



MINUTES FOR ORDINARY COUNCIL MEETING

22nd May, 2012

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 **22nd May, 2012** commencing at 9.00am to discuss the items listed in the Agenda.

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 SHIRE COUNCIL CHAMBERS ON TUESDAY 22 May, 2012 AT 9.10AM**

**PRESENT**

Clr B Murray (Mayor)  
Clr D Lane (Deputy Mayor)  
Clr I Woodcock  
Clr K Smith  
Clr J Keir  
Clr M Martinez  
Clr R Greenaway  
Clr L Walford  
Don Ramsland (General Manager)  
Stephen Holland (Director Corporate Services)  
Matthew Goodwin (Director Planning & Regulatory Services)  
Raju Ranjit (Director Engineering Services)  
Fred Coralde (Director Urban & Infrastructure Services)  
Mr Andrew Wilson  
Mr Matt Clarkson  
Miss Jane Farkas (Minute Secretary)

**Welcome to Visitors**

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

**Apologies**

4/2012/1 Apologies – 22<sup>nd</sup> May, 2012

NIL

**Public Forum Presentations**

**Wendy Spencer – Dharriwaa Elders Group**

Ms Spencer passed on condolences on behalf of the Dharriwaa Elders Group on the current loss of Clr Dick Colless.

Ms Spencer made representation to Council on behalf of the Dharriwaa Elders Group in relation to the letter requesting support from Council for 4 buildings of significance in Walgett for being nominated on the National Heritage Register. The 4 places that have been chosen for listing have significance to the “Freedom Ride”.

A plaque would be placed into the pavement or walkway near the building of significance.

This would create a way of passing down history and also enhance a better understanding of Aboriginal culture

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It is envisaged that these plaques will create a point of interest for tourists who stop in Walgett and take in the history rather than driving through onto other towns.

It could create a form of employment with tourist guides showing the events of "The Freedom Ride" and where they took place in Walgett.

Nominated buildings are: Walgett RSL Club, Oasis Hotel, Old Dress Shop (now Hon Doo Restaurant) and what used to be the Luxury Theatre (now Bi-Rite)

The Dharriwaa Elders Group has no current funding for this project and maybe seeking Councils assistance.

### Ashley Albury – Department of Planning & Infrastructure

The Department is keen to work with Council on their draft LEP and facilitate an outcome which achieves the desired results for all involved.

#### 1. Rural Lifestyle Blocks

Rural lifestyle zoning for Walgett, Lightning Ridge & Collarenebri – The Department will allow this zoning on suitable land and has done this for Coonamble and Brewarrina. Mr Albury will provide a letter guaranteeing the Department's clear support for such zoning.

#### 2. Future Building on Flood Plain

Council should implement a flood plan for future building with appropriate provisions, so it will not affect those that want to build in future.

#### 3. Mining Camps

Mining camps on the preserved opal field - Mr Albury advised Council that it would be better off to put up 2 options for the Draft LEP. One option would be to only allow dwellings to be maintained on existing mining camp sites and the other to allow dwellings on existing and new sites. A fact sheet will be required to ensure that people are aware of the options. This would enable Council to get public and government agency comments during public exhibition, and then consider feedback, flowing submissions received. This will enable transparent consultation and public consideration of the two key options.

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

Councillor Greenaway declared a non -Pecuniary interest in GM's Report - NSW Shires Association Response – Review of LHPA Function.

Mayor B Murray declared a pecuniary interest in Item 9 of the Agenda – Heritage Activities and Reporting 2011/2012

## Confirmation of Minutes

5/2012/1 Minutes of Council meeting – 24<sup>th</sup> April, Adjourned to 9<sup>th</sup> May, 2012

### **Recommendation:**

That the minutes of the Council meeting held 24<sup>th</sup> April, adjourned to 9<sup>th</sup> May 2012, having been circulated, be confirmed as a true and accurate record of the proceedings of that meeting, subject to following corrections:

#### 1. Clr Keir

##### **Question 1**

1 “Burren Junction” to read “Burren Junction Pre School” and “Walgett” to read Carinda“

#### 2. Clr Murray

##### **Question 1**

“A vandal” to read “A Vehicle”

#### 3. Resolution 4/2012/22

“40 Acres” to read 40 “Hectares”

**Moved:** Clr Woodcock

**Seconded:** Clr Lane

**CARRIED**

## Matters Arising

1. In reply to a question from Clr Martinez, the General Manager that correspondence has been received from the Lightning Ridge Tourist Association requesting funding support for the Easter Festival at Lightning Ridge
2. Councillor Keir again raised the issue of the need to gravel the entrance to the Carinda Cemetery

### **Resolved:**

That Council investigate the cost of providing all weather access to all cemeteries within the Shire and provide a report to the June, 2012 Meeting.

**Moved:** Clr Keir

**Seconded:** Clr Smith

**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 Greenaway**

#### **Question 1**

Enquired as to the NSW Shires Association Position with regards the recently released report into the LHPA

#### **Response:**

The General Manager advised that a report is being prepared for the May Meeting and a submission will be lodged if required.

### **Clr Keir**

#### **Question 1**

Just another reminder for the Bus Stop at Burren Junction Pre-School as well as putting more gravel at the entrance of the Carinda cemetery

#### **Response:**

1. The Director of Engineering Services advised that works are underway using Councils day labour force and should be completed by 30 May 2012
2. The Director Urban & Infrastructure Services advised the maintenance will be investigated

#### **Question 2**

Can Council look into redirecting/alternate route for heavy vehicles to access rather than driving through the main street? Clr Keir advised that a response is needed to a letter received from Ms Prue Hutchinson (c/- Sam Hergerty Solicitors)

#### **Response:**

The Director Engineering Services advised that a reply has been prepared to the complainant and the matter listed for consideration at the June Traffic Committee

### **Clr Martinez**

#### **Question 1**

Can we get some quotes for resurfacing the Netball courts at Lightning Ridge as a matter of urgency?

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### **Response:**

The Director Engineering Services advised that an upper estimate to the project was \$100,000 – see item in Director Engineering Services Matters for Brief Mention or Information

The Director Engineering Services provided additional advice that he now had a quotation in the sum of \$47500 (approx) for the resealing of the Netball Courts with Asphaltic Concrete (AC)

### **Question 2**

Lightning Ridge Tourism Association gives \$10,000 grant to the Easter Festival Committee at Lightning Ridge. It would be good if Council could match the funding they receive, a 50/50 basis ie: if they receive \$10,000 Council will then also contribute the same amount.

### **Response:**

The General Manger advised that Lightning Ridge Tourism Association should make a written approach to Council through the General Manager. A letter was received from the Lightning Ridge Tourism Association on Tuesday 15 May, 2012

### **Clr Kelly**

#### **Question 1**

Can water hydrants at Collarenebri be inspected and where necessary lifted as many have sunk

#### **Response:**

The Director Urban & Infrastructure Services advised that the appropriate repairs will be carried out.

#### **Question 2**

Can something please be done about the Shire house at Collarenebri, the windows were recently fixed and now they have been broken again. The house is in very bad state and needs to be sold or maintained.

#### **Response:**

The Director Urban & Infrastructure Services advised that quotations for repairs have been obtained and work is being approved.

#### **Question 3**

At the previous meeting it was requested that the switchboard at the Collarenebri Show Ground be fixed. This still has not happened and need to be done as a matter of urgency

#### **4/2012/36 Switchboard – Collarenebri Showground**

##### **Motion:**

That the switchboard repairs be carried out as soon as possible and the General Manager ascertain the reason for the delay and position with regards to insurance.

**Moved:** Clr Smith

**Seconded:** Clr Greenaway

**CARRIED**

**Note:** The General Manager preparing a report in relation to this matter for the June 2012 Meeting.

### **Clr Woodcock**

**Question 1**

There appears to be some sort of water leak coming from the rear of a property at Black Prince Drive at Lightning Ridge. Complaints received that it smells like sewerage, can this please be investigate.

**Response:**

The Director Urban & Infrastructure Services advised that the matter will be investigated.

**Clr Walford**

**Question 1**

Is it true that if you cannot produce a doctor's certificate for sick leave you have to fill out a statutory declaration?

**Response:**

The General Manager advised that standard procedure is that if you cannot produce a Doctors certificate then the staff member has to produce a statutory declaration signed by a Justice of the Peace.

**Clr Murray**

**Question 1**

Ill the power pole in the Walgett CBD that was recently damaged by a vehicle be repaired?

**Response:**

The General Manager advised that the matter up with Essential Energy on May 2012 but a response has not been received at the time of distribution of this agenda.

**Question 2**

There are also some lights that are out in the main street of Walgett, could they please be repaired?

**Response:**

The General Manager advised that the matter was followed up with Essential Energy on May 2012, but a response has not been received has not been received at the time of distribution of this agenda.

**Reports of Delegates and Representatives**

Nil

**Reservation of items for Debate**

Nil

**Reports of Officers**

**5/2012/2 Council Quarterly Decisions Action Report – May 2012**

**Recommendation:**

That the action register for May 2012, be received and noted

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**Moved:** Clr Woodcock  
**Seconded:** Clr Keir

**CARRIED**

**5/2012/3 Circulars received from the NSW Local Government and Shires Association of NSW – May 2012**

**Recommendation:**

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

**Moved:** Clr Woodcock  
**Seconded:** Clr Walford

**CARRIED**

**5/2012/4 Circular received from the Division of Local Government – May 2012**

**Recommendation:**

That the information contained in the following Departmental circulars 12-05 to 12-07 from the Local Government Division Department of Premier and Cabinet be received and noted.

- Circular to Councils 12-08 - 2012 – Councillor Development Strategy
- Circular to Councils 12-09 – Fair Valuation – Infrastructure, Property, Plant and Equipment
- Circular to Councils 12-10 – Review of the Model Code of Conduct for Local Councils – Request for submissions on consultation draft
- Circular to Councils 12-11 - Release of Companion Animals Taskforce discussion paper
- Circular to Councils 12-12 – Amendments to the Local Government Act 1993

**Moved:** Clr Greenaway  
**Seconded:** Clr Martinez

**CARRIED**

**5/2012/5 Monthly Calendar – May 2012**

**Recommendation:**

That Council receive and note the regular monthly calendar for the period May 2012 to July 2012.

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

**CARRIED**

**5/2012/6 Casual Vacancy caused by death of Councillor Geoffrey (Dick) Colless**

**Recommendation:**

1. That Council apply to the Minister for Local Government pursuant to section 294 of the Local Government Act 1993 for the issue of an order not to hold a bi-election to fill the casual vacancy on Council cause by the death of Councillor Geoffrey (Dick) Colless

2. It was determined that the following Councillors will fill the following vacancies:

Local Traffic Committee – Clr M Martinez    Alternate Clr Keir  
Plant Committee – Clr D Lane  
Saleyards Advisory Committee – Clr B Murray  
Weight of Loads Committee – Clr K Smith

**Moved:**        Clr Woodcock

**Seconded:**    Clr Greenaway

**CARRIED**

**5/2012/7 NSW Shires Association – One Association Issue – Voting Rights**

**Recommendation:**

That the Mayor Clr Gustavus (Bill) Murray, be nominated as Council voting delegate to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that his name and personal address be forwarded to the Associations to form the Roll of Voters prior to the end of May, 2012

**Moved:**        Clr Greenaway

**Seconded:**    Clr Walford

**CARRIED**

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Clr Greenaway declared his non Pecuniary Interest in this item

**5/2012/8 NSW Shires Association Response – Review of LHPA**

**Recommendation:**

That Council determine if an additional submission should be made with regards the recent LHPA and, if so, what issues should be raised.

**Moved:** Clr Woodcock

**Seconded:** Clr Martinez

**CARRIED**

**5/2012/9 Walgett Shire Council Waste to Art Annual Report**

**Recommendation:**

That the Walgett Shire Waste to Art Annual Report July 2011 – June 2012 be received and noted.

**Moved:** Clr Smith

**Seconded:** Clr Lane

**CARRIED**

**5/2012/10 Cash on Hand Investment Report – March 2012**

**Recommendation:**

That the cash on hand and investment report as at 31 March 2012 be received and noted.

**Moved:** Clr Keir

**Seconded:** Clr Greenaway

**CARRIED**

**5/2012/11 Cash on Hand Investment Report – April 2012**

**Recommendation:**

That the cash on hand and investment report as at 30 April 2012 be received and noted.

**Moved:** Clr Keir

**Seconded:** Clr Greenaway

**CARRIED**

**5/2012/12 Sale of Land for Overdue Rates**

**Recommendation:**

1. That Council authorise the write off of rates and charges totalling \$55,786.56 as detailed on the attachment following the Sale of Land for Overdue Rates that took place on the 17<sup>th</sup> December 2011.
2. Further, that Council note there will be an additional write off will be required when assessment 16808 is settled and final costs determined.

**Moved:** Clr Woodcock

**Seconded:** Clr Martinez

**CARRIED**

Clr Bill Murray declared a Pecuniary Interest in the following matter and left the meeting at 11.00am

Clr Lane assumed the Chair whilst Clr Murray was out of the meeting.

**5/2012/13 Heritage Activities and Reporting 2011/2012**

**Recommendation:**

That the Walgett Shire Council resolve to:

1. Note the report on the activities of Walgett Shire Council's Heritage Advisory, Ray Christison, during 2011 - 2012
2. Endorse and adopt the following documents, as prepared by Walgett Shire Council's Heritage Advisor Ray Christison.
  - (a) The Walgett Shire Heritage Strategy Annual Report 2011-2012
  - (b) The Walgett Shire Local Heritage Fund Annual Report 2011-2012
  - (c) The Walgett Shire Council Heritage Strategic Plan 2012-20153.
3. Endorse the submission of the documents to the Office of Environment and Heritage.

**Moved:** Clr Smith

**Seconded:** Clr Greenaway

**CARRIED**

Clr Murray returned to the meeting at 11.05am and resumed the chair.

**5/2012/14 Draft Walgett Local Environmental Plan 2012**

**Recommendation:**

That:

1. Council note the letter dated 23 March 2012 from Department of Planning & Infrastructure which conditionally certifies the draft Walgett Local Environmental Plan 2012 (LEP) for public exhibition under section 65 of the Environmental Planning and Assessment Act 1979.
2. Note the verbal presentation by Ashley Albury, the Regional Director of the Department of Planning & Infrastructure during which he indicated that:
  - (a) He is prepared to provide a letter which guarantees the Department will allow rural lifestyle rezoning on suitable land in the vicinity of Collarenebri, Lightning Ridge and Walgett.
  - (b) The Department supports the public exhibition of an LEP which includes two options for mining camps in the proposed "SP1 Special activities – mining" zone (preserved Opal Fields), one excluding additional camps (current wording) and the other which allows new camps related to Opal mining.
3. Endorse a Draft Walgett LEP 2012 which includes two options for mining camps within the SP1 zone, one excluding new camps and the other enabling them.
4. Request the GM to ensure that appropriate explanatory notes regarding the camp options are circulated to the public and NSW Government agencies during the public exhibition period.
5. Place draft Walgett Local Environmental Plan 2012 on public exhibition for a minimum period of six weeks.
6. Request the General Manager to arrange community information sessions regarding the draft Walgett Local Environmental Plan 2012 at Carinda, Collarenebri, Cumborah, Grawin, Lightning Ridge and Walgett early in the public exhibition period.

**Moved:**

**Seconded:**

**CARRIED**

**5/2012/15 Proposal to Nominate Sites for National Heritage Listing**

**Recommendation:**

That Council support all four (4) locations being nominated for Heritage Listing by the Dharriwaa Elders Group and if listed then negotiate the wording and location of proposed in a permanent plaque.

**Moved:** Clr Walford

**Seconded:** Clr Lane

**CARRIED**

**5/2012/16 Matters generally for Brief Mention or Information only from Director Engineering Services – May 2012**

**Recommendation:**

That the matters listed by the Director of Engineering Services for brief mention or information, where not otherwise dealt with, be received and noted and the offers for Casual Plant Hire and Services be added to the list of eligible contractors.

**Moved:** Clr Smith  
**Seconded:** Clr Martinez

**CARRIED**

**5/2012/17 Monthly Flood works Report from Director Engineering Services – May 2012**

**Recommendation:**

That the Council receive and note the monthly May 2012 flood works report.

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

**CARRIED**

**5/2012/18 Monthly Road and Bridge Report from Director Engineering Services – May 2012**

**Recommendation:**

That Council receive and note the monthly road and bridge report.

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

**CARRIED**

**Reports of Committees**

Nil

**Questions for the next Meeting**

**Clr Keir**

**Question 1**

Can a perpetual award be considered to honour the late Clr Dick Colless

**Response:**

The General Manager advised that a report will be prepared examining the options available

**Question 2**

Can the Honour Board in the Council Chambers be updated the last time it was updated was back in 1999

**Response:**

The General Manager advised that this has already been considered and Council staff are currently working out the best way to do this.

**Clr Walford**

**Question 1**

Clr Woodcock and I visited Lightning Ridge Central School to give a talk on how to become a Councillor on your local Council and what duties a Councillor performs. The interesting thing that came out of that visit was the concern from the children about the dogs that are running loose around the town of Lightning Ridge and what the Council going to do about it. They also asked us if the Council could take a look at the skate ramp at Lightning Ridge as there appears to be some type of bolts that are coming from underneath the skate ramp that would cause injury.

**Response:**

1. The Director of Planning & Regulatory Services advised that they are still currently looking to fill the position of Regulatory Officer.
2. The Director Urban & Infrastructure Services advised that the ramp will be looked into and repairs made as necessary

**Clr Martinez**

**Question 1**

Can Council look into the beautification of the main street in Lightning Ridge as I have noticed that bitumen is being used. The bitumen is not a good look, could something be done between the gutters and the footpath, can this be put on a program for Lightning Ridge?

**Response:**

The Director Urban & Infrastructure Services advised that signs are being erected and some bitumen patching is happening. Due to different elevations, tapers more than 3% makes it difficult to have a consistent look from curb to footpath. The patching looks smoother and is better than the rock type of bitumen

**Question 2**

Enquired as to whether there was any money in the budget to beautify main streets around the Shire.

**Response:**

The General Manager advised that a small amount was being provided in the 2012/2013 Budget.

**Clr Smith**

**Question 1**

The main street in Collarenebri needs attention. There is a particular property that has overgrown grass and it is a fire hazard as well as being an eye sore

**Response:**

The General Manager advised that the matter will be investigated.

Clr Keir left the meeting at 11.41am

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Clr Keir returned to the meeting at 11.43am

### **Question 2**

The growth in the table drains along the side of the road is starting to create blind spots and this has a potential for accidents. Could this be actioned as a matter of urgency.

### **Response:**

The General Manager advised that it will be raised at the next RMCC meeting

### **Confidential Reports/Closed Council meeting**

Nil

### **Close of Meeting**

The meeting closed at 11.45am

To be confirmed at the meeting of Council to be held on Tuesday 26<sup>th</sup> June, 2012.

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Mayor

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General Manager