



MINUTES FOR ORDINARY COUNCIL MEETING

24th April, Adjourned to 9th May, 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 **Collarenebri Bowling Club** on **24th April, Adjourned to 9th May, 2012** 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 WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY 6 MARCH 2012 AT 10:07AM**

**PRESENT**

Clr B Murray (Mayor)  
Clr D Lane (Deputy Mayor)  
Clr I Woodcock  
Clr L Walford  
Clr G Colless  
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 Matthew Goodwin (Director Planning & Regulatory Services)  
Mrs J Campbell (Minute Secretary)  
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**

4/2012/1 Apologies – 24<sup>th</sup> April, Adjourned to 9<sup>th</sup> May, 2012

**Resolution:**

1.

**Moved:**

**Seconded:**

**CARRIED**

**Public Forum Presentations**

**Declaration of Pecuniary/Non Pecuniary Interests**

Nil

## Confirmation of Minutes/Matters Arising

### 4/2012/2 Minutes of Council meeting – 27<sup>th</sup> March, 2012

**Resolution:**

1. That the minutes of the Council meeting held 27<sup>th</sup> March 2012 be confirmed.

**Moved:**

**Seconded:**

**CARRIED**

## Reserve Trust Management Committee Reports

### 4/2012/3 Walgett Sports Oval 1 Crown Reserve – D520097

**Resolution:**

That Council consider a Long Jump pit and specialised maintenance tools at an estimated cost of \$12,000 in the draft 2012-2013 operational budget.

**Moved:**

**Seconded:**

**CARRIED**

## **Mayoral Minutes**

Nil

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

Nil

## **Presentation of Petitions**

N/A

## **Councillors Questions From Last Meeting**

### **Clr Smith**

#### **Question 1**

Ramp (grid needs to be removed 66kms from Collarenebri on MR457 Gundabloui Road, has been some bad reports about it

#### **Response:**

The Director of Engineering Services will investigate the matter further.

#### **Question 2**

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

#### **Response:**

The Acting Director Urban and Infrastructure advised that the matter will be looked into.

#### **Question 3**

Does Council have any available funds for grid removal?

#### **Response:**

The Director of Engineering Services advises that the matter will be investigated.

### **Clr Martinez**

#### **Question 1**

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:**

The Director Engineering Services advised that the matter will be investigated.

#### **Question 2**

Can the playground 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 dedicated to have it erected? Could there be provisions in the next budget for refurbishment of the playground/equipment concerned?

#### **Response:**

The Acting Director Urban and Infrastructure Services advises that the matter will be looked into.

**Clr Lane**

**Question 1**

Can Kurrajong 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 Engineering Services advised that Kurrajong 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:**

The DP&PS advises Council is waiting in response from Geographical names board.

**Clr Greenaway**

**Question 1**

Could an organisational chart be provided to Councillor's please?

**Response:**

The General Manager advised that an organisational chart will be provided at regular intervals.

**Question 2**

Have we replaced Trevor Campbell's position yet?

**Response:**

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

**Question 3**

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

**Response:**

The Director Corporate Services advises that the Indigenous Land Corporation owns Assessment No 20284, which consists of WLL 13344 which has a property description of "Eurool" is presently classified as non rateable.

**Clr Colless**

**Question 1**

What is happening with Fred Coralde?

**Response:**

The General Manager advised that he is currently absent on Workers Compensation with an ankle injury.

**Clr Keir**

**Question 1**

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

**Response:**

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

**Question 2**

Council 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:**

The General Manger advised that the matter will be followed up with the Regional RFS Office.

**Reports of Delegates and Representatives**

**4/2012/4 Delegates and Representatives to, and members of External Bodies**

**Resolution:**

That the Minutes from the Western Division of Councils of NSW 2012 Annual Conference Minutes be received and noted.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/5 Delegates and Representatives to, and members of External Bodies**

**Resolution:**

That the Minutes from the Annual "C" Division Conference be received and noted.

**Moved:**

**Seconded:**

**CARRIED**

**Reservation of items for Debate**

Nil

## Reports of Officers

### 4/2012/6 Council Quarterly decisions Action Report – April, 2012

**Resolution:**

1. That the action register for April be received and noted

**Moved:**

**Seconded:**

**CARRIED**

### 4/2012/7 Circulars received from the NSW Local Government and Shires Association of NSW – April 2012

**Resolution:**

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

**Moved:**

**Seconded:**

**CARRIED**

### 4/2012/8 Circular received from the Division of Local Government – April 2012

**Resolution:**

1. 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 12-05 – Local Government (General) Amendment (Election Procedures) Regulation 2012
  - Circular to Councils 12-06 – Reporting Requirements of Council for 2011-12
  - Circular to Councils 12-07 – Ban on Political Donations by Corporations and other Entities

**Moved:**

**Seconded:**

**CARRIED**



WALGETT SHIRE COUNCIL MINUTES

**4/2012/9 Monthly Calendar – April 2012**

**Resolution:**

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

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/10 Flood Recovery Committee Update**

**Resolution:**

That Council receive and note Flood Recovery Committee Report Minutes of 3<sup>rd</sup> April 2012.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/11 National General Assembly**

**Resolution:**

That the Mayor and General Manager attend the National General Assembly of Local Government in Canberra 17-20 June 2012 and expenses paid.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/12 Shires Association of NSW – Annual Conference**

**Resolution:**

That, in addition to the Mayor and General Manager, the attendance of the following Councillors at the Annual Conference of the Shires Association of NSW be approved.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/13 Matters Generally for Brief Mention or Information only from Director Corporate Services – for April 2012**

**Resolution:**

That the matters listed by the Director Corporate Services for brief mention or information be received and noted.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/14 Quarterly Rates Outstanding Report – end March 2012**

**Resolution:**

The attached report detailing outstanding rates, being in the amount of \$2,690,276.67 to end March 2012 be received and noted.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/15 Quarterly Budget Review as at 31 March 2012**

**Resolution:**

That Council note the quarterly budget review for the period to 31 March 2012 and adopt the variations to the budget as identified in the report.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/16 Youth Development and Services – January – March 2012**

**Resolution:**

That the quarterly report on Youth Development and Services for the period January – March 2012 be received and noted.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/18 Draft Walgett Local Environment Plan 2012**

**Resolution:**

That the Walgett Shire Council resolve to:

1. Note the letter dated 23 March 2012 from the Department of Planning & Infrastructure which conditionally certifies the draft Walgett Local Environmental Plan 2012 for public exhibition under section 65 of the Environment Planning and Assessment Act 1979.
2. Note and endorse the draft Walgett local Environment Plan 2012 document and associated maps.
3. Place the draft Walgett Local Environmental Plan 2012 on public exhibition for a period of six weeks.
4. Request the General Manger to arrange community information sessions regarding the draft Walgett Local Environmental Plan 2012 at Collarenebri, Grawin, Lightning Ridge and Walgett early in the public exhibition period.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/19 Development and Complying Development Certificate Applications**

**Resolution:**

Note the report on Development and Complying Development Certificate applications dealt with by Council staff under delegated authority during January to March 2012

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/20 Grawin Opal Fields Locality Proposal**

**Resolution:**

1. Note and endorse the draft document titled "Information package – Grawin opal Fields locality proposal".
2. Undertake public consultation regarding the Grawin Opal Fields locality proposal for a minimum of 28 days.
3. Consider any submissions received regarding Grawin Opal Fields locality proposal after the public consultation period has ended.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/21 Council Nominees for the Western Region JRPP**

**Resolution:**

1. Maintain the following Councillor's as its nominees for the Western Region JRPP Planning Pane.
  - (a) David Lane (Member)
  - (b) Ian Woodcock (Member)
  - (c) Bill Murray (Alternate Member)

**Moved:**

**Seconded:**

**CARRIED**

**WALGETT SHIRE COUNCIL MINUTES**

**4/2012/22 Walgett Levee Rehabilitation and Refurbishment**

**Resolution:**

1. That Council endorse the General Manager's action to accept the grant fund \$1 million offered by Office of Environment and Heritage and contribute \$1,667.00 in the 2012-2013 budget on a basis of 6:1 ratio for Stage 1 of the Walgett Levee Rehabilitation Program
2. That Council accept the tender phase proposal submitted by Public Works \$19,470 (inclusive GST).

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/23 Monthly Report From Director Engineering Services Road and Bridge Report – April 2012**

**Resolution:**

That Council receive and note the monthly road and bridge report for April 2012

**Moved:**

**Seconded:**

**CARRIED**

**Reports of Committees**

**4/2012/24 Re-Establishment of Effective Interagency Network**

**Resolution:**

For Council's consideration.

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/25 Quotations – Wangan Grawin Creek Consultancy**

**Resolution:**

That Council accept quotations from the following business for RFQ 12002

1. Preparation of a Review of Environmental Factors for the Grawin and Wangan Creek Box Culvert Replacement Projects – Mitchell Hanlon Consulting Pty Ltd in the sum of \$13,221.50
2. Engineering service for Wangan Creek Box Culvert Replacement Project – BRD Civil Design Engineering in the sum of \$20,000

**Moved:**

**Seconded:**

**CARRIED**

**4/2012/26 Tenders – Plant Hire**

**Resolution:**

That Council accepts tenders from the following business for FRQ 12001 –

1. Batterline Earthmoving
2. Carbon Farming Pty Ltd
3. Castlereagh Hire Pty Ltd
4. Connolly's Liquid Waste
5. GR & MA Freeman
6. John Green
7. JR Weate Pty Ltd
8. MH Premium Farms
9. Neil Earthmoving
10. New Bulk Haulage P/L
11. Ridge Rock Earthmoving
12. Robert Martinez
13. Robert Rubie
14. Sherrin Rentals Pty Ltd
15. T. Cummins Transport
16. Thorley Earth Movers Pty Ltd
17. Thurston & Sons Pty Ltd
18. Walford's Water Cartage
19. Walgett Tyre & Machinery Service
20. Wax Grading

**Moved:**

**Seconded:**

**CARRIED**

**Questions for the next Meeting**

**Confidential Reports/Closed Council meeting**

**Close of Meeting**

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Mayor

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General Manager