



# **MINUTES FOR ORDINARY COUNCIL MEETING**

**27 March, 2012**

**NOTICE IS HEREBY GIVEN** pursuant to clause 7 of Council's Code of Meeting Practice that the Adjourned Ordinary Council Meeting of Walgett Shire Council will be held in the **John Murray Room Lightning Ridge Bowling Club** on **27<sup>th</sup> March**, commencing at 10.00am 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 THE JOHN MURRAY ROOM IN LIGHTNING RIDGE ON TUESDAY 27 MARCH 2012 AT 10:00AM**

**PRESENT**

Clr B Murray (Mayor)  
Clr D Lane (Deputy Mayor)  
Clr I Woodcock  
Clr G Colless  
Clr K Smith  
Clr J Keir  
Clr M Martinez  
Clr R Greenaway  
Don Ramsland (General Manager)  
Mr Raju Ranjit (Director Engineering Services)  
Mr Prafulla KC (Acting Director Urban Infrastructure Services)  
Mr S Holland (Director Corporate Services)  
Mr Andrew Wilson (Acting Director Planning & Regulatory Services)  
Miss J Farkas (Minute Secretary)

**Welcome to Visitors**

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

**Apologies**

**2/2012/1 Apologies – 27 March 2012**

**Resolution:**

1. That apologies from Clr Walford be accepted and leave of absence be granted.

**Moved:** Clr Colless

**Seconded:** Clr Smith

**Public Forum Presentations**

**Jamie Lee Hodges– Outback Arts**

Ms Hodges addressed the Council and made a brief presentation on the work of Outback Arts and handed out information brochures.

**Gaham Lees**

Mr Lees made representation to Council in relation to his application for Rural Subdivision at Lightning Ridge. Mr Lees thanked the Council for allowing him to attend and to hear him out on his application and requested that Council not refuse the application. Mr Lees said that a part of that land is used for mining but if a fence was to be erected it will keep the miners away from the subdivision and the miners at times create more mess on the land than any hobby farmer would

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do. Mr Lees has no issue with any crop dusting that might be done around the area as it has never been an issue in the past for the current residents. Mr Lees explained that there are currently houses built there which were not affected by recent flood water as they were built on mounds and he is proposing to built the same. Mr Lees also spoke about the current road being under water in the recent flood and said that although the water got to ankle deep the road was not damaged and has never been an issue, as the road has stood up to all kinds of conditions and with the traffic that uses it. Mr Lees also spoke about the public road access and assured Council that road access will be there for the proposed lots that will be created. After some advice it was suggested that an easement could be created for this access Mr Lees then went on to say that there has been fragmentation of the land as there is a small patch of wheat that is grown and Mr Lees is not worried as only little wheat is produced in that patch

Again Mr lees thanked the Council for their time in allowing him to put his case forward to the Council and said that in order to build the region we need to have development of the kind he would like to produce and stated that his proposal will not cause the adverse effects as Council Planners think it will.

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

The Mayor Bill Murray declared a Non-Pecuniary Interest in the Community Assistance Scheme Report. (3/2012/14)

Clr Lane declared a Non-Pecuniary Interest in the Mayoral Minute (3/2012/2)

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

**3/2012/1 Minutes of Council meeting – 14 February Adjourned to 6<sup>th</sup> March 2012**

#### **Resolution:**

1. That the minutes of the Adjourned Council meeting held 6<sup>th</sup> March 2012 be confirmed.

**Moved:** Clr Woodcock

**Seconded:** Clr Lane

**CARRIED**

### **Reserve Trust Management Committee Reports**

Nil

## **Mayoral Minutes**

3/2012/2 Mayoral Minute 2011/2012 - Floods

### **Recommendation:**

That Council

1. That Council endorse the action proposed to forward letters of thanks to the various organisations involved and to also hold a staff barbeque as a tangible display of appreciation

**Moved:** Clr Murray

**Seconded:** Clr Greenaway

**CARRIED**

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

Nil

## **Presentation of Petitions**

N/A

## **Councillors Questions From Last Meeting**

### **Clr Woodcock**

#### **Question 1**

There is a grader that is located at Collarenebri, why is it not being used?

#### **Response:**

The Director Engineering Services advised that there is a transmission problem with the grader and it is currently in progress of being repaired

### **Clr Keir**

#### **Question 1**

Can some gravel be placed on the road to the Carinda cemetery for people to attend a funeral, the surface is impassable during wet weather at present.

#### **Response:**

The Acting Director Urban Infrastructure that works are in progress

#### **Question 2**

Have we received the culvert for the bus stop at Burren Junction?

#### **Response:**

The Acting Director of Engineering Services advises that the culvert is on back order and will be installed immediately as soon as it is received, which will be by next week.

**Question 3**

Is there a time frame when the money needs to be spent for the Roads to Recovery Programme?

**Response:**

The Director of Engineering Services advised that the money needs to be spent by 2014.

**Clr Greenaway**

**Question 1**

Has any steps been put into place to replace Trevor Campbell's position?

**Response:**

The General Manager advised that the position was advertised and we are currently waiting to interview applicants

**Question 2**

In last year's flood James Abel did some mapping and made a slide show of the floods, did he do that for this year's flood?

**Response:**

General Manager advises he was relieving in the role as SES controller at Lightning Ridge and did not have the chance to create one for the current floods

**Clr Colless:**

**Question 1**

What is the progress for Truck & Trailer?

**Response:**

The General Manager advised that Greg Leersen went to Lismore and Toowoomba to check on the progress of both the truck and trailer and they will be arriving in 2 weeks.

**Question 2:**

Can we please have signs erected at Gingie Road to have the road turn from two lanes to one lane, so that we can preserve the road condition?

**Response:**

The Director Engineering Services advises that the signs were installed following the meeting

**Clr Martinez:**

**Question 1**

The intersection at Opal and Pandora Street Lightning Ridge, needs assessing, could this please be looked into?

**Response:**

The Director Engineering Services advises that he inspected the above on Sunday 18 March 2012 and works are in progress for repair.

**Question 2**

The entrance into Khan's supermarket at Lightning Ridge has collapsed and needs repair on the Council

**Response:**

The Director Engineering Services advises that the work has been completed

**Reports of Delegates and Representatives**

Nil

**Reservation of items for Debate**

Nil

**Reports of Officers**

**3/2012/3 Council Quarterly decisions Action Report – March, 2012**

**Resolution:**

1. That the action register be received and noted

**Moved:** Clr Keir

**Seconded:** Clr Lane

**CARRIED**

**3/2012/4 Circulars received from the NSW Local Government and Shires Association of NSW – March 2012**

**Resolution:**

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

**Moved:** Clr Smith

**Seconded:** Clr Keir

**CARRIED**

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**3/2012/5 Circular received from the Division of Local Government – March 2012**

**Resolution:**

1. That the information contained in the following Departmental circular 12-03 from the Local Government Division Department of Premier and Cabinet be received and noted

**Moved:** Clr Woodcock

**Seconded:** Clr Lane

**3/2012/6 Monthly Calendar – March 2012**

**Resolution:**

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

**Moved:** Clr Lane

**Seconded:** Clr Greenaway

10.59 Clr Woodcock left the meeting

11.00 Clr Woodcock returned to the meeting

**3/2012/7 Flood Recovery Committee Update**

**Resolution:**

1. That Council receive and noted Flood Recovery Committee Report #2 and adopt the recommendations contained therein.

**Moved:** Clr Lane

**Seconded:** Clr Keir

**CARRIED**

**3/2012/8 Establishment of Internal Auditing Function Progress Report**

**Resolution:**

1. That Mr David Honner be appointed as the second independent member of Council's Audit and Risk Management Committee

**Moved:** Clr Colless

**Seconded:** Clr Lane

**CARRIED**

**3/2012/9 RV Friendly Scheme for Walgett Shire Towns and Villages**

**Resolution:**

1. This report was withdrawn

**Moved:** Clr Colless

**Seconded:** Clr Lane

**CARRIED**

**3/2012/10 Matters Generally for Brief Mention or Information only from General Manager – March 2012**

**Resolution:**

1. That the matters listed by the General Manager for brief mention or information be received and noted.

**Moved:** Clr Lane

**Seconded:** Clr Keir

**CARRIED**

11.21am – Clr Kelly left the meeting

11.23am Clr Kelly joined the meeting

**3/2012/11 NSW Local Infrastructure Renewal Scheme**

**Resolution:**

That Council submit the following two Projects under the 2012/2013 round of the Local Infrastructure Renewal Scheme (LIRS).

1. Wangan Bridge Replacement Project - \$1,000,000M Loan
2. Walgett Aerodrome Reseal Project - \$1,000,000M Loan

**Moved:** Clr Greenaway

**Seconded:** Clr Keir

**CARRIED**

**3/2012/12 Request for Donation**

**Resolution:**

1. The Mr & Mrs Yeomans be advised that Councils Request for Assistance Scheme does not provide for financial assistance to individuals.
2. Letters from the Mayor be sent to Jack and Ned Yeomans congratulating them on their achievement in being invited to attend the 2012 global Young Leaders Conference

**Moved:** Clr Woodcock

**Seconded:** Clr Lane

**3/2012/13 Cash on Hand and Investment Report as at 29 February 2012**

**Resolution:**

1. That the cash on hand and investment report as at 29 February 2012 be received be received.

**Moved:** Clr Greenaway

**Seconded:** Clr Smith

**CARRIED**

## WALGETT SHIRE COUNCIL MINUTES

### 3/2012/14 Community Assistance Scheme Donations – Round 2 2011/2012

**Resolution:**

1. That Council applies funds for financial assistance under section 356 of the Local Government Act 1993 for the second round of 2011/2012 as set out below

| Organisation                               | Project                                                                                                                                    | Cost of Project/Activity | Amount Requested      | Recommended Amount    | Beneficiaries                                                                                                                             | Comments                                                                                              |
|--------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| Lightning Ridge Mens Shed                  | Provide Reverse Cycle Air Conditioner                                                                                                      | \$2,000.00               | \$1,000.00            | \$500.00              | Lightning Ridge Community members and visitors                                                                                            |                                                                                                       |
| Lightning Ridge Miners' Association        | National Symposium provides a forum to disseminate the latest research outcomes, marketing initiatives and the state of the opal industry. | \$26,660.00              | \$5,000.00            | Nil                   | Walgett Shire, particularly Lightning Ridge and Grawin areas, it also enhances the tourism industry                                       | receives other annual contributions - Opal Queen Award - \$3,000 and Jewellery Design Award - \$3,500 |
| Anglicare - Northern Inland, Moree         | Counselling Services                                                                                                                       | \$10,800.00              | \$4,500.00            | Nil                   | Lightning Ridge and surrounding Community                                                                                                 | Received donation in round 1                                                                          |
| Lightning Ridge Gymnastics Club            | Teach basic Cheer Leading Skills                                                                                                           | \$528.00                 | \$528.00              | \$268.00              | Youth of Lightning Ridge                                                                                                                  |                                                                                                       |
| St Peter's Anglican Church - Walgett       | Assistance with cost of Public Liability                                                                                                   | \$2,084.00               | \$2,084.00            | Nil                   | St Peters' Anglican Church and Public                                                                                                     | Operation expense - outside guidelines                                                                |
| Sing Australia - Walgett                   | Purchase of Piano/Keyboard                                                                                                                 | \$1,199.97               | \$1,199.97            | \$500.00              | Community and Church goers                                                                                                                |                                                                                                       |
| St Johns' Anglican Church - Collarbrenebri | Assistance with cost of Public Liability                                                                                                   | \$1,788.00               | \$1,788.00            | Nil                   | St Johns' Anglican Church and Public                                                                                                      | Operation expense - outside guidelines                                                                |
| Walgett Painting Group                     | 24 Hour Heart Monitor for Doctor's Surgery- Walgett                                                                                        | \$6,900.00               | \$2,500.00            | Nil                   | Walgett & surrounding Communities                                                                                                         | Outside guidelines - recipient would be a commercial operator                                         |
| Lightning Ridge Arts & Crafts Council Inc  | 1. Awning and cover cage to hold two kilns, work table & chairs.<br>2. Prize Money                                                         | \$3000.00<br>\$4000.00   | \$1500.00<br>\$500.00 | 1. \$500.00<br>2. Nil | 1. Helps local Artists to share their work from the surrounding communities<br>2. Surrounding communities and tourists viewing their work | 2. Outside guidelines - prize money                                                                   |
| Yawarra Meamei Woman's Group Inc           | Networking with Service Providers on Mental Health Issues                                                                                  | \$900.00                 | \$500.00              | Nil                   | Walgett Shire                                                                                                                             | Government Funded                                                                                     |

|                                                              |                                                   |            |          |          |                                             |  |
|--------------------------------------------------------------|---------------------------------------------------|------------|----------|----------|---------------------------------------------|--|
| Lightning Ridge & Region Transcultural Community Council Inc | Community Event - Harmony Day, Seniors Picnic Day | \$1,640.00 | \$600.00 | \$500.00 | Lightning Ridge and surrounding Communities |  |
|--------------------------------------------------------------|---------------------------------------------------|------------|----------|----------|---------------------------------------------|--|

|                              |                    |                   |  |  |
|------------------------------|--------------------|-------------------|--|--|
| <b>Totals</b>                | <b>\$19,699.97</b> | <b>\$1,768.00</b> |  |  |
| ANNUAL BUDGET                |                    | \$15,600.00       |  |  |
| Round 2                      |                    | \$5,650.00        |  |  |
| <b>Remaining if approved</b> |                    | <b>\$8,182.00</b> |  |  |

2. That the Financial Assistance Fund Guidelines be reviewed prior to the round 1 applications being called in 2012/2013
3. Council consider holding a presentation ceremony in conjunction with Local Government Week

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

**CARRIED**

12.09pm Meeting adjourned for lunch

12.55pm Meeting resumed with all Councillors and staff previously present again in attendance

**3/2012/15 Development Application, Rural Subdivision**

**Resolution:**

1. That Council defer the application pending legal advice in relation to legal access for potential residents of the Rural Subdivision and details the conditions that would be recommended if the application were to be approved.

**Moved:** Clr Martinez

**Seconded:** Clr Colless

**Planning Division:**

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

**Against:** Clr Greenaway, Clr Woodcock

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

**CARRIED**

**3/2012/16 Collarenebri – Earl Park (R78775) Reserve Trust**

**Resolution:**

1. That Council formally acknowledge receipt of the Grant of \$4,890 for Aluminium Park Setting for Earl Park Collarenebri and appropriation provisions be made for income and expenditure votes for this project

**Moved:** Clr Smith

**Seconded:** Clr Greenaway

**CARRIED**

**3/2012/17 Monthly Flood Works Report From Director Engineering Services**

**Recommendation:**

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

**Moved:** Clr Greenaway

**Seconded:** Clr Smith

**3/2012/18 Monthly Report from Director Engineering Services March 2012**

**Recommendation:**

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

**Moved:** Clr Lane

**Seconded:** Clr Martinez

**CARRIED**

Late Item:

**Revised Draft Shire Community Plan – March 2012**

Resolved that Council approve considering this as a late item without notice in view of its urgency

**3/2012/19 Revised Draft Shire Community Plan March 2012**

**Recommendation:**

1. That Council adopt the Revised Draft Shire Community Plan in principal and it be placed on public exhibition for 28 days and public submissions invited.

**Moved:** Clr Lane

**Seconded:** Clr Keir

**CARRIED**

**Reports of Committees**

Nil

**Questions for the next Meeting**

**Clr Smith**

**Question 1**

Ramp (grid) needs to be removed 66kms from Collarenebri on MR 457 Gundabloui Road, has been some bad reports about it

**Response:**

**Question 2**

The power box at Collarenebri Racecourse needs to be replaced, as it appears to be dangerous.

**Response:**

**Question 3**

Does Council have any available funds for grid removal?

**Response:**

**Question 4**

Could Council follow up the letter to David Furnell

**Response:**

**Clr Martinez**

In the last 3 weeks he has heard on the radio that it was mentioned that Council had not graded in northern parts of the Shire

**Response:**

**Question 2**

Can the play ground equipment that was removed from the Lions park at Lightning Ridge be reused elsewhere as it would be a shame for it to go to waste as funds were donated to have it erected, could there be provision in the next budget for refurbishment of the playground/equipment concerned.

**Response:**

**Clr Lane**

**Question 1**

Can Kurranjong road be upgraded in the maintenance schedule whilst Wilby Wilby Road is closed due to flooding as traffic has increased markedly causing the road to deteriorate badly

**Response:**

The Director of Engineering Services advised that Kurranjong Road is on the flood damage list and that RMS will spend \$30,000 to repair this road due to the heavy usage from the recent floods and will be maintained on a monthly basis.

**Clr Woodcock**

**Question 1**

Postcode for Cumborah has 2832 postcode Are we able to allocate 2832 for Grawin postcode too?

**Response:**

General Manager advised that Matthew Goodwin is still waiting on a response from the Geographical names board.

**Clr Greenaway**

**Question 1**

Could an organisational chart be provided to Councillors?

**Response:**

General Manager advised that yes an organisational chart will be provided.

**Question 2**

Have we replaced Trevor Campbell's position yet?

**Response:**

General Manager advised that the interviews have been completed and referees were yet to be contacted.

**Question 3**

Are there Shire rates being levied on the W.L.L Rural property known as Eurool owned by an Aboriginal Land Trust or company situated on the Collarenebri to Walgett road?

**Response:**

**Clr Colless**

**Question 1**

What is happening with Fred Coralde?

**Response:**

General Manager advised that he is currently off on Works Compensation with an ankle injury.

**Clr Keir**

**Question 1**

Can anyone from a different Council area ring up and request property details as to who owns the property

**Response:**

General Manager advised that under the current Legislation you are not able to access that sort of information via telephone

**Question 2**

Councillor Keir advised that as Council's Bushfire Committee delegate, she has not been advised of any meetings recently and requested the matter be followed up

**Response:**

**Confidential Reports/Closed Council meeting**

**Close of Meeting**

The meeting closed at 2.09pm

To be confirmed at the meeting of Council to be held on Tuesday 27 March 2012.

\_\_\_\_\_  
Mayor

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