resolution:**

1. That apologies from Councillor Colless and Councillor Murray (Late arrival) be received and leave of absence be granted.

**Moved:** Clr Keir

**Seconded:** Clr Walford

**CARRIED**

Clr Colless advised at the last Council meeting that he will be absent from the 24 May Council Meeting and asked that a leave of absence be granted.

Clr Murray advised that he is running late and asked for an apology until he arrives.

**Public Forum Presentations**

Anjali Palmer – Department of Aboriginal Affairs

Anjali Palmer arrived at 11.05am and addressed Council regarding details of the Remote Service Delivery Program.

## **Declaration of Pecuniary/Non Pecuniary Interests**

Clr Smith declared a non-pecuniary interest in item 2 - Organisational Structure – Fine Tuning-of the closed session as his wife is a current staff member.

Clr Lane declared a non-pecuniary interest in item 3 – Lightning Ridge Bore Bath Licence and Ownership of the closed session as he is one of the property owners mentioned in the report.

10.16am Clr Murray arrived at the meeting

## **Confirmation of Minutes/Matters Arising**

The General Manager advised Council that the contract documents had arrived for the construction of the Dementia Day Care Centre.

### **5/2011/2 Lightning Ridge Dementia Day Care Centre – Signing of Contracts**

#### **Resolution:**

Walgett Shire Council resolves to

1. Authorise the Mayor and General Manager to sign and affix the Council seal to three copies of Dementia Day Care Centre Contract documents.

**Moved:** Clr Lane

**Seconded:** Clr Martinez

**CARRIED**

## **Clr Murray**

### **POSITION - DOGS IN TOWN**

Clr Murray inquired about the response given in relation to his question about the dogs in town and what can Council do.

## **Clr Keir**

### **APPROACHES TO GOANGRA BRIDGE AND BITUMEN ON SR7716**

Clr Keir informed Council that there are still no signs at Goangra Bridge as yet. She further advised that there is no bitumen left in parts and is very dangerous. She also advised that the repair of the bridge is critical now.

### **RETRIEVAL OF SIGNS ON ROADS**

Clr Keir advised Council that there still seems to water over the road signs out in the Shire and these are not being retrieved.

The General Manager advised Council that there is currently no effective follow up procedure in place for the retrieval of signs. He also advised that with the staff shortages at the moment it is very difficult for time to be allocated to retrieving of signs in the Shire.

**5/2011/3 Minutes of Council meeting – 3 May March 2011**

**Resolution:**

That the minutes of the Council meeting held 3 May 2011 be confirmed.

**Moved:** Clr Walford  
**Seconded:** Clr Martinez

**CARRIED**

**Reserve Trust Management Committee Reports**

Nil

**Mayoral Minutes**

Nil

**Motions of which Notice has been given**

Nil

**Presentation of Petitions**

N/A

**Councillors Questions From Last Meeting**

**Clr Murray**

**QUESTION 1: POSITION - DOGS IN TOWN**

What is the current position with relation to dogs in town?

**RESPONSE:**

Council's Regulatory Officer maintains regular patrols and endeavours to seize wondering animals by trapping, catch poles and tranquilisers.

**Clr Keir**

**QUESTION 1: TREE REMOVAL POLICY**

Does Council have a policy for tree removal in towns and replanting of appropriate trees?

**RESPONSE:**

The Director Urban Infrastructure Services advised that Council has no policy for the removal of trees on private properties, however does have a policy on removal of trees on streets and footpaths in towns.

**QUESTION 2: RETRIEVAL OF SIGNS ON ROADS**

Do we have staff to police and retrieve council signs on our main and rural roads?

**RESPONSE:**

The General Manager advised that the matter will be followed up.

**QUESTION 3: APPROACHES TO GOANGRA BRIDGE AND BITUMEN ON SR7716**

Can staff please assess the flood damage to the approaches of the Goangra Bridge and bitumen on SR7716 between Meadow Plains turnoff and end of bitumen? It is dangers and deteriorating rapidly.

**RESPONSE:**

The General Manager advised that Engineering staff have been requested to carry out an assessment.

**Clr Smith**

**QUESTION 1 -**

Can the situation at Pokataroo where pipes that drain water out of town when it rains were removed be investigated?

**RESPONSE:**

The General Manager advised that the matter will be investigated and a report prepared for Council.

**QUESTION 2 -**

On the Corner of Wilson and Herbert Street Collarenebri, DP545964, there is a concern about the appearance due to vandalism?

**RESPONSE:**

The Director Planning & Regulatory Services advised that he will arrange for the site to be inspected with a view to having the building owner ensure unwanted access is not possible by a broken window.

**Reports of Delegates and Representatives**

**5/2011/4 Award Consultative Committee Minutes**

**Resolution:**

1. That Council received and note the minutes of the Award Consultative Committee meeting for 14 March 2011 and 19 April.

**Moved:** Clr Lane

**Seconded:** Clr Walford

**CARRIED**

**5/2011/5 Western Division Conference - Minutes**

**Resolution:**

1. That the minutes of the 2011 Western Division Conference be received and Brewarrina Shire Council be complimented on the manner in which the conference was organised and conducted.

**Moved:** Clr Keir

**Seconded:** Clr Martinez

**CARRIED**

**Reservation of items for Debate**

Nil

**Reports of Officers**

**5/2011/6 Council decisions Action Report – 3.05.11**

**Resolution:**

1. That the report be received and noted.

**Moved:** Clr Lane

**Seconded:** Clr Smith

**CARRIED**

**5/2011/7 Circulars received from the NSW Local Government and Shires Association of NSW – May 2011**

**Resolution:**

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

**Moved:** Clr Lane

**Seconded:** Clr Walford

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

**5/2011/8 Circulars received from the Division of Local Government – May 2011**

**Resolution:**

1. That the information contained in the Departmental circulars 11-05 to 11-06 from the Local Government Division Department of Premier and Cabinet be received and noted.

**Moved:** Clr Lane

**Seconded:** Clr Keir

**CARRIED**

**5/2011/9 Monthly Calendar – May 2011**

**Resolution:**

1. That Council receive and note the regular monthly calendar for the period May to July 2011.

**Moved:** Clr Keir

**Seconded:** Clr Lane

**CARRIED**

**5/2011/10 Impact of State Elections**

**Resolution:**

1. That a meeting be arranged with Kevin Humphries to discuss a number of local issues including a local health service matter and the approach to be taken with the new Government.

**Moved:** Clr Walford

**Seconded:** Clr Lane

**CARRIED**

**5/2011/11 Regional Library Agreement**

**Resolution:**

1. That Council determine the preferred delivery requirements for library services in and that Council's delegates are appropriately prepared for future library agreement negotiations/discussions; and that the General Manager also attend the next Regional Library Meeting.

**Moved:** Clr Smith

**Seconded:** Clr Keir

**CARRIED**

The General Manager advised that the report that was due today in relation to the Main Street Program will be held over for the next Council Meeting in June.



## WALGETT SHIRE COUNCIL MINUTES

### 5/2011/12 Matters Generally for Brief Mention or Information only from General Manager – May 2011

#### Resolution:

1. That the matters listed by the General Manager for brief mention or information be received and noted.
2. That Council authorise the sponsorship of the Lightning Ridge Opal Symposium for the amount of \$5000 and that the funding be sources from the Community Assistance Donations vote.

**Moved:** Clr Martinez

**Seconded:** Clr Walford

**CARRIED**

11.05am Council returned to Public Forum presentations, Anjali Palmer from Department of Aboriginal Affairs addressed Council regarding details of the Remote Service Delivery Program.

11.25am Clr Smith and Clr Lane left the meeting

11.30am Clr Smith and Clr Lane returned to the meeting

11.44am Council adjourned the meeting

12.00noon Clr returned to the meeting

### 5/2011/13 Quarterly Report on Youth Development Services – January 2011 – March 2011

#### Resolution:

1. That the quarterly report on Youth Development and Services for the period January 2011 – March 2011 be received and noted.

**Moved:** Clr Walford

**Seconded:** Clr Murray

**CARRIED**

### 5/2011/14 Community Development and Tourism Quarterly Report (January – March 2011)

#### Resolution:

That the Community Development and Tourism quarterly report (January– March 2011) be received and noted.

**Moved:** Clr Lane

**Seconded:** Clr Keir

**CARRIED**

12.13pm Clr Smith left the meeting

WALGETT SHIRE COUNCIL MINUTES

**5/2011/15 External funding Received – Human resources**

**Resolution:**

1. That the budget be varied to include income and expenditure line items - Keep Them Safe transition \$10,000.00.

**Moved:** Clr Lane

**Seconded:** Clr Keir

**CARRIED**

**5/2011/16 Community Services – External Grants Received**

**Resolution:**

1. That the Community Services External Grants Received report be received and noted.
2. That the budget be varied to include income and expenditure line items:
  - (a) Walgett Shire Youth Council Grant - \$2500.00

**Moved:** Clr Lane

**Seconded:** Clr Walford

**CARRIED**

**5/2011/17 Amendment Request to the Walgett Shire Youth Council Constitution**

**Resolution:**

1. That point 8 of the Walgett Shire Youth Council constitution be amended to read:

*The Annual general meeting of the Walgett Shire Youth Council shall be convened at the time of 11am on a day agreed to by the Youth Council take place within the months of January – March of each New Year.*

**Moved:** Clr Walford

**Seconded:** Clr Lane

**CARRIED**

**5/2011/18 Development and Complying Development Certificate Applications**

**Resolution:**

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 during April 2011.

**Moved:** Clr Martinez

**Seconded:** Clr Lane

**CARRIED**

## WALGETT SHIRE COUNCIL MINUTES

12.14pm Clr Smith returned to the meeting

### 5/2011/19 Matters Generally for Brief Mention or Information only from Director of Planning & Regulatory Services

**Resolution:**

1. That the report by the Director of Planning & Regulatory Services on matters for brief mention, or information only, be received and noted.

**Moved:** Clr Lane

**Seconded:** Clr Keir

**CARRIED**

### 5/2011/20 Commonwealth Government Productivity Commission Report

**Resolution:**

1. Council support the submission prepared by Cr. Katrina Humphries on behalf of the Water Utilities Sharing Group to the Commonwealth Productivity Commission.
2. Council write to all relevant States and Federal politicians regarding its official endorsement of the Water Utilities Sharing Group – as the preferred management model for Moree plains, Gwydir and Walgett Shire Councils.
3. Council make a representation to all relevant States and Federal politicians expressing opposition to the implementation of any other proposal, which would remove control of local water and sewerage services from Local Water Supply Authorities.

**Moved:** Clr Lane

**Seconded:** Clr Smith

**CARRIED**

### 5/2011/21 Goods and Services Tax Certificate 2011 (Late Item)

**Resolution:**

1. That the Goods and Services Tax Certificate report as at 30 April 2011 be received and signed off.

**Moved:** Clr Walford

**Seconded:** Clr Martinez

**CARRIED**

**5/2011/22 Cash on Hand and Investment Report as at 30 April 2011 (Late Item)**

**Resolution:**

1. That the cash on hand and investment report as at 30 April 2011 be received.

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

**CARRIED**

**Reports of Committees**

Nil

**Questions for the next Meeting**

**Clr Smith**

**QUESTION 1: BAD POTHOLES ON CAMERON'S LANE NEAR ROWENA TURNOFF**

At the Rowena Turnoff on Cameron's lane, there are 2 really bad potholes.

**QUESTION 2: FLOOD DAMAGE – COLLY TO MUNGINDI ROAD**

On the Collarenebri to Mungindi road, the flood damage is getting very bad and needs attention.

**QUESTION 3: BACK LANE BEHIND WILSON STREET, COLLARENEBRI**

Has the back lane been fixed behind Wilson street, Collarenebri (west side)?

**QUESTION 4: DUST STRIPS ON MUNGINDI TO COLLARENEBRI ROAD**

The Sealed strips on the Collarenbri to Mungindi Road near Longswamp and Mogil Mogil needs attention.

**Clr Keir**

**QUESTION 1: REPORT ON FUNDS SPENT ON SR7716**

No report has been received in relation to where the funds were allocated to the SR7716 upgrade feasibility study. \$30,000 was spent.

**QUESTION 2: RURAL ROADS MEETING – 7 JUNE 2011**

Councillors were emailed about the Rural Roads meeting on Tuesday 7 June, this is the same day as the Budget Workshop, but it is probably important that Council has a representative attend.

**Clr Murray**

**QUESTION 1: CULVERTS ON CARINDA TO WALGETT ROAD**

On the Walgett to Carinda road, when are the culverts going to be fixed?

**QUESTION 2: LETTER OF SUPPORT FROM COUNCIL - COOPERA**

Can Council write a letter of Support for the CoOpera group from Adelaide as they are no longer able to come out to Walgett with their shows?

**5/2011/23 Move into Closed Session at 12.40pm**

**Resolution:**

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

- (a) personnel matters concerning particular individuals (other than councillors)
- (c) Commercial information of a confidential nature

**Moved:** Clr Walford

**Seconded:** Clr Lane

**CARRIED**

**Confidential Reports/Closed Council meeting**

**5/2011/24 Code of Conduct Committee**

**Resolution:**

1. That Walgett Shire Council appoint the following persons to a panel from which membership of the Conduct Review Committee and/or the persons acting as Sole Conduct Reviewers can be drawn:
  - Keith Whiteman
  - Joseph Mylan
  - Inspector Chris Taylor
  - Mr James Hereford Ashley
2. The initial appointment be for a period of 12 months.
3. Council ensure Code of Conduct training is provided at the earliest opportunity to all Reviewers unfamiliar with Council's Code of Conduct.

**Moved:** Clr Walford

**Seconded:** Clr Keir

**CARRIED**

12.42pm Clr Smith declared a non-pecuniary interest in the following item, Organisational Structure – Fine Tuning as his wife is a current staff member and left the meeting.

**5/2011/25 Review of Organisation Structure – Fine Tuning**

**Resolution:**

That Walgett Shire Council resolve to:

1. That Council endorse the recommendations of the General Manager for the following changes to Council's Organisational Structure:
  - a. The proposal to lighten the load of the Manager for Community Development and Tourism by transferring day to day operational responsibility for the tourism function to the General Manager directly because of the natural fit with economic development and the oversight of the Collarenebri Agency back to the Manager of Finance/Senior Finance Officer.
  - b. transfer responsibility for asset management planning and water billing from Urban Infrastructure to Corporate Services and combine the roles of the Urban Asset Management Officer and the Revenue Officer (Bank Reconciliation and Accounts Receivable) into one noting that both positions are currently vacant.
  - c. That the various position descriptions be amended as required and referred to the next Award Consultative Committee for comment
  - d. The timing of the implementation of the changes proposed be left in the hands of the General Manager

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

**CARRIED**

12.45pm Clr Smith returned to the meeting

12.45pm Clr Lane declared a non-pecuniary interest in the following item Lightning Ridge Bore Bath Licence and Ownership as he is one of the property owners and left the meeting.

WALGETT SHIRE COUNCIL MINUTES

**5/2011/26 Lightning Ridge Bore Bath Licence and Ownership**

**Resolution:**

That Walgett Shire Council resolve to:

1. Proceed to compulsory acquire the land as Lot 4208 DP 766775 without delay with a provision to allocate \$37,000 to complete the process.
2. Arrange the discussion with Llanillo Bore Trust, Lightning Ridge Miners Association, Mr David Lane, Trevor McGovern and the Estate of the late Mr Robert Lehman to complete the transfer of the ownership of the bore works and the installation of the pipeline from the bore baths to the Lightning Ridge Miners Association's site on the western side of Lightning Ridge, which runs through at least eight (8) parcels of land.
3. Advise Opal Caravan Park Owners through Ms. Rebel Black that Council will not sell or provide bore bath water to the Opal Caravan Park in compliance with the approved Lightning Ridge Bore Bath Licence.

**Moved:** Clr Martinez

**Seconded:** Clr Smith

**CARRIED**

1.01pm Clr Lane returned to the meeting

**5/2011/27 Walgett Water Supply and Sewerage Project**

**Resolution:**

1. Council note the Proposal from NSW Public Works to complete the design and documentation of Walgett Water Supply and Sewerage Project amounting to \$578,950.

**Moved:** Clr Keir

**Seconded:** Clr Murray

**CARRIED**

**5/2011/28 Return to Open Session at 1.05pm**

**Resolution:**

That Council return to Open Session.

**Moved:** Clr Walford

**Seconded:** Clr Lane

**CARRIED**

**5/2011/29 Adoption of Closed Session Reports**

**Resolution:**

That Council adopt the following resolutions of the Closed Committee:

1. Code of Conduct Committee
2. Review of Organisation Structure – Fine Tuning
3. Lightning Ridge Bore Bath Licence and Ownership
4. Walgett Water Supply and Sewerage Project

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

**CARRIED**

Councillor Greenaway drew attention to the need for a watching brief to be keep on development with regards coal seam gas issues.

**Close of Meeting**

The meeting closed at 1.17pm

To be confirmed at the meeting of Council to be held on Tuesday 28 June 2011

\_\_\_\_\_  
Mayor

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