



# **AGENDA FOR ORDINARY COUNCIL MEETING**

## **25 September 2018**

**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 at the **Carinda Hall** on **25 September 2018** commencing at **10:00am** to discuss the items listed in the Agenda.

Paul Mann  
**ACTING GENERAL MANAGER**

## CONFLICT OF INTERESTS

**What is a “Conflict of Interests”** – A conflict of interests can be two types:

**Pecuniary** – an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated.

**Non-Pecuniary** – a private or personal interest that a Council official has that does not amount to a pecuniary interest as defined in the Local Government Act (eg. A friendship, membership of an association, society or trade union or involvement or interest in an activity and may include an interest of a financial nature.)

### **Remoteness**

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 448 of the Local Government Act.

**Who has a Pecuniary Interest?** – A person has a pecuniary interest in a matter if the pecuniary interest is the interest of:

- The person, or
- Another person with whom the person is associated (see below)

### **Relatives, Partners**

A person is taken to have a pecuniary interest in a matter if:

- The person's spouse or de facto partner or a relative of the person has a pecuniary interest in the matter, or
- The person, or a nominee, partners or employer of the person, is a member of a company or other body that has a pecuniary interest in the matter

N.B. “Relative”, in relation to a person means any of the following:

- (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descends or adopted child of the person or of the person's spouse.
- (b) the spouse or de facto partners of the person or of a person referred to in paragraph (a)

### **No Interest in the Matter**

However, a person is not taken to have a pecuniary interest in a matter:

- If the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative or company of other body, or
- Just because the person is a member of, or is employed by, the Council
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

### **Disclosure and participation in meetings**

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
  - (a) At any time during which the matter is being considered or discussed by the Council or Committee, or
  - (b) At any time during which the Council or Committee is voting on any question in relation to the matter.

**No Knowledge** – A person does not breach this Clause if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

**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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## Local Government Act 1993

### Chapter 3 section 8A

#### GUIDING PRINCIPLES FOR COUNCILS

##### **(1) Exercise of Functions Generally**

The following general principles apply to the exercise of functions by councils:

- (a) Councils should provide strong and effective representation, leadership, planning and decision-making.
- (b) Councils should carry out functions in a way that provides the best possible value for residents and ratepayers.
- (c) Councils should plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community.
- (d) Councils should apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements.
- (e) Councils should work co-operatively with other councils and the State government to achieve desired outcomes for the local community.
- (f) Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way.
- (g) Councils should work with others to secure appropriate services for local community needs.
- (h) Councils should act fairly, ethically and without bias in the interests of the local community.
- (i) Councils should be responsible employers and provide a consultative and supportive working environment for staff.

##### **(2) Decision-making**

The following principles apply to decision-making by councils (subject to any other applicable law):

- (a) Councils should recognise diverse local community needs and interests.
- (b) Councils should consider social justice principles.
- (c) Councils should consider the long term and cumulative effects of actions on future generations.
- (d) Councils should consider the principles of ecologically sustainable development.
- (e) Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

##### **(3) Community participation**

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures

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## 1. OPENING OF MEETING

Time: \_\_\_\_\_am

## 2. ACKNOWLEDGEMENT OF TRADITIONAL OWNERS

I would like to acknowledge the traditional owners of the lands within the Walgett Shire and I would also like to acknowledge the Aboriginal and Torres Strait Islander people who now reside within this Shire.

## 3. LEAVE OF ABSENCE

### Leave of Absence

#### Recommendation:

That the leave of absence received from Clr Cameron is accepted and leave of absence granted.

**Moved:** Clr

**Seconded:** Clr

## 4. WELCOME TO VISITORS

## 5. PUBLIC FORUM PRESENTATIONS

### 5.1 JENNI BRAMMALL AND DAVID LANE - AUSTRALIAN OPAL CENTRE

To provide Council with an update on the AOC project and particularly on efforts to secure funding for construction of the new AOC building.





## 7. CONFIRMATION OF MINUTES/MATTERS ARISING

### 7.1 MINUTES OF THE ORDINARY COUNCIL MEETING HELD – 28 AUGUST 2018

#### Minutes of Ordinary Council Meeting – 28 August 2018

**Recommendation:**

That the minutes of the Ordinary Council meeting held 28 August 2018 having been circulated be confirmed as a true and accurate record of that meeting.

**Moved:**

**Seconded:**

**Attachment**

Minutes of Meeting held 28 August 2018



# **MINUTES FOR ORDINARY COUNCIL MEETING**

## **28 August 2018**

Paul Mann  
**ACTING GENERAL MANAGER**

28 August 2018

Ordinary Council Meeting

Council Minutes

**MINUTES OF THE ORDINARY MEETING OF THE WALGETT SHIRE COUNCIL HELD AT THE LIGHTNING RIDGE BOWLING CLUB ON TUESDAY 28 AUGUST 2018 AT 10:10AM**

**PRESENT**

Clr Ian Woodcock (Mayor)  
 Clr Manuel Martinez (Deputy Mayor)  
 Clr Jane Keir  
 Clr Bill Murray  
 Clr Michael Taylor  
 Clr Lawrence Walford  
 Clr Kelly Smith  
 Clr Robert Turnbull  
 Paul Mann (Acting General Manager)  
 Michael Urquhart (Chief Financial Officer)  
 Jessica McDonald (Director Environmental Services)  
 Sylvester Otieno (Director Engineering/Technical Services)  
 Bronte Kerr (Minute Secretary)

**Public Presentations:**

*Damien Waterford regarding Lorne Road*

**Leave of Absence**

**13/2018/1 Leave of absence**

**Resolved:**

That leave of absence received from Clr Cameron be accepted and leave of absence be granted.

**Moved: Clr Murray**

**Seconded: Clr Keir**

**CARRIED**

**Declaration of Pecuniary/Non Pecuniary Interests**

| Staff/<br>Councillor | Item No. | Pecuniary/<br>Non-Pecuniary | Reason                |
|----------------------|----------|-----------------------------|-----------------------|
| Clr Martinez         | 11.4.4   | Pecuniary                   | Business related item |
| Clr Turnbull         | 11.4.4   | Pecuniary                   | Family Relations      |

**13/2018/2 Minutes of Ordinary Council Meeting – 24 July 2018**

**Resolved:**

That the minutes of the Ordinary Council meeting held 24 July 2018, having been circulated be confirmed as a true and accurate record of that meeting.

**Moved: Clr Smith**

**Seconded: Clr Taylor**

**CARRIED**

|                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>13/2018/3 Minutes of LATC Meeting – 2 August 2018</b></p> <p><b>Resolved:</b></p> <p>That the minutes of the LATC meeting held 2 August 2018 having been circulated be received and noted and the recommendations contained therein are adopted as resolutions of Council.</p> <p><b>Moved: C/r Smith</b><br/> <b>Seconded: C/r Taylor</b><br/> <b>CARRIED</b></p>                     |
| <p><b>13/2018/4 Minutes of Plant Committee Meeting – 31 July 2018</b></p> <p><b>Resolved:</b></p> <p>That the minutes of the Plant Committee meeting held 31 July 2018 having been circulated be received and noted and the recommendations contained therein are adopted as resolutions of Council.</p> <p><b>Moved: C/r Smith</b><br/> <b>Seconded: C/r Taylor</b><br/> <b>CARRIED</b></p> |
| <p><b>13/2018/5 Mayoral Report</b></p> <p><b>Resolved:</b></p> <p>That Council receive and note the tabled Mayoral report.</p> <p><b>Moved: C/r Keir</b><br/> <b>Seconded: C/r Murray</b><br/> <b>CARRIED</b></p>                                                                                                                                                                            |
| <p><b>13/2018/6 Notice of Motion – Walgett Water Supply</b></p> <p><b>Resolved:</b></p> <p>That Council progresses ongoing discussions with Water NSW concerning the release of water to serve Walgett.</p> <p><b>Moved: C/r Keir</b><br/> <b>Seconded: C/r Murray</b><br/> <b>CARRIED</b></p>                                                                                               |
| <p><b>13/2018/7 Council's Decision Action Report</b></p> <p><b>Resolved:</b></p> <p>That the Resolution Register as at August 2018 be received and noted.</p> <p><b>Moved: C/r Keir</b><br/> <b>Seconded: C/r Walford</b><br/> <b>CARRIED</b></p>                                                                                                                                            |

**13/2018/8 Weekly's received from the Local Government NSW****Resolved:**

That the information contained in the weekly circulars dated 20/07/18, 27/07/18, 03/10/18 & 10/08/18 from the Local Government NSW be received and noted.

**Moved:** Clr Keir  
**Seconded:** Clr Murray  
**CARRIED**

**13/2018/9 Circulars Received From the NSW Office of Local Government****Resolved:**

That the information contained in the following Departmental circulars 2 Aug 2018 and 16 Aug 2018 from the Local Government Division Department of Premier and Cabinet be received and noted.

**Moved:** Clr Walford  
**Seconded:** Clr Keir  
**CARRIED**

**13/2018/10 Monthly Calendar August - October 2018****Resolved:**

That Council receive and note the regular monthly calendar for the period August – October 2018 and that in light of the LGNSW Annual Conference held in Albury on the 21-23 October, the October Council Meeting be rescheduled to 30 October 2018.

**Moved:** Clr Turnbull  
**Seconded:** Clr Taylor  
**CARRIED**

**13/2018/11 Far North West Joint Organisation of Councils (FNW JOC)****Resolved:**

That Council note:

1. The next meeting of the FNW JOC will be held in Bourke on 6 September
2. Progress with the formation of the FNW JOC and monitor, with Cobar and Bourke Councils, the delivery of assistance offered by the State Government in forming the JOC.

That Council confirm its priorities for Strategic Planning within the JOC as:

1. Infrastructure Funding – transport (road networks, air services), water and sewer, community facilities
2. Water
3. Services – Health, Education, Community Development
4. Air Services.

That Council confirm its participation under the JOC in the CRCBP – funding to employ a knowledgeable and experienced CRCB Officer to assist in improvement of the management

of contaminated land and development of policies and procedures – and in kind contribution of around \$20,000.

**Moved:** Clr Turnbull  
**Seconded:** Clr Walford  
**CARRIED**

#### 13/2018/12 Matters for Brief Mention or Information Only from General Manager

**Resolved:**

That the above matters listed for brief mention or information only be received and noted.

**Moved:** Clr Keir  
**Seconded:** Clr Turnbull  
**CARRIED**

*Clr Smith left the meeting at 11:30am*

#### 13/2018/13 Cash and Investment Report as at 31st July 2018

**Resolved:**

That the Investment report as at 31st July 2018 be received and noted.

**Moved:** Clr Turnbull  
**Seconded:** Clr Martinez  
**CARRIED**

*Clr Smith returned to the meeting room at 11:35am*

#### 13/2018/14 Monthly Outstanding Rates Report

**Resolved:**

The July 2018 outstanding rates report be received and noted.

**Moved:** Clr Turnbull  
**Seconded:** Clr Taylor  
**CARRIED**

#### 13/2018/15 Community Development Report January – April 2018

**Resolved:**

That the report for Community Development & Capacity Building: January – April 2018 be received.

**Moved:** Clr Turnbull  
**Seconded:** Clr Taylor  
**CARRIED**

| <b>13/2018/16 Community Development Report January – April 2018</b>                                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolved:</b></p> <p>1. That the report for Community Development &amp; Capacity Building: May – July 2018 be received and that the Walgett Shire Youth Week 2018 report be tabled and noted.</p> <p>2. Council thank George McCormick for his efforts and hard work.</p> <p><b>Moved: Clr Walford</b><br/> <b>Seconded: Clr Smith</b><br/> <b>CARRIED</b></p> |

| <b>13/2018/17 Matters Generally for Brief Mention or Information Only – From Chief Financial Officer</b>                                                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolved:</b></p> <p>That the Matters Generally for Brief Mention or Information Only from the Chief Financial Officer in the following areas; Property Matters, Finance &amp; Administration and Community Services be received and noted.</p> <p><b>Moved: Clr Taylor</b><br/> <b>Seconded: Clr Walford</b><br/> <b>CARRIED</b></p> |

| <b>13/2018/18 Heritage Advisor Role</b>                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolved:</b></p> <p>1. Note the resignation of Ray Christison as Heritage Advisor and thank him for his service, dedications and contributions to Walgett Shire.</p> <p>2. Authorise the Acting General Manager to engage the services of Ms. Tanya Cullen as Council's new Heritage Advisor.</p> <p><b>Moved: Clr Taylor</b><br/> <b>Seconded: Clr Smith</b><br/> <b>CARRIED</b></p> |

| <b>13/2018/19 Collarenebri Main Street (Wilson Street) Seating</b>                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolved:</b></p> <p>Not provide permanent seating to the Collarenebri Main Street (Wilson Street) and immediate CBD area and to continue investigations into alternate locations within the town, close to the CBD where new seating can be installed.</p> <p><b>Moved: Clr Keir</b><br/> <b>Seconded: Clr Martinez</b></p> |

**13/2018/20 Euthanasia Agreement – North West Vets****Resolved:**

Council note the above report and endorse the actions of the Director of Environmental Services.

**Moved:** Clr Martinez  
**Seconded:** Clr Taylor  
**CARRIED**

**13/2018/21 Lightning Ridge Royal Flying Doctors Return and Earn Facility****Resolved:**

Provide funding to the total of \$12,000 for an initial six (6) month period to the Royal Flying Doctors Service Return & Earn Facility, to be paid monthly. A review of the support provided by Council will be conducted in six (6) months' time to determine on-going support.

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

**13/2018/22 Lightning Ridge Transfer Station – Funding From NSW Environmental Trust, Waste Less, Recycle More Initiative****Resolved:**

Council note the report and endorse the actions of the Director of Environmental Services.

**Moved:** Clr Taylor  
**Seconded:** Clr Martinez  
**CARRIED**

**13/2018/23 Matters for Brief Mention or Information Only from Director of Environmental Services****Resolved:**

That the above matters listed for brief mention or information only be received and noted.

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

*The meeting adjourned for lunch at 12:50pm  
 The meeting resumed at 1:13pm*

| 13/2018/24 Monthly RMCC works Report from Director Engineering / Technical Services                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolved:</b></p> <p>That Council receive and note the monthly RMCC works report for July 2018.</p> <p><b>Moved:</b> Clr Turnbull<br/> <b>Seconded:</b> Clr Smith<br/> <b>CARRIED</b></p> |

| 13/2018/25 Request to use Glengary Bore Water for Opal Mining Purposes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolved:</b></p> <ol style="list-style-type: none"> <li>1. That Council rejects the request for use of Glengary Bore water for opal processing purposes at this stage since granting the request may trigger other similar requests thus increasing demand on the water, noting that any future request for additional volume under this license may not be favourably considered.</li> <li>2. That Council undertakes a dealing with Water NSW to nominate work through which Glengary Bore water may be extracted.</li> <li>3. That a further report be prepared for Council's consideration on options and feasibility of using the bore for these purposes.</li> </ol> <p><b>Moved:</b> Clr Martinez<br/> <b>Seconded:</b> Clr Smith<br/> <b>CARRIED</b></p> |

| 13/2018/26 Request to Install New Grid on Come By Chance Road                                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That Council; Allow Mr Wilson to install the new grid and pay Mr Wilson and Mr O'Brien a maximum of \$2,000 each for fencing materials.</p> <p><b>Moved:</b> Clr Keir<br/> <b>Seconded:</b> Clr Murray<br/> <b>CARRIED</b></p> |

*Clr Turnbull and Clr Martinez left the meeting room at 1:43pm*

| 13/2018/27 Matters Generally For Brief Mention or Information Only – Engineering/ Technical Services                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolved:</b></p> <p>That Council receives and note the Matters Generally for Brief Mention or Information Only presented by the Director Engineering/ Technical Services.</p> <p><b>Moved:</b> Clr Smith<br/> <b>Seconded:</b> Clr Taylor<br/> <b>CARRIED</b></p> |

Clr Turnbull and Clr Martinez returned to the meeting room at 1:49pm

**Questions for Next Meeting**

**Clr Keir**

Q1: Have we had any news re the allocation of funds for round 2 of stronger country communities?

**Clr Murray**

Q1: Could the disabled sign outside Dharrivaa Elders Group- Fox Street, Walgett be repainted?

Q2: What is happening with the historical signs on Fox Street, Walgett?

Q3: Large sign at Burren Junction sign needs repainting

Q4: What is happening with the BAC Building?

Q5: IGA Carpark, Walgett – change the enter and exit from the carpark and maybe the car tracks at an angle for easier access?

**Clr Taylor**

Q1: Can Council get an update on the Hudson Pear Programme?

Q2: Line marking – can Lightning Ridge Street lines in town and streets be upgraded?

Q3: Bundy clock for Lightning Ridge Staff?

Q4: Can metres for outside of town water lines be installed to collect water fees?

**Clr Martinez**

Q1: Can Council write letters/lobby for face to face registration for claims renewal in Lightning Ridge – Dept. of industries or can Council take over admin of this process?

**Clr Smith**

Q1: Inspection requires at the Collarenebri Boat Ramp – very steep and dangerous?

**Clr Walford**

Q1: Staff weren't not wearing harnesses when claiming the water tower in Lightning Ridge.

**13/2018/28 Move into Closed Session at 2.36pm**

**Resolved:**

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

(a) Personnel matters concerning particular individuals (other than Councillors)

(c) That information that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting business (or proposed to conduct business)

(d) That the matter and information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**Moved: Clr Walford**

**Seconded: Clr Keir**

**CARRIED**

**13/2018/29 RTF 18/022 Refurbishment of the Burren Junction School of Arts Hall****Resolved:**

That Council accept the tender for the refurbishment of the Burren Junction School of Arts Hall from Luke Crawford Constructions P/L for a price of \$173,480.00 ex GST.

**Moved:** Cllr Keir  
**Seconded:** Cllr Murray  
**CARRIED**

**13/2018/30 Council Office & Centrelink Agency in Lightning Ridge****Resolved:**

That the Chief Financial Officer:

- (a) Contact the Department of Human Services advising Council is supportive of the submission to host a Centrelink Agency in Lightning Ridge
- (b) Continue investigations into establishment of a Council Office and Centrelink Agency in Lightning Ridge.
- (c) Make contact with the owner of the property currently housing the Centrelink Agency with aim of negotiating a future lease and suitable lease fee.
- (d) Report back to Council with the outcome of the above actions.

**Moved:** Cllr Walford  
**Seconded:** Cllr Turnbull  
**CARRIED**

**13/2018/31 Return to Open Session at 2.49pm****Resolved:**

That Council return to open session.

**Moved:** Cllr Walford  
**Seconded:** Cllr Taylor  
**CARRIED**

**13/2018/32 Adoption of Closed Session Reports****Resolved:**

That Council adopt the recommendation of the Closed Committee Reports.

**Moved:** Cllr Taylor  
**Seconded:** Cllr Murray  
**CARRIED**

**Close of Meeting**

The meeting closed at 2:50 p.m. To be confirmed at the next meeting of Council.

\_\_\_\_\_  
 Mayor

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

28 August 2018

Ordinary Council Meeting

Council Minutes

## 8. MAYORAL MINUTES

The mayoral report will be tabled at the meeting.

For Consideration – Donations to the Dubbo Macquarie Home Stay

Dubbo Macquarie Home Stay provides affordable, short-term accommodation for regional patients who require treatment at Dubbo Hospital.

*Area of support: "Sponsors name" Room - \$33,000.*

*Description: Guests room. Will furnish the full interior (including all furnishing, fitout and soft furnishings ready to occupy.*

### **Note from the CFO - Financial Implications**

Council in 2017/18 transferred the balance of unspent monies from the "Matching Government Grants" vote of \$56,000 to reserve at year end.

The allocation of \$33,000 to the Macquarie Homestay project will leave a balance of \$23,000 to be transferred out of reserve at the September 18 Quarterly Budget Review.

This reallocation of funds will not adversely affect Council's reserve situation.

*Please refer to hand out for further information on the Dubbo Macquarie Home Stay.*

| <b>Mayoral Report</b>                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That Council receive and note the Mayoral report.</p> <p><b>Moved:</b></p> <p><b>Seconded:</b></p> |

## 9. ELECTION OF MAYOR/DEPUTY MAYOR

### 9.1 DETERMINATION OF METHOD OF VOTING FOR ELECTION OF MAYOR AND DEPUTY MAYOR BY COUNCILLORS

**REPORTING SECTION:** Executive - Governance  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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#### **Summary:**

This report is prepared to allow Council to determine the Method of Voting for the Election of the Mayor and the Deputy Mayor by Councillors.

#### **Discussion (including issues and background):**

Schedule 7 of the Local Government (General) Regulation 2005 sets out the process to be followed for the election of a Mayor and Deputy Mayor by Councillors, including the methods of voting that may be determined by a resolution of Council. The methods of voting for the election of the Mayor and the Deputy Mayor, that Council may adopt are summarised below:-

- Open Voting – this is by show of hands or similar means
- Preferential Ballot – as per its normal interpretation the ballot papers are to contain names of all candidates and Councillors mark their votes 1, 2, 3 and so on against the various names, so as to indicate their order of preference for all of the candidates.
- Ordinary ballot – this is the usual method adopted in New South Wales. Ballots are secret with only one (1) candidate's name written on a ballot paper.

Where there are two (2) candidates, the person with the most votes is elected. If the ballots for the two (2) candidates are tied, the one to be elected is to be chosen by lots, with the first name out being declared elected.

Where there are three (3) or more candidates, the person with the lowest number of votes is eliminated and the process started again until there are only two (2) candidates. The determination of the election would then proceed as if the two (2) were the only candidates. In the case of three (3) or more candidates where a tie occurs the one (1) to be excluded will be chosen by lot.

- Choosing by Lot – to choose a candidate by lot, the names of the candidates who have equal numbers of votes are written on similar slips of paper by the Returning Officer, the slips are folded by the Returning Officer so as to prevent the names being seen, the slips are mixed and one is drawn at random by the Returning Officer and the candidate whose name is on the drawn slip is chosen, on the basis detailed above.

\* NOTE: Ballot has its normal meaning of secret ballot.

#### **Relevant Reference Documents:**

Schedule 7 "Election of Mayor by Councillors" of the Local Government (General) Regulations 2005.

#### **Stakeholders:**

Councillors

**Election of Mayor and Deputy Mayor**

**Recommendation:**

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

**Moved:**

**Seconded:**

**Attachments:**

Nil

## 9.2 ELECTION OF MAYOR FOR ENSURING TWO (2) YEARS

**REPORTING SECTION:** Executive - Governance  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 18/260

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### **Summary:**

Section 225 of the Local Government Act 1993 states that each Local Government area must have a Mayor elected in accordance with the provisions of the Act.

### **Discussion (including issues and background):**

The role of Mayor is defined as follows:

- To exercise, in case of necessity, the policy-making functions of the governing body of Council between meetings of the Council;
- To exercise such other functions of the Council as the Council determines;
- To preside at meetings of Council;
- To carry of the civic and ceremonial functions of the Mayoral office.

The Mayor for Walgett Shire Council is elected by the Councillors from among their own number.

The procedures for election of Mayor by Councillors under Schedule 7 of the Local Government (General) Regulation 2005 are summarised below:

- The General Manager (or a person appointed by the General Manager) is the Returning Officer.
- A Councillor may be nominated without notice for election as Mayor or Deputy Mayor.
- The nomination is to be made in writing by two (2) or more Councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination in writing.
- The nomination is to be delivered or sent to the Returning Officer.
- The Returning Officer is to announce the names of the nominees at the Council meeting at which the election is to be held.
- Nomination papers have been enclosed with the business paper and may be delivered or sent to the Returning Officer either prior to or at the commencement of the Ordinary meeting.
- If only one (1) Councillor is nominated, that Councillor is elected.
- If more than one (1) Councillor is nominated then the election will proceed in accordance with the method of voting determined by Council, at this meeting.
- The election is to be held at the Council meeting at which the Council resolves on the method of voting.

Nomination forms are circulated under separate cover with this report.

### **Relevant Reference Documents:**

Local Government Act 1993

### **Stakeholders:**

Councillors

**Election of Mayor for Ensuring Two (2) Years**

**Recommendation:**

That the report be received and noted and the election for the position of Mayor be held now.

**Moved:**

**Seconded:**

**Attachments:**

Nomination Form circulated separately.

### 9.3 ELECTION OF DEPUTY MAYOR FOR ENSURING TWO (2) YEARS

**REPORTING SECTION:** Executive - Governance  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 16/39

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**Summary:**

Section 231 of the Local Government Act 1993 sets out the provisions of the Act for election of the Deputy Mayor.

**Discussion (including issues and background):**

Section 231 of the Local Government Act 1993 states that:-

- The Councillors may elect a person from among their number, to be the Deputy Mayor.
- The person may be elected for the Mayoral term or a shorter term
- The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of the Mayor.
- The Councillors may elect a person from among their number to act as Deputy Mayor if the Deputy Mayor is prevented by illness, absence or otherwise from exercising a function under this section, or if no Deputy Mayor has been elected.

Procedures for Nominations and the Election of Deputy Mayor are the same as set out for the election of Mayor.

**Relevant Reference Documents:**

Local Government Act 1993

**Stakeholders:**

Councillors

| <b>Election of Deputy Mayor for Ensuring Two (2) Years</b>                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That the report be received and noted and the election for the position of Deputy Mayor be held now.</p> <p><b>Moved:</b><br/><b>Seconded:</b></p> |

**Attachments:**

Nomination Form circulated separately

## 9.4 DESTRUCTION OF BALLOT PAPERS

**REPORTING SECTION:** Executive - Governance  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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**Summary:**

Where elections are held, following the conduct of those annual elections, it is appropriate to pass a motion authorising the destruction of ballot papers.

**Discussion (including issues and background):**

Over the years it has become accepted practice that any ballot papers used in the elections be destroyed and a resolution of Council is required to formalise this process.

**Relevant Reference Documents:**

Local Government Act 1993 Chapter 12 Part 5 Sections 383/400AA  
Local Government (General) Regulation 2005 – Schedule 9

**Stakeholders:**

Council Members

| <b>Destruction of Election Ballot Papers</b>                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That any ballot papers used now be destroyed.</p> <p><b>Moved:</b></p> <p><b>Seconded:</b></p> |

**Attachments:**

Nil



## **AGENDA FOR CLOSED COUNCIL MEETING**

### **25 September 2018**

**NOTICE IS HEREBY GIVEN** pursuant to clause 7 of Council's Code of Meeting Practice that the Closed Council Meeting of Walgett Shire Council will be held at the **Carinda Hall on 25 September 2018** following the Ordinary meeting of Council, commencing at 10:00am to discuss the items listed in the Agenda.

Paul Mann  
**ACTING GENERAL MANAGER**

## 12. RETURN TO OPEN SESSION

| Return to open session                                                                                              | Time: ..... |
|---------------------------------------------------------------------------------------------------------------------|-------------|
| <p><b>Recommendation:</b></p> <p>That Council return to open session.</p> <p><b>Moved:</b><br/><b>Seconded:</b></p> |             |

## 13. ADOPTION OF CLOSED SESSION REPORTS

| Adoption of closed session reports                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That Council adopt the recommendations of the Closed Committee Reports.</p> <p><b>Moved:</b><br/><b>Seconded:</b></p> |

## 14. MAYORAL MINUTE

## **15. REPORTS OF COMMITTEES/DELEGATES – Nil**

**16. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN – Nil**

## 17. REPORTS FROM OFFICERS

### 17.1 ACTING GENERAL MANGER

#### 17.1.1 COUNCIL'S DECISION ACTION REPORT

**REPORTING SECTION:** Executive  
**AUTHOR:** Paul Mann- Acting General Manager  
**FILE NUMBER:** 18/260

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**Summary:**

This schedule summarises the current position of action taken in respect of matters considered at the previous meetings of Council when the outcomes have not been finalised.

**Background:**

Attached is the Resolution Register which summaries outstanding action in respect of all resolutions which required action and are still outstanding. The exception is for the last meeting where items that have been completed are included. Councillors are reminded that any queries should be raised with the General Manager prior to the meeting.

**Current Position:**

Details of actions taken/being taken are flagged for each motion. Overtime the register has grown in size because, whilst resolutions are always actioned after the meeting, it is not always possible to resolve issues quickly especially if other government agencies are involved or our own in-house resources are stretched. And we have to prioritise work commitments.

In these circumstances the register becomes the simple tool of keeping track of matters awaiting attention.

Again, Councillors are reminded that any queries should be raised with the General Manager prior to the meeting as this would streamline the meeting process and also resolve minor issues more expediently.

**Relevant Reference Documents/Policies:**

Resolution Register

**Governance issues:**

Standard procedure dictates that Council resolutions should be implemented as soon as practicably be achieved.

**Environmental issues:**

Nil

**Stakeholders:**

Council and Manex Team

**Alternative Solutions/Options:**

Nil

**Conclusion:**

That the resolutions register be received and noted. It is requested that any queries be raised with the General Manager prior to meeting day to facilitate proceedings at the meeting.

**Council's Decision Action Report**

**Recommendation:**

That the Resolution Register as at September 2018 be received and noted.

**Moved:**

**Seconded:**

**Attachment:**

Resolution Register

WALGETT SHIRE COUNCIL AGENDA – 25 September 2018 – ORDINARY COUNCIL MEETING

| <b>Date</b> | <b>Ref</b> | <b>Resolution</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Dpt</b> | <b>Updates</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Status</b> |
|-------------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| 11.02.14    | 2/2014/39  | <p>1. That the content of the report be noted.</p> <p>2. That the actions of the Acting General Manager to engage Lawyer Piper Alderman under the funding agreement with Bentham IMF Ltd be endorsed.</p> <p>Moved: Clr Woodcock<br/>Seconded: Clr Taylor</p>                                                                                                                                                                                                                                                                                                                                        | CFO        | <p>11.03.14 Matter ongoing.</p> <p>15.04.14 Matter ongoing. Awaiting proof of debt from lawyers.</p> <p>20.05.14 Proof of claim lodged with liquidators by lawyers.</p> <p>14.07.14 Proof of claim admitted by liquidators.</p> <p>12.08.14 Awaiting further update.</p> <p>01.12.14 Ongoing.</p> <p>03.02.15 Matter ongoing. Change of lawyer to Squire Patton Boggs.</p> <p>24.03.15 Matter ongoing no further update.</p> <p>28.04.15 Matter ongoing – no further update</p> <p>26.05.15 \$200,000 in draft 2015/16 budget</p> <p>23.06.15 Advice received that payment of interim dividend will be made around mid-July.</p> <p>28.07.15 no further update received</p> <p>18.8.15 payment authority provided</p> <p>14.09.15 Net payment after cost of 10.99c in \$ of admitted claim expected shortly.</p> <p>27.10.15 \$19,974.19 received as initial dividend</p> <p>24.11.15 Matter in progress</p> <p>27.05.16 Deed sent and bank details provided 26/05/2016 for payment.</p> <p>18.4.17 Further payment received</p> <p>27.6.17 In progress</p> <p>17.9.18 Complete</p> | COMPLETE      |
| 27.05.14    | 8/2014/21  | <p>That the General Manager and Mayor be authorised to negotiate 2-3 year options on suitable land for commercial development in the Walgett CBD and also negotiate in relation to the possible commercial redevelopment of the carpark off Neilly Street, Walgett.</p> <p>That the General Manager</p> <p>1. Invite expressions of interest for the development of all or part of the CBD parking area</p> <p>2. Consider submitting a tender price for land adjoining the CBD car park.</p> <p>3. Advise the parties who have forwarded a draft MOU of the course of action Council is taking.</p> | GM         | <p>15.09.14 Negotiations continuing.</p> <p>22.10.14 Awaiting draft MOU.</p> <p>1.06.15 MOU being delayed because of ongoing drought conditions</p> <p>18.11.15 Report to November Meeting</p> <p>31.5.16 Report to May Meeting 2016</p> <p>19.07.16 EOI called closing 25 July 2016</p> <p>25.1.16 EOI lodged</p> <p>5.1.17 applicant drafting up detailed proposal for consideration</p> <p>18.4.17 applicant followed up</p> <p>21.7.17 arranging to meet early August 2017</p> <p>16.10.17 again requested meeting</p> <p>23.11.17 Expression of Interest advertised and closed on 22 November 2017, 1 submission received.</p> <p>19.12.17 The action proposed of drafting a memorandum of understanding be endorsed.</p>                                                                                                                                                                                                                                                                                                                                                      |               |
| 10.02.15    | 1/2015/11  | <p>That Council request the General Manager to undertake a comprehensive cost benefit analysis on the provision of primitive camping facilities and the role that they play in the overall tourism strategy for the Shire and also investigate the cost of the electricity supply to the facility.</p>                                                                                                                                                                                                                                                                                               | CFO        | <p>10.6.15 referred to DCS to undertaken review</p> <p>28.07.15 project yet to commence</p> <p>18.8.15 information to be available for December Meeting</p> <p>24.11.15 Matter not progressed</p> <p>1.4.16 Report to May meeting</p> <p>27.05.16 DA adopted by Council April 2016</p> <p>20.10.16 CFO to review all facility contribution for 17/18 budget</p> <p>27.6.17 In Progress</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |               |
| 24.03.15    | 2/2015/4   | <p>That Walgett Shire Council write to the minister for Western NSW, The Hon Kevin Humphries MP requesting the following:</p> <p>1. That Crown lands investigate the establishment of a community based trust to manage the Lightning Ridge Crown Reserve.</p> <p>2. That the committee should have representatives from LRMA, GGSMA, WSC and from the community via ministerial and or local member appointments, with technical advisors from Crown Lands and NSW Trade and Investment, Division of Resources &amp; Energy.</p>                                                                    | GM         | <p>20.4.15 Letter to New Minister</p> <p>10.06.15 issue raised with new Minister</p> <p>06.08.15 meeting held with new minister in Sydney</p> <p>18.8.15 Report to August Meeting</p> <p>31.10.15 Trust being established</p> <p>19.07.16 awaiting appointment of industrial chairperson.</p> <p>31.1.17 Crown Lands representatives to address council February council meeting</p> <p>28.2.17 Awaiting Ministerial announcement</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |               |

WALGETT SHIRE COUNCIL AGENDA – 25 September 2018 – ORDINARY COUNCIL MEETING

|          |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
|----------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
|          |            | 3. That the trust elect internally its own executive and Chair. 4 Seek funding from Minister to prepare a Management Plan for the Reserve and a feasibility study on the acquisition of potential opal bearing lands.                                                                                                                                                                                                                                                                                                                                                                                      |      | 5.4.17 GM nominate as additional Council delegate<br>16.10.17 awaiting ministerial appointments<br>19.3.18 Appointments gazetted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| 24.03.15 | 2/2015/38  | 1. That Council receive and note the report<br>2. That Council endorse the action taken by General Manager to commence the weir raising project<br>3. Resolve the issue of ownership of the weir and approve to raise the weir height.                                                                                                                                                                                                                                                                                                                                                                     | DETS | Consultant engaged<br>Site investigation is scheduled on 25-26th June 2015<br>Site investigation for, geotech, REF and Heritage and historical items completed.<br>Detail design is progressing.<br>14.09.15 Detail design of weir is progressing.<br>Weir ownership issue was discussed and agreed in principal between Water NSW and Council.<br>28.4.17 WNSW writes to DPI Fisheries advising that they would only consider the project if section 128 obligation are not borne by them.<br>22.6.17 Infrastructure NSW, Council and Public Works held teleconference to discuss resolution of standoff between WNSW and DPI Fisheries regarding fishway funding.<br>18.09.17 Infrastructure NSW advised Council to apply for additional funds for the fishway.<br>20.10.2017 Council applied for additional funding under SSWP and received invitation for a detailed application.<br>23.11.17 Meeting scheduled for December 2017 to discuss ownership<br>24.1.18 Business case submitted for SSWP funding. |  |
| 24.04.16 | 26/2016/3  | 1. That the content of the report be noted<br>2. That the CFO develop a strategy for the Lightning Ridge Showground and report back to Council with building alternatives, site location, cost estimates for a new kiosk.                                                                                                                                                                                                                                                                                                                                                                                  | CFO  | 27.05.16 Nil<br>20.10.16 Town Planner developing on master plan for facility<br>27.6.17 In progress<br>23.11.17 Grant application for multi-purpose facility for LR showground unsuccessful<br>13.12.17 CFO to investigate alternative funding & design<br>19.4.18 New grant application SCC Round 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| 24.04.16 | 29/2016/3  | 1. Note the 7 submissions for the Draft Walgett Shire Council Rural Residential Land Use Strategy.<br>2. Prepare a planning proposal for the Department of Planning and Environment to rezone to R5 Rural Residential Walgett Candidate Area Two (Lot 42 DP 750291 and Lot 80 DP 750291), and the existing Council owned subdivision in Lightning Ridge (Lots 1-73 DP 838673).<br>3. Undertake any subsequent community consultation required under the provisions of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2000.                    | DES  | 20.08.2018: The NEW DRAFT Strategy has been submitted to DOPE for endorsement.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
| 31.05.16 | 4/2016/29  | Resolved:<br>1. Note the letter from George Mulder received 15 April 2016.<br>2. Inspect 6 Windlass Ave, Lightning Ridge (Lot 1, DP 827710) within 21 days to determine what works remain to be completed to comply with the:<br>a) Building Permit 31/94 and the Building Code of Australia in force at that time,<br>b) Environmental Planning and Assessment Act 1979 and associated regulation.                                                                                                                                                                                                        | DES  | 18/02/2018. Legal advice (verbal) has been obtained as to how to proceed with this matter, given the costs involved in resolving the issue. A further report is required to Council for action.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |
| 26.07.16 | 14/2016/8  | That the General Manager's report with regards the Fixing Country Roads Programme:<br>1. Be received and noted.<br>2. That a further report be submitted to the August meeting detailing a revised works programme for 2016/17 together with revised funding arrangements.<br>3. Council adopt the revised tender documentation approach detailed above to cater for the possible introduction of competitive tendering for future grant works.<br>4. Council commence negotiations with staff and relevant unions to address the various issues likely to arise when competitive tendering is introduced. | GM   | 30.1.17 awaiting calling of EOI's for Round 3 of programme and Councils bid on SR103<br>18.4.17 Councils bid for SR103 on short list for funding<br>1.8.17 5.4 million approved awaiting funding agreement before proceeding<br>16.10.17 Awaiting funding agreement                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
| 25.10.16 | 11/2016/18 | 1. That Council receive and note the Collarenebri Cricket Pitch Report.<br>2. Council seek funding for the construction of new cricket pitch suitable for the football field in Collarenebri                                                                                                                                                                                                                                                                                                                                                                                                               | CFO  | 2.11.16 Council to consider construction of a turf pitch as a project under drought employment program.<br>27.6.17 In progress<br>18.4.18 Investigations under way to place new pitch at School Oval or Recreation ground                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
| 22.11.16 | 12/2016/4  | Council hold a workshop for Councillors following the appointment of the Director of Engineering / Technical Services to examine the service levels of all Shire Roads.                                                                                                                                                                                                                                                                                                                                                                                                                                    | DETS |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |

WALGETT SHIRE COUNCIL AGENDA – 25 September 2018 – ORDINARY COUNCIL MEETING

|          |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |  |
|----------|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| 22.11.16 | 12/2016/24 | <p>1. Defer the consideration of \$160,000 for the Lightning Ridge CBD Upgrade till the December Meeting 2016 to allow further discussions by Council.</p> <p>2. Allocate the Walgett CBD Upgrade funds balance of \$80,335 to fully fund removal of heavy gauge wire screens and replace them with 'Crim-Safe' mesh, as required.</p> <p>3. Write to Walgett businesses with heavy gauge wire screens and offer to replace them with 'Crim-Safe' mesh.</p> <p>4. Give public notice of allocation of Walgett CBD Upgrade funds to individual businesses for a minimum of 28 days, by:</p> <ul style="list-style-type: none"> <li>- Advertising the strategy in the Walgett Spectator.</li> <li>- Making the strategy available as a pdf file via Council's web site.</li> </ul> <p>5. Allocate the \$157,246 balance of Collarenebri CBD Upgrade funds to paving.</p> | DES  | 7.06.2018 New Concept Report for Walgett CBD upgrade report currently being developed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| 13.12.16 | 13/2016/16 | <p>1. Develop a vision for the Walgett Shire Council Waste Management Strategy;</p> <p>2. Prepare an RFQ for a consultant to prepare a waste management strategy for the Walgett Shire Council incorporating a number of models for comparison based on Council's vision.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DES  | 7.06.2018 – DRAFT Strategy in development. Waste Audit at LR and Walgett to occur early September 2018.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |  |
| 28.03.17 | 1/2017/27  | That Council receive and note the information. Council's GIS Officer, DES and Senior Environmental Health Officer to conduct vegetation studies against the new maps as proposed by NSW RFS and any counter proposals to be submitted to the NSW RFS in due course.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | DES  | 7.06.2018 – Council at the May meeting agreed to attend a Skype meeting with RFS. DES awaiting confirmation from RFS as to a suitable date for the meeting to occur.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |  |
| 28.03.17 | 1/2017/28  | Lightning Ridge CBD Upgrade<br>That Council review the options and costings of pavers, stencil crete and turf in Morilla Street Lightning Ridge as part of the CBD upgrade program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | DES  | Council has lodged a grant for the proposed works under Stronger Country Communities Program.<br>8.2.18 Works to commence Feb 2018.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| 28.04.17 | 3/2017/5   | Investigate the feasibility of moving the Visitor Information Centre to Apex Park consulting with rate payers regarding Design and Position. One suggestion by a rate payer was to have a building made in the form of a large Silo. Inside the Silo would showcase information regarding Tourism and an outline of the History & Agricultural progression of the Shire                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | GM   | 23.5.17 to be investigated July 2017<br>31.7.17 Being investigated as part of Regional Growth Funding proposal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |  |
| 28.04.17 | 3/2017/22  | <p>That Council considers realigning the 35km section of Ridge Road from Shermans Way and Burranbaa Road intersection to Angeldool Road intersection - Option 4 (Realignment across Big Warrambool).</p> <p>That Council consult with affected landholders with regards to Option 4.</p> <p>This option includes a bridge across Big Warrambool and land acquisition. Social, environmental impacts should be assessed before this option is implemented. In addition, geotechnical, hydrologic studies must be conducted for this option. Topographical survey and designs must also be completed prior to implementation.</p>                                                                                                                                                                                                                                        | DETS | <p>9.8.17 Surveyor engaged</p> <p>22.8.17 Report to Council to resolve for compulsory acquisition.</p> <p>5.9.17 GM and DETS held talks with Brian Lees, Al Lees and Norman Lees of Tipperary and Ringwood regarding alignment next to their property. They will sketch their preferred alignment and send to Council.</p> <p>21.11.17 DETS held talks with Peter Scoles. He has indicated no objection.</p> <p>7.12.17 Consulting held with Brian, Sue and Nathan Lees of Tipperary. Three options selected. DETS to cost options and hold further consultation with Lees's.</p> <p>12.04.18 DETS meets Lees's and all agree on Option 2.</p> <p>16.08.18 Additional survey ongoing</p> |  |
| 28.04.17 | 3/2017/25  | That Council using the "Open Tendering" method call Tenders for the restoration of the Colless Grandstand at the Walgett Showground.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | CFO  | <p>27.6.17 In Progress – Request for Engineers Report</p> <p>13.12.17 Engineers report required</p> <p>5.2.18 waiting on information from structural engineer</p> <p>18.4.18 Engineer inspected facility, costing and report underway</p> <p>21.8.18 Costing for refurbishment underway</p>                                                                                                                                                                                                                                                                                                                                                                                              |  |
| 23.5.17  | 4/2017/18  | <p>That the report regarding the Collarenebri Agency be received</p> <p>That a Business Plan be completed for the Agency options</p> <p>The Agency residence be made available for immediate lease</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | CFO  | <p>27.6.17 In Progress – Business plan underway &amp; Lease of agency residence completed</p> <p>18.4.18 Report due for May 2018 meeting</p> <p>21.8.18 Council resolved to retain agency</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |  |
| 23.5.17  | 4/2017/23  | <p>Walgett CBD Mesh Façade Removal</p> <p>That Council resolve to amend the 22 November 2016 resolution. "Allocate the Walgett CBD Upgrade funds of \$80,335 to fully fund removal of heavy gauge wire screens and replace them with 'Crim-Safe' mesh, as required" to 'Allocate the Walgett CBD Upgrade funds balance of \$80,335 to fully fund removal of heavy gauge wire screens and replace them with 'Crim-Safe' mesh or acrylic/ polycarbonate glass, as required'</p>                                                                                                                                                                                                                                                                                                                                                                                          | DES  | 7.06.2018 – New concept under consideration.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
| 23.5.17  | 4/2017/31  | <p>Local Government Reform – Western Division Group of Council – Strategic Proposal</p> <p>That Council support the approach in the Western Division Group of Councils Strategic concept paper and make a four year commitment to the concept and commit to paying a \$9,000 (ex GST) p.a membership fee</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | GM   | <p>23.5.17 Western Division advised</p> <p>9.8.17 awaiting advice from Western Division</p> <p>16.10.17 awaiting response from OLG</p> <p>28.02.18 no decision by Western Division</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |  |
| 23.5.17  | 4/2017/34  | <p>Lightning Ridge Bore Baths</p> <ol style="list-style-type: none"> <li>1. Council receive the CFO report</li> <li>2. Council make provision of \$100,000 in the 2017/18 budget for renewal of the Lightning Ridge Bore Bath between Nov 17 and April 18</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | CFO  | <p>27.6.17 Quotation for design &amp; construction to be called in coming months. Work to be carried out during November 17 to March 18</p> <p>18.9.17 CFO in discussions with firm for engineers design</p> <p>18.10.17 CFO Issued purchase order for design of new tank</p>                                                                                                                                                                                                                                                                                                                                                                                                            |  |

WALGETT SHIRE COUNCIL AGENDA – 25 September 2018 – ORDINARY COUNCIL MEETING

|          |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |      |                                                                                                                                                                                                                                                                  |  |
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|          |           | <p>3. Recommendations of the structural assessment be implemented</p> <p>4. The General Manager arrange for a design and cost of the bore bath renewal and submit this to Council for consideration</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |      | <p>22.11.17 Draft plan Received -RFQ to be issued</p> <p>13.12.17 Waiting on new specifications &amp; plan</p> <p>18.4.18 Project postponed until November 2018.</p> <p>18.4.18 RFQ to be issued and contractor engaged prior to October 2018</p>                |  |
| 29.06.17 | 6/2017/19 | <p>That Council adopt the following package of economic development incentives;</p> <ol style="list-style-type: none"> <li>1. Development facilitation</li> <li>2. Refunding of Development application fees</li> <li>3. Section 94 Concessions</li> <li>4. Service and connection fees</li> <li>5. Online support</li> <li>6. Employee subsidies</li> <li>7. Building Protection/Beautification</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | GM   | <p>7.8.17 GM preparing media releases and formal package document.</p> <p>16.10.17 packages in draft</p>                                                                                                                                                         |  |
| 29.06.17 | 6/2017/32 | <ol style="list-style-type: none"> <li>1. That Council approves RFDS SE section's proposal to develop and implement RNAV procedure for Collarenebri Aerodrome, subject to identification of costs implications of certifying/registering the Aerodrome.</li> <li>2. That Council approves annual expenditure on installation of an additional IWI, RNAV maintenance (\$15,000 p.a.), safety inspection (\$5,000 p.a.) and ongoing/additional training for AROs.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | DETS | <p>Investigation into cost implications and feasibility of certifying / registering the aero drome is ongoing.</p> <p>16.08.18 Cost for certifying/registering the Aerodrome reported by RFDS to outweigh benefit of RNAV. So the proposal has been shelved.</p> |  |
| 29.06.17 | 6/2017/36 | <ol style="list-style-type: none"> <li>1. WDSC provide 100mm filtered connection ONLY for firefighting purposes. If an extension is required from Council's 100mm main it be at WDSC's cost.</li> <li>2. Council reclassify the proposed 100mm filtered connection as a "firefighting hydrant" which does not attract an annual charge.</li> <li>3. WDSC at their expense convert the existing 100mm raw water connection to a 25mm raw metered connection and Council levy the appropriate access charge, as per (5) below.</li> <li>4. Council write off the 100mm raw water charges incorrectly raised in 2015, 2016 and 2017 totalling \$33,357.17 plus any interest charges.</li> <li>5. Council levy a non-residential access charge for a non-residential raw water charge for 2015, 2016 and 2017 totalling \$2,101.73 for the 25mm raw water connection.</li> <li>6. Council ensure that the WDSC has a suitable filtered water connection and access charge in place.</li> <li>7. The above be conditional on the Club commencing its own (Internal) firefighting compliance program which must be completed within six (6) months.</li> </ol> <p>And further that</p> <p>A physical onsite audit of the Walgett Shire water supplies reticulation system be carried out within six (6) months to ensure all other major water supply users are correctly connected, classified and appropriately charged.</p> | CFO  | <p>Letter written to WDSC</p> <p>18.9.17 WDSC has met with WSC representatives to establish requirements</p> <p>22.11.17 In progress</p> <p>5.2.18 Representatives from WDSC met with Council staff &amp; Environmental Services</p>                             |  |
| 22.08.17 | 8/2017/11 | <p>That Council make a contribution of \$10,000 towards the cost of the "Fit for Purpose Infrastructure Study" being undertaken by the Moree based Grower Cooperative Limited provided that MPSC, Narrabri Shire Council, Gwydir Shire Council and CRDC make a matched contribution to the study .</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | GM   | <p>22.8.17 Advised GrowerCo of Council's approval – requested invoice</p> <p>23.11.17 Awaiting invoice for payment</p>                                                                                                                                           |  |
| 22.08.17 | 8/2017/33 | <p>That Council:</p> <ol style="list-style-type: none"> <li>1. Adopt the Model Code of Conduct for Local Councils in NSW prescribed by Regulation 193(1) of the Local government (General) Regulation 2005 and published in the Gazette on 13 November 2015;</li> <li>2. Adopt the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed by Regulation 193(2) of the Local Government (General) Regulation 2005 and published in the Gazette on 7 December 2012;</li> <li>3. Delegate to the General Manager the authority to appoint a Complaints Coordinator as prescribed by the Model Procedure, and</li> <li>4. Adopt the Orana Regional Organisation of Council's panel of Conduct Reviewers as Council's panel of Conduct Reviewers.</li> <li>5. Provision be made in the 17/18 budget for \$10k to cover the cost of code of conduct reviews.</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | GM   | <p>22.8.17 Documents adopted</p> <p>01.9.2017 M/s Bronte Kerr appointed as complaints co-ordinator</p> <p>30.09.2017 \$10k allocation in QBRS review</p> <p>20.03.18 Review to be tabled at March 2018 Meeting</p>                                               |  |
| 26.09.17 | 9/2017/25 | <p>That Council resolve to acquire Mr. and Mrs Raymond Pike's land within which the current Council-maintained section of O'Neils Road runs, then surrender the Council-Controlled section of corridor to Mr And Mrs Raymond Pike.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | DETS | <p>8.9.17 DETS hold talks with Mr Raymond Pike and his wife. They verbally agreed to the swap.</p> <p>5.11.17 Quotes received for cadastral survey</p> <p>30.03.18 Cadastral survey completed</p>                                                                |  |
| 26.09.17 | 9/2017/26 | <p>1. That Council resolves to authorise acquisition by compulsory process, of the Walgett Levee corridor through Lot 7024 DP1021106, Lot 7012 DP1021112, Lot 7301 DP1155276, Lot 7013 DP1030416, Lot 7300 DP1155957, Lot 702 DP1051575, Lot 7001 DP1051908, Lot 3 DP1123824, Lot 703 DP1056310, Lot 7031 DP1055946 and Lot 7009 DP1055947.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DETS | <p>5.11.17 Quote received for cadastral survey</p> <p>10.1.18 Quote accepted</p> <p>16.08.18 Survey ongoing</p>                                                                                                                                                  |  |

WALGETT SHIRE COUNCIL AGENDA – 25 September 2018 – ORDINARY COUNCIL MEETING

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|          |            | 2. That Council resolves to make an application to the Minister to approve the compulsory acquisition process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |              |                                                                                                                                                                                                                                                                                         |          |
| 26.09.17 | 9/2017/27  | 1. That Council engage a consultant for the investigation of the alternatives to improve pre-treatment and prepare a concept design & business case for funding for the Collarenebri Water Supply.<br>2. That Council proceeds with the compulsory acquisition of additional land for the construction of recommended pre-treatment.<br>3. Lodge an expression of interest (EOI) for the safe and secure water programme.                                                                                                                                                                                                                                                                                                                                                                                                                               | DETS         | 8.10.17 Council lodges EOI under SSWP<br>9.1.18 Council invited for detailed application<br>26/02/2018 Detailed application submitted.                                                                                                                                                  |          |
| 26.09.17 | 9/2017/29  | Council has approved expenditure for matching grant funds for the shade shelter over the playground in Gray Park.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | CFO          | 18.10.17 Quotations underway<br>13.12.17 Waiting on engineers specifications<br>5.2.18 New quotations underway<br>18.4.18 Existing shade to be removed and a purchase order to be issued to contractor for construction<br>21.8.18 works to be completed by 30/9/18<br>17.9.18 Complete | COMPLETE |
| 24.10.17 | 10/2017/29 | 1. That Council apply for an interim heritage order<br>2. Seek clarification on the situation on the Minister's office and from LAC<br>3. Request a copy of the report from the Police property branch in relation to the building                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | DES          | Council has advised NSW Police of its intentions, GM and staff have met with the local Police Commander on site, negotiations are continuing.<br>8.2.18 Works have been stopped. Advice to be received from NSW Police.                                                                 |          |
| 28.11.17 | 11/2017/14 | That Walgett Shire Council continue to push to be allowed to join in as a voting member of OROC joint organisation and seek confirmation that the Western Division Initiative concept will not proceed and Walgett Shire will be able to continue as a stand-alone council.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | GM           |                                                                                                                                                                                                                                                                                         |          |
| 28.11.17 | 11/2017/3  | 1. That Council receive and note this report and<br>a. Investigate & proceed with land acquisition process for land required for installing the Wind Indicator for Runway 10.<br>And/or<br>b. Allocate additional funding in the budget for constructing an AWIB & ongoing commitment to the budget for operation & maintenance.<br>c. Commence using Runway 28 straight in approach once windsock and safety case approved by CASA.                                                                                                                                                                                                                                                                                                                                                                                                                    | DETS         | Safety case lodged with CASA<br>28/02/2018 Crownlands license received.<br>30.03.18 IWI installed<br>16.08.18 CASA coming in September 2018 to assess the runway extension                                                                                                              |          |
| 19.12.17 | 12/2017/2  | Richard Buckley of Nes's Puddling Dam inc – letter received<br>Council deferred for consideration at the February meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | DES          | 7.06.2018 – to be referred to DETS for action.                                                                                                                                                                                                                                          |          |
| 19.12.17 | 12/2017/11 | Local Government Refroms – Joint Organisation Announcements<br>WSC consider joining a Joint Organisation once it has the opportunity to review both the new legislation and supporting regulations and had discussion with surrounding Councils                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | GM           | Report to February Meeting                                                                                                                                                                                                                                                              |          |
| 19.12.17 | 12/2017/24 | Walgett CBD Car Park – From the GM report – action proposed of drafting a memorandum of understanding be endorsed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | GM           | MOU being drafted                                                                                                                                                                                                                                                                       |          |
| 19.12.17 | 12/2017/25 | Collarenebri Sportsgrounds amenities building – the Council endorse the actions of the CFO in advising Murdi Paaki Regional Rugby League Council that the Council accept the new amenities building asset for the Collarenebri Sports Ground as per concept proposal and the Council shall accept liability for ongoing future maintenance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | CFO          | 5.2.18 Proposal in the planning phase                                                                                                                                                                                                                                                   |          |
| 8.02.18  | 1/2018/2   | That Council:<br>1. Defer any Special Rate Variation Application to IPART to fund the upgrade of the strategic rural road network until such time as there is majority support for such a proposal.<br>2. Continue to work with the community to achieve a greater level of understanding of the cost and level of services and facilities it provides.<br>3. Lobby relevant state agencies to address an adequate level of maintenance of the road infrastructure network on the opal fields<br>4. Concentrate on providing a consistently high quality water supply to all towns within the Shire.<br>5. Arrange for an independent community satisfaction survey to be undertaken within the next six months.<br>6. Investigate the re-establishment of precinct committees.<br>7. Lobby the State Government to open Opal Prospecting Area (OPA) 4. | GM/<br>CFO   | 19.03.18 ongoing                                                                                                                                                                                                                                                                        |          |
| 13.02.18 | 2/2018/33  | 1. That Council rejects the request for water connection to the property on Lot 100 DP 1076808 since it is located in a non-urban residential zone, and current relevant policy does not permit such connections.<br>2. The Director of Environmental Services to provide a report to the March Council meeting in relation to the illegal water connections in each town after researching previous reports presented to Council.                                                                                                                                                                                                                                                                                                                                                                                                                      | DETS/<br>DES | 15.02.18 Applicant advised of resolution<br>7.06.2018 – GIS Continuing to map illegal water connections to be provided to DETS in due course.                                                                                                                                           |          |
| 27.03.18 | 3/2018/25  | 1. That Council receives and notes the report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | DETS         |                                                                                                                                                                                                                                                                                         |          |

WALGETT SHIRE COUNCIL AGENDA – 25 September 2018 – ORDINARY COUNCIL MEETING

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|          |            | 2. Council make approaches to Resource and Energy Department through the Member for Barwon to identify possible voids from former mining operations under key streets in the Lightning Ridge Township.                                                                                                                                                                                                                                                                                                                                                                                  |      |                                                                                                                                                                                                                  |
| 01.05.18 | 5/2018/7   | Can a feasibility study be undertaken into the provision, by Council, of a bus to transport high school students on a daily basis from Walgett to Lightning Ridge High School.                                                                                                                                                                                                                                                                                                                                                                                                          | GM   |                                                                                                                                                                                                                  |
| 01.05.18 | 5/2018/20  | Council note the above report in relation to a three month trial with North West Vets to provide euthanasia services to Council and anticipate a summary of the trial to be tabled in a full report to Council.                                                                                                                                                                                                                                                                                                                                                                         | DES  | 20.08.2018 – FINAL report to Council August 2018. On-going relationship to continue.                                                                                                                             |
| 01.05.18 | 5/2018/28  | It would be appropriate for Council to enter into negotiations with the DoL as the agency responsible for Western Land Leases/Crown Land to undertake maintenance of the private roads on which the “car door tours” operate or alternatively take the necessary steps to dedicate them as public roads.                                                                                                                                                                                                                                                                                | GM   |                                                                                                                                                                                                                  |
| 01.05.18 | 5/2018/29  | That Council commence a dialog in relation to the dedication of “backbone” tracks on the opal fields as public roads by DoI under the care and control of Walgett Shire Council with funding sourced by Department of Resources and Energy through mineral claims/licences be made available to Walgett Shire Council for routine maintenance.                                                                                                                                                                                                                                          | GM   |                                                                                                                                                                                                                  |
| 22.05.18 | 8/2018/9   | That Council development of a footpath policy for all towns and villages in the Shire.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | DES  | 20.08.2018 – report to Council August 2018 for resolution.                                                                                                                                                       |
| 22.05.18 | 8/218/14   | That Council agree to partner in the State Government’s proposal to re-introduce RPT air services to the Shires of Walgett, Bourke and Cobar.                                                                                                                                                                                                                                                                                                                                                                                                                                           | GM   | Matter being progressed through JOC                                                                                                                                                                              |
| 22.05.18 | 8/2018/15  | That Walgett Shire consider accepting the offer to join the Association of Mining and Energy Related Councils (NSW) Incorporated at an annual cost of \$7,630.                                                                                                                                                                                                                                                                                                                                                                                                                          | GM   | Council now a member & note next meeting 9 November in Crookwell                                                                                                                                                 |
| 22.05.18 | 8/2018/16  | Northern Joint Organisation – Membership<br>Refer To Minutes For Full Resolution                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | GM   | See report to this meeting – next meeting of JOC on 6 September.                                                                                                                                                 |
| 26.06.18 | 10/2018/16 | Cross Border Tourism Concept- That the General Manager’s report be received and noted and the action taken be endorsed with seed funding of \$5,000 being included in Council’s 2018/19.                                                                                                                                                                                                                                                                                                                                                                                                | GM   | No further progress                                                                                                                                                                                              |
| 26.06.18 | 10/2018/22 | That Council finances the fencing project from a transfer from the Lightning Ridge toilet upgrade reserve in 18/19, and the \$20,000 be placed into the Len Cram park fence reserve at the 30th June 2018.                                                                                                                                                                                                                                                                                                                                                                              | GM   |                                                                                                                                                                                                                  |
| 26.06.18 | 10/2018/28 | That the General Manager’s Report be received and noted and the action being taken be endorsed and further that a small working party be established to identify and investigate possible projects for Collarenebri.                                                                                                                                                                                                                                                                                                                                                                    | GM   | Matter being followed up with Warren & Balonne Shire Councils                                                                                                                                                    |
| 26.06.18 | 10/2018/30 | That Council (a) Conduct a broad community consultation meeting with local community and showground user groups to determine if users would like the grandstand replaced, and if community support is for a new grandstand Councils proceeds with (b) (c) and (d),<br>(b) Council call for quotations to demolish the existing Colless grandstand<br>(c) Council acquire quotations for the construction of 3 X 5 Tier X 6 m wide prefabricated grandstand system to be erected on the site of the old Colless grandstand.<br>(d) The new structure be called the “Colless Grandstand”. | CFO  | 21.8.18 A second community meeting to be arranged for late September 2018                                                                                                                                        |
| 26.06.18 | 10/2018/33 | 1.That Council accepts the tender for Replacement of Kerb and Gutter in Fox St (Euroka – Wee Waa) RFT18/015 from Allkerb in the sum of \$187,306.68 including GST, in accordance with the specifications forming part of the tender document, AND<br>2.That Council accepts the tender for Replacement of Footpath in Fox St (Euroka – Wee Waa) RFT18/016 from Paul Weeks in the sum of \$498,500.00 including GST, in accordance with the specifications forming part of the tender document,<br>Subject to Allkerb and Paul Weeks using local labour during the works.                | DETS | 10.08.18 Contracts awarded                                                                                                                                                                                       |
| 24.7.18  | 12/2018/9  | Council seek clarification and advice from the Office of Local Government with regards the cross regional planning boundary issue and ongoing secretariat funding issue before considering the request to support from Coonamble Shire.                                                                                                                                                                                                                                                                                                                                                 | GM   | No further information – will pursue with JOC Councils                                                                                                                                                           |
| 24.7.18  | 12/2018/10 | That Council receive and note the General Manager’s report, approach the Federal Government for an extension of the Drought Communities Programme in light of the continuing drought being experienced, not only in Council’s area, but across inland NSW and Southern Queensland as well and delegate authority to vary Council’s Organisational Structure should the need arise to engage additional staff.                                                                                                                                                                           | GM   | Significant announcement made by Prime Minister on 19/08 – awaiting details on Council involvement. Reviewing already flagged possible projects. Hopefully additional information will be available for meeting. |
| 24.7.18  | 12/2018/16 | 1. That a budget adjustment of \$1,511 increasing the 2018-2019 budget from \$16,847 to \$18,358 be approved.<br>2. That the applications for a donation received and due to be received from eligible churches and not-for-profit organisations as per the attached list are approved and the rebates on annual service charges as detailed therein be granted for 2018-2019.                                                                                                                                                                                                          | CFO  | 21.8.18 to be completed at September 2018 QBR                                                                                                                                                                    |

WALGETT SHIRE COUNCIL AGENDA – 25 September 2018 – ORDINARY COUNCIL MEETING

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|         |            | 3. Council review the section 356 - Rebate to churches and other not for profit organisations policy and procedure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |      |                                           |  |
| 24.7.18 | 12/2018/17 | 1. That Council adopt the attached Quarterly Budget Review Statement for 30th June 2018 as tabled.<br>2. A report be presented to the August Council meeting detailing the last three years of carried forward funds for maintenance grading including the 2017/2018 funds.                                                                                                                                                                                                                                                                                                                 | CFO  | 21.8.18 Completed<br>21.8.18 To be tabled |  |
| 28.8.18 | 13/2018/18 | 1. Note the resignation of Ray Christison as Heritage Advisor and thank him for his service, dedications and contributions to Walgett Shire.<br>2. Authorise the Acting General Manager to engage the services of Ms. Tanya Cullen as Council's new Heritage Advisor.                                                                                                                                                                                                                                                                                                                       | DES  |                                           |  |
| 28.8.18 | 13/2018/18 | Not provide permanent seating to the Collarenebri Main Street (Wilson Street) and immediate CBD area and to continue investigations into alternate locations within the town, close to the CBD where new seating can be installed.                                                                                                                                                                                                                                                                                                                                                          | DES  |                                           |  |
| 28.8.18 | 13/2018/21 | Provide funding to the total of \$12,000 for an initial six (6) month period to the Royal Flying Doctors Service Return & Earn Facility, to be paid monthly. A review of the support provided by Council will be conducted in six (6) months' time to determine on-going support.                                                                                                                                                                                                                                                                                                           | DES  |                                           |  |
| 28.8.18 | 13/2018/25 | 1. That Council rejects the request for use of Glengary Bore water for opal processing purposes at this stage since granting the request may trigger other similar requests thus increasing demand on the water, noting that any future request for additional volume under this license may not be favourably considered.<br>2. That Council undertakes a dealing with Water NSW to nominate work through which Glengary Bore water may be extracted.<br>3. That a further report be prepared for Council's consideration on options and feasibility of using the bore for these purposes. | DETS |                                           |  |
| 28.8.18 | 13/2018/26 | That Council; Allow Mr Wilson to install the new grid and pay Mr Wilson and Mr O'Brien a maximum of \$2,000 each for fencing materials.                                                                                                                                                                                                                                                                                                                                                                                                                                                     | DETS |                                           |  |
| 28.8.18 | 13/2018/29 | That Council accept the tender for the refurbishment of the Burren Junction School of Arts Hall from Luke Crawford Constructions P/L for a price of \$173,480.00 ex GST                                                                                                                                                                                                                                                                                                                                                                                                                     | CFO  |                                           |  |
| 28.8.18 | 13/2018/30 | That the Chief Financial Officer:<br>(a) Contact the Department of Human Services advising Council is supportive of the submission to host a Centrelink Agency in Lightning<br>(b) Continue investigations into establishment of a Council Office and Centrelink Agency in Lightning Ridge.<br>(c) Make contact with the owner of the property currently housing the Centrelink Agency with aim of negotiating a future lease and suitable lease fee.<br>(d) Report back to Council with the outcome of the above actions.                                                                  | CFO  |                                           |  |

## 17.1.2 CIRCULARS RECEIVED FROM THE NSW OFFICE OF LOCAL GOVERNMENT

**REPORTING SECTION:** Executive  
**AUTHOR:** Paul Mann – General Manager  
**FILE NUMBER:** 18/260

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### **Summary:**

Copies of circular received from the Local Government Office Department of Premier and Cabinet are attached for Councillors information. Circulars are emailed to Councillors when published from LGNSW.

### **Background:**

The General Manager has flagged the following circulars as requiring the particular attention of Councillors:

13 Sep 2018- 18-27 Review of Privacy Code of Practice for Local Government

06 Sep 2018 - 18-26 Commencement of amendments to the Companion Animals Act 1998 and a new Companion Animals Regulation 2018

05 Sep 2018 - 18-25 Status of the new Councillor Induction and Professional Development Guidelines

05 Sep 2018 - 18-24 Status of the new Model Code of Conduct for Local Councils in NSW and Procedures

05 Sep 2018 - 18-23 Mayoral Elections

22 Aug 2018 - 18-22 Release of the Charter for Public Participation – a guide to assist agencies and promote citizen engagement

### **Governance Issues:**

All circulars have Governance implications. Where necessary the subject of particular circulars will be raised in following reports.

### **Stakeholders:**

Councillors and Walgett Shire Council staff

### **Financial Implications:**

Obviously some circulars will have a financial impact and where this is the case, Councillors particular attention will be drawn to them.

### **Legal Issues:**

Nil

### **Conclusion:**

Council will need to comply with the various requirements set out in the circulars.

**Circulars Received From the NSW Office of Local Government**

**Recommendation:**

That the information contained in the following Departmental circulars published 22/08/2018, 05/09/2018, 05/09/2018, 06/09/2018 and 13/09/2018 from the Local Government Division Department of Premier and Cabinet be received and noted.

**Moved:**

**Seconded:**

**Attachments:**

Circulars



Office of  
Local Government

## Circular to Councils

|                             |                                                                                                |
|-----------------------------|------------------------------------------------------------------------------------------------|
| <b>Circular Details</b>     | 18-22 / 22 August 2018 / A603486                                                               |
| <b>Previous Circular</b>    | N/A                                                                                            |
| <b>Who should read this</b> | Councillors / General Managers / All council staff                                             |
| <b>Contact</b>              | Council Governance – 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a> |
| <b>Action required</b>      | Information                                                                                    |

### Release of the *Charter for Public Participation – a guide to assist agencies and promote citizen engagement*

#### What's new or changing

- The NSW Information and Privacy Commission has released its *Charter for Public Participation – a guide to assist agencies and promote citizen engagement* (the Charter).
- The Charter aims to assist NSW agencies to seek effective public input into the development and delivery of policies and services. The Charter also contains:
  - a framework for developing a policy on public participation
  - a guide to encourage, enable and embed effective citizen engagement in policy design and development
  - a practical and flexible roadmap to guide agencies in embedding public participation in agency frameworks
  - practical information, steps and tools for planning effective engagement with communities, and
  - useful examples of successful public participation.

#### What this will mean for your council

- Councils may wish to consider the Charter in developing community engagement strategies to inform strategic planning, policy development and other decision-making.

#### Key points

- Community engagement is a key element of the work undertaken by councils. Under yet to commence amendments to the *Local Government Act 1993*, councils will be required to establish and implement a community engagement strategy for engagement with the local community when developing all plans, policies and programs and for the purpose of determining their activities (other than routine administrative matters).

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 44 913 630 046

Office of  
Local Government

## Circular to Councils

|                             |                                                                                                     |
|-----------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Circular Details</b>     | Circular No 18-23 / 05 September 2018 / A616349                                                     |
| <b>Previous Circular</b>    | <i>Nil</i>                                                                                          |
| <b>Who should read this</b> | Councillors / General Managers                                                                      |
| <b>Contact</b>              | Council Governance Team - 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a> |
| <b>Action required</b>      | Council to Implement                                                                                |

## Mayoral Elections

### What's new or changing

- Under section 230(1) of the *Local Government Act 1993*, mayors elected by councillors now hold office for 2 years.

### What this will mean for your council

- Councils that held ordinary elections in September 2016 are required to hold their mayoral elections in September 2018 if their mayor is elected by councillors.
- Councils that held delayed ordinary elections or first elections (following the creation of a new council) in September 2017 will hold their next mayoral elections in September 2019 if their mayor is elected by councillors.

### Key points

- A mayoral election by councillors must be conducted in accordance with Schedule 7 of the *Local Government (General) Regulation 2005*.
- The Office of Local Government has prepared a fact sheet on the conduct of mayoral and deputy mayoral elections to assist councils to comply with these requirements. The fact sheet is available on the Office's website [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).

### Where to go for further information

- For more information, contact the Council Governance Team by telephone on 02 4428 4100 or by email at [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au).

**Tim Hurst**  
Chief Executive

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 44 913 630 046



|                             |                                                                                                                          |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>Circular Details</b>     | Circular No 18-24 / 05 September 2018 / A618429                                                                          |
| <b>Previous Circular</b>    | <i>17-30 Consultation on drafts of the new Model Code of Conduct for Local Councils in NSW and associated Procedures</i> |
| <b>Who should read this</b> | Councillors / General Managers / Complaints Coordinators / Conduct Reviewers                                             |
| <b>Contact</b>              | Council Governance Team – (02) 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>                    |
| <b>Action required</b>      | Information                                                                                                              |

## Status of the new Model Code of Conduct for Local Councils in NSW and Procedures

### What's new or changing

- The new 2018 *Model Code of Conduct for Local Councils in NSW* (the Model Code) and *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (Procedures) have been finalised and will soon be prescribed by the *Local Government (General) Regulation 2005*.
- The Minister for Local Government has released the soon to be prescribed Model Code and Procedures for the information of councils, joint organisations and code of conduct practitioners. Copies of the new Model Code and Procedures are available on the Office of Local Government's (OLG) website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).

### What this will mean for your council

- The new Model Code and Procedures have been released so that councils, joint organisations and code of conduct practitioners can familiarise themselves with the new provisions ahead of their prescription.
- **Councils and joint organisations cannot adopt the new Model Code and Procedures until they are prescribed** as the legislative framework needs to be in place to support their adoption.
- OLG will provide more detailed guidance when the new Model Code and Procedures are prescribed.

### Key points

- The new Model Code and Procedures will shortly be prescribed by the Regulation.
- After the new Model Code and Procedures are prescribed, councils and joint organisations will have six months to adopt a new code of conduct and associated procedures that meet the new requirements.

|                             |                                                                                                     |
|-----------------------------|-----------------------------------------------------------------------------------------------------|
| <b>Circular Details</b>     | Circular No 18-25 / 05 September 2018 / A618437                                                     |
| <b>Previous Circular</b>    | 17-39 Consultation on the Proposed Councillor Induction and Professional Development Guidelines     |
| <b>Who should read this</b> | Mayors / Councillors / General Managers / Council governance staff                                  |
| <b>Contact</b>              | Council Governance Team – 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a> |
| <b>Action required</b>      | Information                                                                                         |

## Status of the new Councillor Induction and Professional Development Guidelines

### What's new or changing

- Amendments to the *Local Government Act 1993* (the Act) by the *Local Government Amendment (Governance and Planning) Act 2016* in August 2016 saw the inclusion in the prescribed role of councillors under section 232 a responsibility "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor".
- In support of this, regulations will soon be made for induction and other professional development for mayors and councillors.
- The Office of Local Government (OLG) has prepared guidelines, in consultation with the sector, to assist councils to develop and deliver induction and ongoing professional development activities for their mayor and councillors in compliance with the proposed regulations.
- The Minister for Local Government has released the guidelines so that councils can familiarise themselves with the new requirements before the regulations are made.
- The guidelines are available on OLG's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).

### What this will mean for your council

- OLG will provide more detailed guidance on the new requirements once the regulations are made.
- In the meantime, there is nothing to prevent councils from implementing councillor induction and ongoing professional development programs in compliance with the guidelines prior to the making of the regulations.

### Key points

- Under the guidelines, councils' induction and professional development programs are to consist of three elements:
  - **Pre-election candidate sessions** – these are to ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged)
  - **Induction program** – this aims to equip mayors and councillors with the information they need to perform their role effectively over the first



|                             |                                                                                         |
|-----------------------------|-----------------------------------------------------------------------------------------|
| <b>Circular Details</b>     | Circular No 18-26 / 06 September 2018 / A617440                                         |
| <b>Previous Circular</b>    | N/A                                                                                     |
| <b>Who should read this</b> | General Managers / Rangers / Pounds                                                     |
| <b>Contact</b>              | Policy Team / 02 4428 4100 / <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a> |
| <b>Action required</b>      | Council to Implement                                                                    |

### Commencement of amendments to the *Companion Animals Act 1998* and a new *Companion Animals Regulation 2018*

#### What's new or changing?

- On **31 August 2018** amendments to the *Companion Animals Act 1998* commenced, and the *Companion Animals Regulation 2018* wholly replaced the former *Companion Animals Regulation 2008*. In addition, penalties for offences relating to assistance animals increased on 1 July 2018.
- An overview of key changes for councils is attached to this Circular.
- These changes implement the Government's response to the Joint Select Committee on [Companion Animal Breeding Practices in NSW](#), and a recent statutory review of the *Companion Animals Regulation 2008*.

#### Key points

- The amended Act and new Regulation include changes that impact council's companion animals functions, including:
  - increased penalties and penalty notice amounts for some offences
  - replacing clause 16(d) organisations with 'rehoming organisations' and
  - changes to access and use of data of the Companion Animals Register and NSW Pet Registry.
- Some changes have been made to provide for future improvements to the Companion Animals Register and to the Pet Registry. Further information will be provided to councils about the nature and timing of these updates shortly.
- Councils should review and update relevant documents and websites and help the Office of Local Government (OLG) to advise people who may be affected. OLG will also review and update documents and websites.
- The *Companion Animals Act 1998* and the *Prevention of Cruelty to Animals Act 1979* will be amended by the *Companion Animals and Other Legislation Amendment Act 2018*, which was passed by the NSW Parliament on 6 June 2018 and assented to on 15 June 2018. Further to the amendments outlined in this Circular, further amendments will have effect from 1 July 2019.



|                             |                                                       |
|-----------------------------|-------------------------------------------------------|
| <b>Circular Details</b>     | Circular No 18-27 / 13 September 2018 / A618338       |
| <b>Previous Circular</b>    | 00/44 - Privacy Code of Practice for Local Government |
| <b>Who should read this</b> | General Managers / Relevant council staff             |
| <b>Contact</b>              | Information and Privacy Commission / 1800 472 679     |
| <b>Action required</b>      | Response to Information and Privacy Commission        |

## Review of Privacy Code of Practice for Local Government

### What's new or changing

- Councils are invited to provide comment to the Information and Privacy Commission's (IPC's) review of the *Privacy Code of Practice for Local Government* (the Code) by **30 September 2018**.

### What this will mean for your council

- The Code was gazetted on 1 July 2000. The Code has the effect of modifying Part 6 (the public register provisions) of the *Privacy and Personal Information Protection Act 1998* and the application of the Information Protection Principles as they apply to local government.
- The IPC is reviewing the Code to determine whether it continues to meet the needs of councils. In particular, advice is sought from councils to assess whether:
  - councils are aware of and apply the Code's provisions
  - the provisions of the Code are relevant to the needs of councils
  - the Code requires amendment or should be repealed
  - there are other matters that should be considered for inclusion in a revised Code of Practice for Local Government
  - any impacts for councils should the existing Code be repealed.
- Councils are requested to provide any comments or submissions to the review to [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au) by **30 September 2018**.

### Where to go for further information

- The Code is available to view [here](#).
- Further information on Codes of Practice is available on the IPC website [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)
- Contact the Information and Privacy Commission at 1800 472 679.

**Tim Hurst**

Office of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au) W [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au) ABN 44 913 630 046

### 17.1.3 MONTHLY CALENDAR SEPTEMBER- NOVEMBER 2018

**REPORTING SECTION:** Executive  
**AUTHOR:** Paul Mann– General Manager  
**FILE NUMBER:** 18/260

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**Summary:**

Councillor’s monthly calendar from September - November 2018 is provided.

**Discussion (including issues and background):**

It was resolved at the 28 September 2010 Ordinary meeting of Council to produce a monthly in-house calendar as a central focus point to allow Councillors and senior management staff to plan their activities and spread their work load having regard to upcoming commitments. It also avoids situations where some Councillors missed meetings or are not aware of when they have been scheduled. In addition, outside organisations have been requested to send meeting notice and minutes direct to Council’s various representatives. Where notification is received meeting dates will be listed on the strategic tasks, events and meetings calendar and the representative(s) names flagged.

**Current Position:**

The calendar is attached. Councillors are requested to raise any queries prior to the meetings listed.

**Governance issues:**

Good governance centres in part on good communication and forward planning. Councillors are requested to advise the General Manager’s Executive Assistant of any coming community or Councillor function so as to avoid any clashes of commitments.

**Environmental issues:**

Not applicable

**Stakeholders:**

Councillors and Walgett Shire Council staff

**Alternative Solutions/Options:**

Not applicable

**Conclusion:**

Provided there are no changes it is appropriate to receive and note the information.

| Monthly Calendar August - October 2018                                                                                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That Council receive and note the regular monthly calendar for the period September - November 2018.</p> <p><b>Moved:</b><br/><b>Seconded</b></p> |

2018

SEPTEMBER

| SUN | MON                 | TUE                                                         | WED                | THU                                                                | FRI                              | SAT |
|-----|---------------------|-------------------------------------------------------------|--------------------|--------------------------------------------------------------------|----------------------------------|-----|
| 26  | 27                  | 28                                                          | 29                 | 30                                                                 | 31                               | 1   |
| 2   | 3                   | 4                                                           | 5                  | 6<br>JOC Meeting -<br>Bourke                                       | 7<br>OROC Meeting -<br>Coonamble | 8   |
| 9   | 10                  | 11                                                          | 12                 | 13                                                                 | 14                               | 15  |
| 16  | 17<br>GM Interviews | 18<br>GM Interviews                                         | 19<br>CMCC Meeting | 20<br>Event: Adopt a<br>club function at<br>RSL - Community<br>BBQ | 21                               | 22  |
| 23  | 24                  | 25<br>Council Meeting<br>& Mayoral<br>Election -<br>Carinda | 26                 | 27                                                                 | 28                               | 29  |
| 30  | 1                   | NOTES:<br>50                                                |                    |                                                                    |                                  |     |

2018

OCTOBER

| SUN                                     | MON                       | TUE                                                   | WED                                     | THU | FRI | SAT |
|-----------------------------------------|---------------------------|-------------------------------------------------------|-----------------------------------------|-----|-----|-----|
| 30                                      | 1                         | 2                                                     | 3                                       | 4   | 5   | 6   |
| 7                                       | 8                         | 9                                                     | 10                                      | 11  | 12  | 13  |
| 14                                      | 15                        | 16                                                    | 17<br>Joint<br>Organisation -<br>Bourke | 18  | 19  | 20  |
| 21<br>Joint<br>Organisation -<br>Bourke | 22<br>LGNSW<br>Conference | 23<br>LGNSW<br>Conference                             | 24<br>LGNSW<br>Conference               | 25  | 26  | 27  |
| 28                                      | 29                        | 30<br>Council Meeting -<br>10am - Council<br>Chambers | 31                                      | 1   | 2   | 3   |
| 4                                       | 5                         | NOTES:<br><br>51                                      |                                         |     |     |     |

2018

NOVEMBER

| SUN | MON | TUE                                             | WED | THU | FRI | SAT |
|-----|-----|-------------------------------------------------|-----|-----|-----|-----|
| 28  | 29  | 30                                              | 31  | 1   | 2   | 3   |
| 4   | 5   | 6                                               | 7   | 8   | 9   | 10  |
| 11  | 12  | 13                                              | 14  | 15  | 16  | 17  |
| 18  | 19  | 20                                              | 21  | 22  | 23  | 24  |
| 25  | 26  | 27                                              | 28  | 29  | 30  | 1   |
|     |     | Council Meeting -<br>10am - Council<br>Chambers |     |     |     |     |
| 2   | 3   | NOTES:<br>52                                    |     |     |     |     |

### 17.1.4 NEW MODEL CODE CONDUCT

**REPORTING SECTION:** Executive  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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**Summary:**

The NSW Office of Local Government has released the 2018 Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

Both are available on the Office of Local Government website and will soon be prescribed by regulation for councils and joint organisations.

**Discussion (including issues and background):**

Councils do not need to do anything to change their codes of conduct until after the model code is prescribed by regulation, after which time, councils will have six months to adopt a new code of conduct in line with the model code.

The new requirements include:

- provisions relating to bullying, discrimination and harassment
- inclusions of obligations under the *Work Health and Safety Act 2011*
- obligations in relation to conduct at meetings
- mandatory reporting of all gifts in council's gift register
- prohibition on councillors receiving gifts worth over \$50 and explanations of what are and are not 'token gifts'
- clearer and more detailed pecuniary interest provisions, including explanations of what interests are not required to be disclosed
- automatic disqualifications for councillors who are suspended three times for pecuniary interest breaches
- expanded obligations with respect to the use of social media
- provision for the general manager to prohibit a council employee from engaging in paid employment outside the service of the council that might conflict with the employee's council duties.

Councillors and council staff are advised to review the new model code and procedures and contact LGNSW's Legal Officer if they have any questions about the new provisions. The Model Code has been e mailed to all Councillors.

Once prescribed, LGNSW will provide training for councils on the new provisions.

| New Model Code Conduct                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That Council note the report and, if thought appropriate, a short workshop be held in conjunction with a future Council Meeting to consider the code and its implications.</p> <p><b>Moved:</b><br/><b>Seconded:</b></p> |

## 17.1.5 FAR NORTH WEST JOINT ORGANISATION

**REPORTING SECTION:** Executive  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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### Summary:

Together the Mayor and I attended the second meeting of the joint organisation held in Walgett on the 06/09/2018. Both Bourke & Cobar Councils were also represented by Mayor & General Manager. This report provides an overview of the discussions held during those meetings.

### Discussion (including issues and background):

The member's reviewed the minutes of the inaugural meeting held on the 25/07/2018 noted progress against a number of issues and the attendance of the Chair, Cr Brady and Interim CEO Mr Vlatko at the JO chairs meeting with the Office of Local Government and Department of Premier and Cabinet and held further discussion with the DP&C re proposed air services to the three centres.

The drafts of the

- Charter (with minor amendments)
- Payment of Expenses to Board Members policy
- Code of Meeting Practice - pending finalisation of amendments to the Local Government Act - Cobar Shire's Code with following changes:
  - ✓ The board of a joint organisation may, if it thinks fit, transact any of its business at a meeting at which representatives (or some representatives) participate by telephone or other electronic means, but only if any representative who speaks on a matter can be heard by the other representatives.
  - ✓ A motion at a meeting of the board of a joint organisation is taken to be defeated in the event of an equality of votes. In effect this means that, unlike councils, the chairperson of a joint organisation board does not have a casting vote.
  - ✓ To allow non-voting representatives to participate in debate, non-voting representatives should be permitted to speak (but not move, second, amend or vote) on motions.

were considered by the meeting and it was agreed they be accepted and submitted to respective councils for confirmation/adoption.

With regard to proposed air services for the three shires the DP&C have advised of ongoing discussions with potential carriers and are currently finalising tender documentation. The meeting requested that such documentation be referred to the Joint Organisation for comment before tendering. Timing of tenders should be around Christmas 2018.

### Other items discussed included:

- ✓ \$5m tourism & cultural fund with the notation that each council should consider options to tie into a regional program and projects that should promote tourism in the joint organisation. Capital projects would be considered and subject to further clarification the Australian Opal Centre at Lightning Ridge maybe a suitable project.
- ✓ # Statement of strategic regional priorities – following a wide ranging discussion highlighting issues such as
  - Communication and mobile internet services
  - Safe and secure water for both towns and industry
  - Air services
  - Community services (health, education, policing, ECT.
  - Tourism (refer to comment on \$5m Tourism & Culture fund).

- Transport and road networks for freight connecting to services air & rail.

To assist with process the JO resolved:

- That Far West North Joint Organisation formally invites Far South West Joint Organisation and the Orana Joint Organisation to undertake the strategic regional planning process with Far West North JO.
- That the Orana JO interim Executive Officer seeks quotations from three (3) suitable consultants to undertake:
  - (a) A strategic regional plan / statement of regional priorities.

To progress the above matters the JO will meet on Wednesday 17/10/2018 & 21/11/2018.

#### **Far North West Joint Organisation**

##### **Recommendation:**

- (1) That council note progress with joint organisation
- (2) That council confirm acceptance of the Joint Organisation Charter, Payment & Expense Policy and Code of Meeting Practice.
- (3) That in line with the planning process Council monitor and contribute to the finalisation of the strategic plan for the JO.

**Moved:**

**Seconded:**

## 17.1.6 GLENGARRY BORE

**REPORTING SECTION:** Executive  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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### **Summary:**

To further consider the request to use Glengarry Bore water for opal mining purposes and to recommend a workshop to consider issues around extending water supply from bores established for domestic supply.

### **Discussion (including issues and background):**

In considering the report from the Director Engineering /Technical Services at the August Meeting Council noted that: -

- The Water Access Licence (WAL) condition states that the purpose of the water supply function was town water supply for domestic consumption and commercial activities.
- The allocation is for 75ml/year.
- Advice from Department of Industry (Lands and Water) - "Council may use water extracted under this WAL for any purpose they deem necessary, and in accordance with its Integrated Water Cycle Management Plan (or any other document that determines the way Council uses water)" AND
- "that increased demand on water resources resulting from use for opal washing is unlikely to be seen as adequate justification for any requests to increase the volume of water on this WAL"

Council has now requested a report exploring options for consideration including the possibility of the bore providing water for replenishing the dam supply.

It is understood that the dam water is accessed by miners to process/wash opals and the request, if approved, would be for the supply of water to maintain the dam eg: piping from bore to dam.

As noted above, the WAL allocation is 75ml/year for town water supply and, from discussions with Director Engineering/Technical Services, I understand the possibility of piping water to Sheepyards and Grawin has also been/is being investigated. If this was to be pursued the amount of water required to meet this demand at Glengarry, Sheepyards and Grawin would need to be assessed before any of the 75ml allocation could be made available for opal processing.

*(Note: advice to Council's December 2017 meeting that the EOI proposal to pipe water from the bore to Grawin was not successful – project not eligible under the Safe and Secure Water Program)*

Assuming there is excess, other matters to be considered would include: -

**How** – With the distance from bore to dam being some metres it might be possible to pipe water to an inlet point at the dam via public lands (roads) subject to approvals if required. The cost of connection to the bore would also need to be determined and if this cost is to be the responsibility of Puddling Dam Inc.

**Charging** – Council would also need to determine if the supply was to be limited in amount in general or to periods of day time and if the supply was to be metered and charged.

**Precedent** – In further considering this request Council would need to be aware of the possibility of setting a precedent and not only for mining purposes. At this stage landowners in the Cumborah area have made similar request in relation to the new bore and seeking to have access to any water available.

With the possibility of extending supply from the bore to Sheepyards and Grawin for domestic and commercial purposes and reticulation to Cumborah, Council should also consider whether or not all users should be charged.

In a separate report, “Lighting Ridge Water Supply”, I suggested a workshop with Councillors and this matter and all the variables could be included with a view to formulating a policy around the who has access, how and any cost implications to Council and/or water users.

**Reference Material / Documents:**

Relevant Water Access (WAL) licences for bores and approvals from Department of Industry – Land and Water and funding bodies.

Any regulation under the NSW water Act and or Local Government Act and regulations – including for water charging and metering

**Stakeholders:**

Council

NSW Department of Industry and Water NSW

Communities for which the supply was established

Various ‘potential’ water users – e.g. miners and farmers.

**Glengarry Bore**

**Recommendation:**

That Council note the report and consider the options at a workshop in conjunction with the workshop proposed for the Lightning Ridge Water Supply with a view to considering the development of a policy via a further report to Council.

**Moved:**

**Seconded:**

## 17.1.7 LIGHTNING RIDGE WATER SUPPLY – UNMETERED AND EXTERNAL CONNECTIONS

**REPORTING SECTION:** Executive  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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### **Summary:**

To update Council on previous efforts to address this matter and propose a workshop to discuss in detail before a further report to Council

### **Background:**

This matter was discussed at Council's August 2018 Meeting and I understand has been a matter of concern for some time. I subsequently discussed the issue with the Directors and was advised that substantial work had been done previously to identify properties connected to the water supply but not metered.

Work has now commenced to collect and collate previous efforts to map these connections and identify the properties concerned. This will then be reviewed and/or if necessary updated.

It will be necessary to distinguish between unmetered connections which come directly from Council main or alternatively connected to another user's metered supply. From discussions, it would appear that by far the majority will be connected directly to Council's mains.

When this work is completed and quantified I would suggest that Council considers holding a separate workshop to assess options for action which may include: -

- Removing unmetered connections from mains
- Offer an amnesty or allow connections to be properly installed and metered at a cost with each property then becoming a metered customer
- After assessing the size of the problem, maybe do nothing

As a result of these discussions Council could develop a policy re connection to the Lightning Ridge Water Supply and ensure its implementation.

With regard to the second dot point above, it is envisaged that there would be little or no evidence as to when connection took place or usage since connection and therefore any option to recover cost of water used would need to be assessed.

Information is being sought from other Councils that may have addressed similar problems.

### **Stakeholders:**

Council  
Lightning Ridge Water Users

### **Financial Implications**

There would be an internal cost in gathering and collating the relevant information and, if decision to proceed with installing meters, a cost per connection to be recovered from ratepayers. There is also the current reduced income for water used but not charged.

### **Legal Issues:**

Ensuring Council meets all obligations under the Local Government Act 1993 and relevant regulations with regard to provision of a metered water supply

**Lightning Ridge Water Supply – Unmetered and External Connections**

**Recommendation:**

That Council note the current investigations in relation to the Lightning ridge water supply and unmetered services and a workshop to discuss the issues involved be held in the near future.

**Moved:**

**Seconded:**

## 17.1.8 ORANA REGIONAL ORGANISATION OF COUNCILS

**REPORTING SECTION:** Executive  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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**Summary:**

To note the final meeting of the Orana Regional Organisation of Councils (OROC) as a voluntary regional grouping of the Orana Councils.

**Background:**

At a special meeting following the ordinary meeting of OROC on Friday, 7 September 2018 the member councils resolved to terminate the Association forthwith and to distribute the balance of assets to Member Councils on a pro rata basis in accordance with percentage contribution of membership (Walgett – some \$24,000 pending final accounts).

The voluntary Association of Councils was established in March 1999 and represented all Councils of the Orana Region over the past twenty plus years in representation on issues such as law and order, health, education, water matters, transport issues including air services and coordinated numerous bulk contracts e.g. electricity, sealing contractors, water metres etc.

In recent years OROC also formed the Board of the Lower Macquarie Water Users Alliance which this Council joined some four to five years ago. The LMWUA was initially formed by Councils on the Macquarie and apart from making extensive representations on water supply generally became a technical support body for all Orana Councils.

The decision to finalise OROC was taken in light of the formation of both the Orana and Far North West Joint Organisations which represent nine of the twelve Councils within the Orana Region. Unfortunately, Dubbo Regional, Coonamble and Brewarrina Councils have not opted to join a Joint Organisation.

It is pleasing to note that both Joint Organisations have indicated a willingness to work together on relevant projects and to support a number of initiatives of OROC in particular combined purchasing proposals – eg electricity. This will be achieved by formation of working committees under the umbrella of one or other of the Joint Organisations.

At this stage, the Orana Joint Organisations will establish the LMWUA (or named successor) as a Section 400Z Committee with membership open to all existing member councils including Brewarrina, Coonamble and Dubbo Regional.

| Orana Regional Organisation of Councils                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Council note the finalisation of the Orana Regional Organisation of Councils as of 7 September 2018 and that assets will be distributed to member Councils.</li> <li>2. That Council continue to support the range of projects previously pursued by OROC and as a member of the Far North West Joint Organisation, encourage ongoing participation of both Joint Organisations in cooperative projects.</li> </ol> <p><b>Moved:</b><br/> <b>Seconded:</b></p> |

## 17.1.9 WALGETT WEIR PROJECT

**REPORTING SECTION:** Executive  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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### **Summary:**

To update Council on recent discussions with Restart NSW (Funding Source), Water NSW and Department of Primary Industries Fisheries to progress the raising of the weir height and construct a fishway adjacent to the structure.

### **Discussion (including issues and background):**

As Council is aware, funding for the project has been sourced through Restart NSW in two stages:

- Raising the weir by 1 metre - \$3.587m -Approved.
- Construction of fishway - \$5.280m - Waiting Fund Approval.

The above amounts include a contingency of \$1,477,849.

Council has engaged NSW Public Works to manage the project on its behalf and to design both the weir improvements and fishway, manage the tender process and supervise the construction contract. NSW Public Works advise that plans are nearing completion and, subject to finalization of an agreement with Water NSW re works being carried out on the weir and ownership of the fishway, would be in a position to go to tender within 2-3 months.

Meetings were held via teleconference on 23 August and 10 September 2018 to progress the various aspects of the agreement between Council and Water NSW on the following;

- Scope of the work
- Ownership of weir and fishway
- How contracts would be managed by Council and Water NSW
- Construction –
  - Council responsibility for the weir and control of works through to completion.
  - Water NSW approved/concurrence with design –
  - Ownership of intellectual property
  - Handover of completed works.
- Administration of the project generally.
- Access to site and footprint for construction equipment.

The major issue to be resolved is ownership of the fishway with Water NSW very definite in its stance that the operation and maintenance of the fishway will need to be accepted by Council or DPI Fisheries.

Due to the nature and extent of the weir improvements, the fishway is required under legislation (Section 218 of the Fisheries Management Act 1994) however this does not extend to issues such as ownership and operation and maintenance.

The real concern is the cost of ongoing operation and maintenance with some assessments looking at “whole of life cost” in the vicinity of \$35,000 per year – this includes allowance for annual maintenance (say \$20,000) and major repairs/replacement in the longer term.

DPI Fisheries has confirmed that the Department is not an owner of assets but rather has a regulatory function and would not have or attract funds for operation and maintenance if it was to assume ownership.

At the time of this report discussions have commenced with Restart NSW and with the Office of Regional Infrastructure Coordinator in an effort to determine ownership and more importantly, funding for ongoing operation and maintenance of the fishway.

It is hoped that some progress will be made on this matter prior to the meeting and Council will be briefed on any further information.

In response to a question on timing, both Water NSW and Public Works NSW offered the following timeframes:

- Water NSW – finalisation of agreement – 2+ months (end November 2018)
- Public Works NSW – ready to go to tender about 2 months after agreement with Water NSW (February-March 2019)
- Construction – 2-3 months from say May 2019

### **Walgett Weir Project**

**Recommendation:**

(1) That Council note the update on the Walgett Weir Project.

(2) That subject to further discussions with Restart NSW and Office of Regional Infrastructure Coordinator, Council determine a position in relation to ownership of the fishway.

**Moved:**

**Seconded:**

### 17.1.10 CUMBORAH BORE

**REPORTING SECTION:** General Manager  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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**Summary:**

To provide Council with an update on grant funded project and to gain Council direction as required on the Cumborah Bore.

**Current Position:**

At this stage the only hold up with going to tender in line with the original proposal is confirmation from the NSW Aboriginal Local Land Council regarding land rights over the proposed land usage.

In recent months DETS has held discussion with the community and explored the following options:

- Proceed with the new bore as funded (\$946,000)
- Lower the pump in the existing bore
- Deepen the existing bore (casing too small)

In addition, the possibility of including reticulation has been examined and could be a possibility when final costs are known. However, the funding deed would need to be varied after consultation with Restart NSW.

Farmers in the area have also made representation to access water from either the existing bore or the proposed new bore, this would obviously be subject to the yield from the new bore and therefore availability of excess yield. I assume that the water license conditions would also need to be addressed.

**Stakeholders:**

Walgett Shire Council and the Cumborah Community and Land Holders

**Environmental issues:**

None identified at this stage

**Conclusion:**

The preferred option is to progress as planned and following yield test assess the future of the existing bore and ability to provide water to local farmers. Council should also need to consider any cost sharing arrangements for any reticulation or water provided to land holders.

| Cumborah Bore                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <ol style="list-style-type: none"><li>1. That Council note that, subject to gaining approval for the proposed site from NSW Aboriginal Local Lands Council, tenders be called for the establishment of the bore.</li><li>2. That the Council agree in principle to explore options for appropriate reticulation to serve the village and to make water available to farmers in the area when the bore is complete and tested including any cost sharing arrangements.</li></ol> <p><b>Moved:</b><br/><b>Seconded:</b></p> |

## 17.1.11 LIGHTNING RIDGE COOLING TOWER AND CHLORINATION

**REPORTING SECTION:** General Manager  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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### **Summary:**

To provide Council with an update on the Lightning Ridge Cooling Tower and Chlorination of grant funded project and to gain Council direction as required. Project detailed in this report is the Lightning Ridge Water Cooling tower & Chlorination.

### **Background:**

Council has received notification of successful funding \$1,013,000 under the Restart NSW Program for the installation of a cooling tower and disinfection system. The funding is 75:25 ratio with Council contributing 25% of the funds. A draft agreement was submitted to Council on 22<sup>nd</sup> August 2018. Council has provided all the required information and returned to Restart NSW for signing.

### **Current Position:**

Over recent weeks the PWD have been completing specifications for design and construction of the works and the DET Services has been discussing the proposal with the various departments involved in approving the works. In recent days the DPI Lands and Water have promoted a variation to the project which would delete the cooling tower and only proceed with the chlorination.

An email was sent by the Department of Industry regarding Lightning Ridge Cooling Tower and Chlorination, the Departments suggestions were:

1. Hydrogen Sulfide can be removed by chlorination
2. A cooling tower will reduce the temperature but will need to heat the water again for internal use. Which could reduce the energy bill by a considerable amount for the community
3. Council to go ahead with the chlorination ASAP to protect the communities health
4. Council to discuss the matter with INSW to modify the deed

If this suggestion was accepted by Council it would be necessary to

- Renegotiate the funding agreement
- Abandon plans prepared to date and in this regards seek input from PWD and Department of Health and if Council felt it necessary consult with Lightning Ridge community.

In light of the current status of the project the commencement date and the completion of the works would be delayed. This project was promoted by Council following representation from the community regarding the temperature of the water, high H<sub>2</sub>O levels causing rotten-egg smell in the water and presences of Roxybyite (a blue-black substance caused by reaction of copper with H<sub>2</sub>O). The project was also promoted by NSW Health, notify the lack of disinfection. This exposed users to micro-organisms such as E.Coli and Naelenia Fowleri. The latter thrives in water whose temperature consistently exceeds 25 degrees celsius and can cause a rare but often fatal brain disease called meningoencephalitis.

### **Stakeholders:**

Walgett Shire Council

## Lightning Ridge Community

### **Environmental issues:**

None identified at this stage

### **Financial Implications:**

The funding is 75:25 ratio with Council contributing 25% of the funds.

### **Conclusion:**

Council should now determine its position with options being,

- To proceed as planned and negotiate approvals
- To further explore options with the relevant departments and maybe with input from the community agree on an alternate solution and then vary the funding agreement

**NOTE:** *Currently Council is chlorine dosing the water supply under difficult circumstances and an early solution will ensure the safe state of the water supply.*

## **Lightning Ridge Cooling Tower and Chlorination**

### **Recommendation:**

That Council confirm its preference to proceed with both the cooling tower and chlorination as planned and negotiate approvals with Department of Health and the Department of Industry.

**Moved:**

**Seconded:**

### 17.1.12 UNION PICNIC DAY

**REPORTING SECTION:** General Manager  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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**Summary:**

To note union picnic day and to recommend a closedown of Council's operations on Picnic Day.

**Background:**

Following a request from staff, I have agreed that Union Picnic Day will be Friday 16 November 2018 and a notice to this effect will be circulated with the next pay advice.

I would also suggest that Council declare a Council offices close down for the day which would mean that all staff (except those in essential services) would be off, if not a union member, the staff member will be required to take leave on that day.

For Council's information the relevant provisions of the award are as follows;

**UNION PICNIC DAY**

- (i) Union Picnic Day shall for the purposes of this Award be regarded as a holiday for employees who are financial members of the union(s). The Union Picnic Day shall be on such day as is agreed between the employer and the union(s).*
- (ii) The union(s) shall advise the employer of financial members as at the time of the Union Picnic Day. Such advice must be given at least two weeks prior to the Union Picnic Day.*
- (iii) Employees who are not financial members of the union(s) and who are required to work on Union Picnic Day, shall be paid ordinary pay for their normal working day.*
- (iv) Employees who are not financial members of the union(s) and who are not required to work on Union Picnic Day, may apply to the employer to take annual leave, long service leave, time off in lieu of overtime, leave without pay, such other leave as may be approved by the employer, or may be required by the employer to make up time.*

| Union Picnic Day                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That Council note Union Picnic Day will be held on Friday 16 November 2018 and Council confirm that all Council operations will be closed on Friday 16 November 2018.</p> <p><b>Moved:</b><br/><b>Seconded:</b></p> |

### 17.1.13 DRAFT DRUG AND ALCOHOL POLICY

**REPORTING SECTION:** General Manager  
**AUTHOR:** Paul Mann – Acting General Manager  
**FILE NUMBER:** 18/260

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**Summary:**

To present a draft Drug and Alcohol policy to Council for formal adoption.

**Background:**

The revised Drug and Alcohol policy was adopted in principle at the Council meeting on the 1<sup>st</sup> May 2018, in line with a process of consultation with staff, was referred to the Council's Consultative Committee for distribution widely throughout Council for feedback.

Acknowledging that LG NSW and the relevant unions have agreed on a policy and procedures, the draft has also been assessed against the industry standards.

The underlying objective of such a policy is to ensure staff are 'fit for work' and that their ability to complete duties not impaired. The policy also allows for testing if an employee is observed as possibly being not fit for work after which a 'fitness for work – observation' process is followed.

**Current Position:**

In various discussions with staff the issue of urine testing was raised and then explored with both LG NSW and the Union. The draft policy provides for urine testing 'if deemed necessary' in accordance with Australian Standards. With testing aimed at assessing 'fit for work' or 'impairment' only testing will initially be by breath analysis for alcohol and oral swab (saliva) for presence of drugs.

The delay in obtaining and then analyzing urine tests does not assist in 'assessing fitness for work' but could be used as a confirming test.

With regards to testing for alcohol **the draft policy provides** testing will be conducted by breath analysis using a device which complies with AS 3547:1997. For alcohol this means any confirmatory sample returning a result at, or in excess of, the following levels, zero, greater than 0.02 grams and/or 0.05 grams per 100 milliliters, dependent on the workers license and type of vehicle the worker is required to operate.

Zero applies to:

- All learner, provisional 1 and 2 drivers
- All visiting drivers holding an overseas or interstate learner, provisional or equivalent license
- Drivers of vehicles or plants of 'gross vehicle mass' greater than 4 and/or 13.9 tonnes
- Drivers of vehicles carrying dangerous goods
- Drivers of public vehicles (i.e. taxi or bus drivers)
- Drivers of mobile plant

0.05 applies to:

- All other licenses (including overseas and interstate not subject to zero limit)
- Any worker who is not required to drive as part of their work role or who is unlicensed is required to meet the 0.05 limit whilst at work, or travelling to and from work for the purposes of this procedure

Where a worker returns a breathe alcohol reading less than their license and the type of vehicle the worker is required to operate or certified to drive, the test will be deemed as negative and no further action will apply.

On considering the draft the committee recommended that a zero reading apply to all workers, contractors and subcontractors, volunteers, workers and others assigned to work with or under the supervision of Council staff. This view has also been expressed informally by staff in discussion with the WH&S officer.

With regards to urine testing the Consultative Committee recommended '*any reference to urine testing be adopted as per the industry parties (LG NSW and 3 Unions) as referenced in the NSW Local Government Alcohol and other Drug policy*'. This is not seen as a problem and the draft can be altered to reflect this.

At the time of preparing this report, staff still have an opportunity to provide comment and feedback and any received will be outlined at the meeting.

**Stakeholders:**

Walgett Shire Council and employees

**Financial Implications:**

To be determined dependent on the testing methods required and associated costs.

Testing options:

The draft Policy allows for a range of testing options including random blanket testing and as mentioned earlier specific testing following any incident or observation. Testing can be conducted by trained staff or as many Councils do, by external firms (generally random say 2 or 3 times a year).

I would suggest that the GM or Directors consider the matter and determine the most effective in light of cost and need to establish transparent procedures for testing. As part of Council's recruitment process applicants are required to have medical tests and drug and alcohol testing are now included in the process.

**Draft Drug and Alcohol policy**

**Recommended:**

1. That Council note that the WSC draft drug and alcohol policy has been made available for comment through the Consultative Committee, via the notice board and via the recent engineering staff training.
2. That, in line with the recommendation of the Consultative Committee and subject to any further comment prior to the meeting the draft policy be adopted to reflect :
  - For alcohol – a zero reading
  - That there is no conflict with the LG industry policy and procedure
3. Further, that the General Manager and Directors assess the various options for testing staff (external or internal testing) and implement the most appropriate regime.

**Moved:**

**Seconded:**

**Attachments:**

Draft Drug and Alcohol Policy. *Refer to attachment document.*

## 17.2 CHIEF FINANCIAL OFFICER

### 17.2.1 CASH ON HAND AND INVESTMENT AS AT 31 JULY 2018

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Hafiz Malik – Graduate Accountant  
**FILE NUMBER:** 09/1460

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#### Summary:

This report provides a summary and analysis of Council's cash and investments for the period ending 31<sup>st</sup> August 2018.

#### Background:

The investment portfolio consists of on-call bank accounts, fixed rate interest bearing deposits and variable rate interest bearing deposits. The portfolio is regularly reviewed in order to maximise investment performance and minimise risk. Council's investment portfolio is not subject to share market volatility.

Comparisons are regularly made between existing investments with available products that are not part of Council's portfolio, but that meet Council's policy guidelines.

All investments at 31<sup>st</sup> August 2018 are compliant with the Relevant Reference Documents/Policies listed later in this report.

#### Current Position:

Council at 31<sup>st</sup> August 2018 held a total of \$34,149,281.00 in on-call and interest bearing deposits with financial institutions within Australia. All investments were held with approved deposit taking institutions with a short term rating A-2(A2)/BBB or higher. Council does not have any exposure to unrated institutions.

At the close of the reporting period Council had earned \$194,388.80 in interest including interest accrued to 31<sup>st</sup> August 2018. This result is in excess of the current budget of \$119,846 for the financial year and validates Council's current investing strategy.

Council's investments had an average interest rate of 2.84% per annum and a weighted average interest rate of 2.73%, both of which are higher than the 3 and 6 months BBSW rates of 1.9450% and 2.1400% respectively as at 31<sup>st</sup> August 2018.

The Reserve Bank of Australia (RBA) has kept the cash rate unchanged at 1.5%.

| <b>Overall Portfolio Maturity as at 31st August 2018</b> |                              |                              |                               |                           |
|----------------------------------------------------------|------------------------------|------------------------------|-------------------------------|---------------------------|
| <b><i>Maturity Periods</i></b>                           | <b><i>Policy Minimum</i></b> | <b><i>Policy Maximum</i></b> | <b><i>% of Money held</i></b> | <b><i>Amount held</i></b> |
| Portfolio % < 1 year                                     | 40%                          | 100%                         | 67.79%                        | \$ 23,149,281.00          |
| Portfolio % > 1 year, < 3 years                          | 0%                           | 60%                          | 20.50%                        | \$ 7,000,000.00           |
| Portfolio % > 3 year, < 5 years                          | 0%                           | 40%                          | 11.71%                        | \$ 4,000,000.00           |
| Portfolio % > 5 years                                    | 0%                           | 10%                          | 0.00%                         | \$ -                      |
|                                                          |                              |                              | 100%                          | \$ 34,149,281.00          |

#### Relevant Reference Documents/Policies:

Local Government Act (NSW), 1993  
 Local Government (General) Regulation 2005  
 Ministerial Investment Order 5<sup>th</sup> January 2016  
 Investment Policy (Revised and adopted in May 2016)

| Attachment One                                       |                                |                       |                    |                 |                            |                                       |
|------------------------------------------------------|--------------------------------|-----------------------|--------------------|-----------------|----------------------------|---------------------------------------|
| Cash and Investments Holdings as at 31st August 2018 |                                |                       |                    |                 |                            |                                       |
| Investment                                           | Investment Final Maturity Date | Current Interest Rate | Interest Frequency | Coupon Maturity | Amount Invested Value (\$) | Accrued Interest to End of Month (\$) |
| <i>On-Call Accounts</i>                              |                                |                       |                    |                 |                            |                                       |
| Commonwealth Bank                                    | On Call                        | 0.90%                 | Monthly            | EOM             | 1,879,066                  | Pd Monthly                            |
| Commonwealth Bank                                    | On Call                        | 1.00%                 | Monthly            | EOM             | 1,770,215                  | Pd Monthly                            |
| <b>Total On-Call Accounts</b>                        |                                |                       |                    |                 | <b>3,649,281</b>           |                                       |
| <i>Term Deposits</i>                                 |                                |                       |                    |                 |                            |                                       |
| Bendigo and Adelaide Bank                            | 10-07-19                       | 3.10%                 | Maturity           | 10-07-19        | 500,000                    | \$2,208.22                            |
| Newcastle Permanent Building Society                 | 21-08-19                       | 3.00%                 | Maturity           | 17-11-18        | 500,000                    | \$616.44                              |
| Newcastle Permanent Building Society                 | 12-12-18                       | 2.50%                 | Maturity           | 12-12-18        | 500,000                    | \$547.94                              |
| ING                                                  | 14-09-21                       | 3.12%                 | Maturity           | 14-09-18        | 500,000                    | \$15,001.64                           |
| Bank of Queensland                                   | 20-03-20                       | 3.30%                 | Maturity           | 16-11-18        | 1,000,000                  | \$26,038.36                           |
| ME Bank                                              | 11-05-22                       | 3.47%                 | Maturity           | 10-05-19        | 1,000,000                  | \$45,442.74                           |
| Bank Australia                                       | 12-09-18                       | 2.80%                 | Maturity           | 12-09-18        | 1,000,000                  | \$27,002.74                           |
| Westpac                                              | 31-10-18                       | 2.90%                 | Maturity           | 31-10-18        | 1,000,000                  | \$5,720.55                            |
| National Australia Bank                              | 05-09-18                       | 2.70%                 | Maturity           | 05-09-18        | 1,000,000                  | \$6,361.65                            |
| Westpac                                              | 19-12-18                       | 2.90%                 | Maturity           | 19-12-18        | 1,000,000                  | \$715.07                              |
| Bank of Queensland                                   | 06-03-19                       | 2.80%                 | Maturity           | 06-03-19        | 1,000,000                  | \$4,449.31                            |
| Westpac                                              | 17-10-18                       | 2.67%                 | Maturity           | 17-10-18        | 1,000,000                  | \$23,700.82                           |
| Bank of Queensland                                   | 20-10-20                       | 3.15%                 | Maturity           | 11-10-18        | 1,000,000                  | \$27,961.64                           |
| Westpac                                              | 28-11-18                       | 2.95%                 | Maturity           | 28-11-18        | 1,000,000                  | \$3,556.17                            |
| Defence Bank                                         | 26-09-18                       | 2.72%                 | Maturity           | 26-09-18        | 1,000,000                  | \$7,973.70                            |
| Westpac                                              | 24-10-18                       | 2.90%                 | Maturity           | 24-10-18        | 1,000,000                  | \$6,276.71                            |
| Heritage Bank                                        | 19-09-18                       | 2.80%                 | Maturity           | 19-09-18        | 1,000,000                  | \$5,446.58                            |
| Westpac                                              | 07-11-18                       | 3.00%                 | Maturity           | 07-11-18        | 1,000,000                  | \$5,506.85                            |
| Westpac                                              | 14-11-18                       | 3.00%                 | Maturity           | 14-11-18        | 1,000,000                  | \$5,506.85                            |
| Bank of Queensland                                   | 07-07-21                       | 3.15%                 | Maturity           | 02-07-19        | 1,000,000                  | \$5,178.08                            |
| Bank of Queensland                                   | 06-07-22                       | 3.50%                 | Maturity           | 02-07-19        | 1,000,000                  | \$5,753.42                            |
| Bankwest                                             | 10-10-18                       | 2.80%                 | Maturity           | 10-10-18        | 1,000,000                  | \$4,602.74                            |
| Bankwest                                             | 09-01-19                       | 2.80%                 | Maturity           | 09-01-19        | 1,000,000                  | \$4,602.74                            |
| AMP                                                  | 06-02-19                       | 2.85%                 | Maturity           | 06-02-19        | 1,000,000                  | \$4,528.77                            |
| Westpac                                              | 21-11-18                       | 2.95%                 | Maturity           | 21-11-18        | 1,000,000                  | \$4,121.92                            |
| Westpac                                              | 05-12-18                       | 2.62%                 | Maturity           | 05-12-18        | 1,000,000                  | \$2,153.42                            |
| AMP                                                  | 27-02-19                       | 2.80%                 | Maturity           | 27-02-19        | 1,000,000                  | \$153.42                              |
| <b>Total Term Deposits</b>                           |                                |                       |                    |                 | <b>25,000,000</b>          | <b>\$251,128.49</b>                   |
| <i>Variable Rate Deposits</i>                        |                                |                       |                    |                 |                            |                                       |
| IMB                                                  | 29-07-20                       | 2.72%                 | Quarterly          | 24-10-18        | 500,000                    | \$1,415.89                            |
| IMB                                                  | 18-02-21                       | 2.76%                 | Quarterly          | 14-11-18        | 500,000                    | \$642.74                              |
| Commonwealth Bank                                    | 20-04-21                       | 3.22%                 | Quarterly          | 20-10-18        | 500,000                    | \$1,853.18                            |
| Commonwealth Bank                                    | 23-08-21                       | 3.05%                 | Quarterly          | 24-11-18        | 500,000                    | \$292.87                              |
| Commonwealth Bank                                    | 31-08-21                       | 3.01%                 | Quarterly          | 28-11-18        | 500,000                    | \$123.49                              |
| National Australia Bank                              | 04-11-19                       | 2.86%                 | Quarterly          | 05-11-18        | 1,000,000                  | \$2,192.90                            |
| Westpac                                              | 16-11-21                       | 3.16%                 | Quarterly          | 16-11-18        | 1,000,000                  | \$1,296.58                            |
| Newcastle Permanent Building Society                 | 02-09-20                       | 2.97%                 | Quarterly          | 30-11-18        | 1,000,000                  | \$81.48                               |
| <b>Total Floating Rate Deposits</b>                  |                                |                       |                    |                 | <b>5,500,000</b>           | <b>\$7,899.13</b>                     |
| <b>Total Cash and Investments</b>                    |                                |                       |                    |                 | <b>34,149,281</b>          | <b>\$259,027.62</b>                   |

**Governance issues:**

Nil

**Environmental issues:**

Nil

**Stakeholders:**

Walgett Shire Council

Residents of Walgett Shire Council

Financial Institutions

| <b>Percentage invested in each institution as at 31st August 2018</b> |                                 |                               |                           |
|-----------------------------------------------------------------------|---------------------------------|-------------------------------|---------------------------|
| <u><i>Institution Name</i></u>                                        | <u><i>Institution Codes</i></u> | <u><i>% of Money held</i></u> | <u><i>Amount Held</i></u> |
| AMP                                                                   | AMP                             | 5.86%                         | \$2,000,000.00            |
| Bank of Queensland                                                    | BOQ                             | 14.64%                        | \$5,000,000.00            |
| Bendigo and Adelaide Bank                                             | BAB                             | 1.46%                         | \$500,000.00              |
| Commonwealth Bank                                                     | CBA                             | 15.08%                        | \$5,149,281.00            |
| Defence Bank                                                          | DB                              | 2.93%                         | \$1,000,000.00            |
| Heritage Bank                                                         | HB                              | 2.93%                         | \$1,000,000.00            |
| IMB                                                                   | IMB                             | 2.93%                         | \$1,000,000.00            |
| ING                                                                   | ING                             | 1.46%                         | \$500,000.00              |
| Members Equity Bank                                                   | ME                              | 2.93%                         | \$1,000,000.00            |
| National Australia Bank                                               | NAB                             | 5.86%                         | \$2,000,000.00            |
| Newcastle Permanent Building Society                                  | NPBS                            | 5.86%                         | \$2,000,000.00            |
| Bank Australia                                                        | BA                              | 2.93%                         | \$1,000,000.00            |
| Bank West                                                             | BW                              | 5.86%                         | \$2,000,000.00            |
| Westpac                                                               | W                               | 29.28%                        | \$10,000,000.00           |
|                                                                       |                                 | 100%                          | <b>\$34,149,281.00</b>    |

**Financial Implications:**

As per report

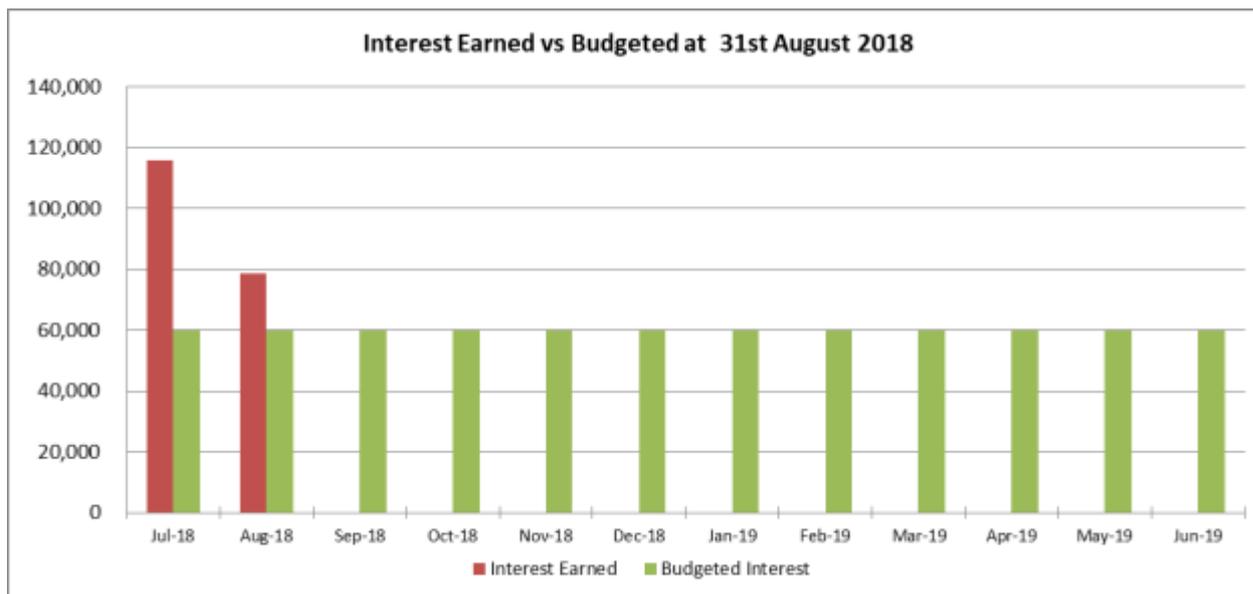
**Alternative Solutions/Options:**

Nil

**Conclusion:**

As at 31<sup>st</sup> August 2018 Walgett Shire Council's total available cash and invested funds totalled \$34,149,281.00, an increase of \$308,697.78 from 31<sup>st</sup> July 2018. This increase in the total portfolio can be largely attributed to the receipt of 1<sup>st</sup> quarter FAG grant.

Council's portfolio return for the month is above original estimates, largely due to the improved investment strategy allowing for longer term investments and variation in investment products.



**General Fund Bank Account Reconciliation as at 31<sup>st</sup> August 2018**

| <b>Walgett Shire Working Account</b> |                     |
|--------------------------------------|---------------------|
| <b>Bank account Closing Balance</b>  | 1,879,065.78        |
| <b>Less Unpresented Withdrawals</b>  | (13,613.78)         |
| <b>Plus Unpresented Deposits</b>     | 30,398.88           |
|                                      | <b>1,895,850.88</b> |
| <b>General Ledger Balance (2018)</b> | 3,675,403.21        |
| <b>General Ledger Balance (2019)</b> | (1,779,552.33)      |
|                                      | <b>1,895,850.88</b> |

**Certification – Responsible Accounting Officer**

1. I hereby certify that the investments listed in the attached report have been made in accordance with Section 625 of the *Local Government Act 1993*, clause 212 of the *Local Government (General) Regulation 2005*, the *Investment Order (of the Minister) 5<sup>th</sup> January 2016* and Council’s Investments Policy.
2. I hereby certify that Councils cash book and ledger have been reconciled to the bank statement as at 31<sup>th</sup> August 2018.

Michael J Urquhart  
**Chief Financial Officer – Responsible Accounting Officer**

**Cash and Investment Report as at 31st August 2018**

**Recommendation:**

That the Investment report as at 31st August 2018 be received and noted.

**Moved:**

**Seconded:**

## 17.2.2 MONTHLY OUTSTANDING RATES REPORT

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Kevin Dunshea – Rates Clerk  
**FILE NUMBER:** 12/183

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### **Summary:**

Council's debt recovery policy is aimed at having outstanding rates and annual charges debts recovered in a timely manner to support Council in its objectives by providing sufficient funding to enable the continued provision of services to the local government area. The aim of this process is achieve a recovery of rates and annual charges levied in any given financial year of greater than 90%.

In 2013 financial year the Consolidated Rates Arrears percentage was reported as 13.09%. This improved in 2014 to 9.33% and again in 2015 to 9.32%, however, in 2016 the unrecovered balance increased to 11.63%, a consequence of reduced debt recovery, due to vacancies in the rating area. The audited result of 10.37% for 2016/17 was a good outcome, with a big improvement again in 2017/18 with an unaudited result of 9.48%.

### **Background:**

Council is obliged to report on a number of Key Performance Indicators (KPIs) as part of their statutory reporting regime. One of these KPIs is the Rates, Annual Charges, Interest & Extra Charges Outstanding Percentage. The purpose of this KPI is "to assess the impact of uncollected rates and annual charges on Council's liquidity and the adequacy of recovery efforts."

All NSW councils are categorised into Groups. Walgett Shire Council is classified as a Group 10 Council. Each KPI is benchmarked and the benchmarks vary between Council groups. Group 10 Council's should achieve a KPI of less than 10% for the Rates, Annual Charges, interest & Extra Charges Outstanding Percentage by the end of each financial year.

### **Current Position:**

Collection of the current years levy and arrears as at 31st August 2018 is 35.39% which is 1.48% more than the previous year's collection of 33.91%.

### **Relevant Reference Documents/Policies:**

Outstanding Rates Report as at 31st August 2018.

### **Governance issues:**

Council is obliged to act in the community's best interest and to ensure adequate service provision is upheld through measures of sustaining, maintaining and improving long term financial sustainability. A key area is to show the ongoing effective management of outstanding rates and annual charges recovery by reducing the outstanding rates percentage to an acceptable benchmarked value each year.

### **Environmental issues:**

Nil

### **Stakeholders:**

Walgett Shire Council community  
Walgett Shire Ratepayers  
Walgett Shire Council

**Financial Implications:**

The recovery of rates and charges is a key performance indicator that is analysed by external bodies such as Treasury Corp in conjunction with the Local Government Review Panel. Efforts to improve and lower the levels of outstanding rates and charges will strengthen Walgett Shire Council's long term financial position.

**Alternative Solutions/Options:**

There are no alternative solutions or options.

**Conclusion:**

The report recommends that Council note the outstanding rates and annual charges percentage and ongoing commitment to sustain, maintain and improve this key performance indicator.

Council revenue staff in conjunction with debt collection agencies, continue with the debt recovery program.

**Monthly Outstanding Rates Report**

**Recommendation**

The August 2018 outstanding rates report be received and noted.

**Moved:**

**Seconded:**

**Attachments:**

Monthly Report - Outstanding Rates Report

## Monthly Report - Outstanding Rates & Annual Charges as at 31 August 2018

### Report on Rates and Annual Charges - 31 August 2018

|                                                         | 10 September 2018     | 31 August 2018        | 31 August 2017        |
|---------------------------------------------------------|-----------------------|-----------------------|-----------------------|
| Arrears from previous year                              | 832,246.36            | 832,246.36            | 729,437.40            |
| Adjustment                                              |                       |                       |                       |
| Sub Total                                               | 832,246.36            | 832,246.36            | 729,437.40            |
| <b>Current Year Activity</b>                            |                       |                       |                       |
| Legal fees (Including write off's)                      | 25,319.80             | 4,331.80              | 741.80                |
| Adjusted Levy                                           | 9,364,593.03          | 9,368,717.99          | 9,143,980.28          |
| Interest (Including write off's)                        | 8,323.74              | 8,128.67              | 8,616.21              |
| Adjustments (Including Write Off's)                     | (621.43)              | (601.27)              | (13,114.88)           |
| Sub Total                                               | 9,397,615.14          | 9,380,577.19          | 9,140,223.41          |
| <b>Total Arrears and Adjusted Levy</b>                  | <b>10,229,861.50</b>  | <b>10,212,823.55</b>  | <b>9,869,660.81</b>   |
| Payments                                                | (3,645,340.20)        | (3,418,865.18)        | (3,171,277.27)        |
| Pensioner Concessions - Govt                            | (97,385.77)           | (97,385.77)           | (96,623.86)           |
| Pensioner Concessions - Council                         | (79,683.78)           | (79,683.78)           | (79,059.80)           |
| Discount                                                | 0.00                  | 0.00                  | 15.81                 |
| Special Rebate Council                                  | (18,357.50)           | (18,357.50)           | 0.00                  |
| Sub Total                                               | (3,840,767.25)        | (3,614,292.23)        | (3,346,945.12)        |
| <b>Total Remaining Levy</b>                             | <b>\$6,389,094.25</b> | <b>\$6,598,531.32</b> | <b>\$6,522,715.69</b> |
| Current                                                 | 5,555,262.10          | 5,758,834.17          | 5,675,574.87          |
| Arrears                                                 | 545,918.45            | 569,569.36            | 580,761.87            |
| Interest b/f from previous years                        | 92,120.59             | 88,722.75             | 92,704.57             |
| Current year interest                                   | 7,545.08              | 7,662.36              | 7,979.04              |
| Legals                                                  | 188,248.03            | 173,742.68            | 165,695.34            |
| <b>Total Remaining Levy</b>                             | <b>\$6,389,094.25</b> | <b>\$6,598,531.32</b> | <b>\$6,522,715.69</b> |
| <b>Variance</b>                                         | <b>\$0.00</b>         | <b>\$0.00</b>         | <b>-\$0.00</b>        |
| <b>Total YTD Collected</b>                              |                       |                       |                       |
| Collected YTD % of Levy, Arrears, Interest & Legal Fees | 37.54%                | 35.39%                | 33.91%                |
| Collected YTD % of Levy                                 | 38.79%                | 36.45%                | 34.70%                |

### 17.2.3 SECOND QUARTER OPERATIONAL PLAN & HALF YEARLY DELIVERY PROGRAM FOR 17/18

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Michael Urquhart – Chief Financial Officer  
**FILE NUMBER:** 12/14-03

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**Summary:**

This report provides Council with the status of the fourth quarter Operational Plan and yearly Delivery Program Targets for 2017/2018.

**Background:**

Section 405 of the Local Government Act 1993 requires Council to adopt an Operational Plan and Section 404 requires Council to adopt a Delivery Program. This report comments on the status of the Operational Plan and Delivery Program as at 30<sup>th</sup> June 2018 and the extent to which the performance targets have been achieved.

**Current Position:**

The fourth quarter Operational Plan & end of year Delivery Program Status Report is attached for Council's information.

At this point in time, a vast majority of the performance targets have been met, while a small number of projects are on-going. Status comments explain the position and reasons for the roll-over projects have been delayed.

**Stakeholders:**

Walgett Shire Council  
Walgett Shire Community

**Conclusion:**

Council should note the progress made during the fourth quarter of the Operational Plan and the yearly Delivery Program for 2017/2018.

| <b>Fourth Quarter Operational Plan &amp; Year End Delivery Program 17/18</b>                                                                                                                                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <ol style="list-style-type: none"><li>1. That the content of the report be noted.</li><li>2. Council accept the progress made on the 2017/2018 Operational Plan and Delivery Program as at 30<sup>th</sup> June 2018.</li></ol> <p><b>Moved:</b><br/><b>Seconded:</b></p> |



**Attachments:**

Fourth Quarter Operational Plan & yearly Delivery Program for 17/18 Status Report.  
*Refer to attachment document.*

## 17.2.4 SECTION 356 COMMUNITY ASSISTANCE SCHEME ROUND 1 2018-2019

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Sharon Girling – Administration Services Coordinator  
**FILE NUMBER:** 17/57

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### **Summary:**

This report relates to the assessment of applications for financial assistance through the Community Assistance Scheme 2018/2019. This is the first round of requests for financial assistance for the 2018/2019 financial year with eight (8) organisations being recommended to receive financial assistance totalling \$5,000.00

### **Background:**

Applications were invited from community organisations for financial assistance under the Community Assistance Scheme. The scheme was advertised Shire wide, with applications closing 31 July 2017.

Applicants must be non-profit organisations and based in, or affiliated with, Walgett Shire. The maximum amount per project is \$3,000 and is limited to one donation per organisation per year. The Council reserves the right to part fund applications.

The Community Assistance Scheme objectives are to:

- Support charities and community projects, events and activities which occur within the Walgett Shire area, and are a benefit to the community;
- Foster or support new services, initiatives and resources within the Shire;
- Improve awareness and use of community services and resources within the Shire;
- Encourage increased participation in local community events within the Shire.

### **Current Position:**

An amount of \$10,170.00 has been provided for in the 2018/2019 budget, to fund eligible applications for donations under Section 356 of the Local Government Act 1993.

A total of nine (9) Community organisations submitted applications to be considered for funding in the first round of the 2018/2019 Community Assistance Scheme. Eight (8) organisations have been recommended for funding totalling \$5,000.00. The details of the applications received and recommendations for funding are provided in the attached schedule.

### **Relevant Reference Documents/Policies:**

WSC Procedures – AFM – Requests for Assistance  
Section 356 Local Government Act 1993  
Local Government (General) Regulation 2005

### **Governance issues:**

Council is able to grant financial assistance to community organisations in accordance with Section 356 of the Local Government Act 1993.

### **Environmental issues:**

No environmental issues have been identified in relation to this matter.

### **Stakeholders:**

Walgett Shire Council  
Community organisation applicants  
Walgett Shire Community

**Financial Implications:**

A total of \$10,170 is budgeted for the Community Assistance Scheme in 2018/2019. Round 1 application funding totalled \$5,000.00, leaving a balance of \$5,170.00 remaining for Round 2 applications and miscellaneous donations approved by Council.

**Alternative Solutions/Options:**

That Council resolve to approve or disapprove applications on a different basis to that recommended.

**Conclusion:**

A total of nine (9) applications for funding were received under Round 1 of the Community Assistance Scheme 2018/2019. The report recommends that all funding be provided to the eight (8) of the applicants as per the recommended amounts as per the table below.

**Community Assistance Scheme Donations – Round 1 2017/2018 Applications**

**Recommendation:**

That the following applicants be granted financial assistance under Section 356 of the Local Government Act 1993 for the first round of 2018/2019;

| Organisation                    | Project                                                                                                    | Recommended Amount |
|---------------------------------|------------------------------------------------------------------------------------------------------------|--------------------|
| Walgett Little Athletics        | Coaching expenses                                                                                          | \$500.00           |
| Burren Junction P&C             | After school program 'fun fitness'                                                                         | \$500.00           |
| Collarenebri Jockey Club        | Purchase of tractor and chemical for track maintenance                                                     | \$500.00           |
| Let's Dance Carinda             | Hire of toilets for Let's Dance weekend                                                                    | \$500.00           |
| Barwon Aboriginal Corporation   | Hire of toilet facilities                                                                                  | \$700.00           |
| Lightning Ridge Community Radio | Replacing of Floor covering                                                                                | \$300.00           |
| Lightning Ridge Golf Club       | Purchase of golf clubs, replacement motor for ride on mower, Sand and cracker dust, money towards open day | \$1000.00          |
| Walgett Pony Club               | Waiver of booking fees for the 2018 Pony Camp                                                              | \$1000.00          |
| Rural Gymbaroo                  | Parent/child education program                                                                             | \$0.00             |

**Moved:**

**Seconded:**

**Attachments:**

2018/2019 Community Assistance Scheme Schedules.

WALGETT SHIRE COUNCIL AGENDA – 25 September 2018 – ORDINARY COUNCIL MEETING

| Organisation                    | Project                                                                                                                                | Project Amount | Amount Requested | Recommended Amount | Program / Activity Outcomes                                                                                                                         |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|----------------|------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Walgett Little Athletics        | Coaching expenses for 5 visits to teach children correct techniques for all events.                                                    | \$3,000        | \$3,000          | \$500.00           | To engage a coach and have more children enrolled than previous years. To have an outing for parents to interact with other families                |
| Burren Junction P&C             | The Burren Junction community with the P&C would like to start an after school program to encourage kids to participate in fun fitness | \$8000 -\$1000 | \$3,000          | \$500.00           | To bring families of Burren together to interact and do extra activities that are usually held in other towns and involves travelling               |
| Collarenebri Jockey Club        | Purchase of tractor and chemical for track maintenance, Spraying of track, Ambulance Cover for race day                                | \$6,400        | \$3,000          | \$500.00           | To maintain the race track in accordance with Racing NSW standards. The Collarenebri Race day is the main event of the year for Collarenebri.       |
| Let's Dance Carinda             | Hire of toilets for Let's Dance weekend                                                                                                | \$3,844        | \$3,000          | \$500.00           | The committee is working with Destination NSW to help incorporate the Macquarie Marshes, Walgett, the Ridge and Carinda as an overall tourist event |
| Barwon Aboriginal Corporation   | Hire of toilet facilities                                                                                                              | \$4,000        | \$3,000          | \$700.00           | Entering its 10th year the knock out it is estimated 3000 people will enjoy the event this year                                                     |
| Lightning Ridge Community Radio | Replacing of Floor covering                                                                                                            | \$6,100        | \$300.00         | \$300.00           | Provides a service to local shire residents, broadcasting music for all occasions                                                                   |
| Lightning Ridge Golf Club       | Purchase of golf clubs, replacement motor for ride on mower, Sand and cracker dust, money towards open day                             | unsure         | \$2,600          | \$1,000.00         | Revitalize the greens, tees and fairways to a basic level so that people are able to play golf.                                                     |
| Walgett Pony Club               | Waiver of fees for the show grounds/ kitchen/ camping for the 2018 Pony Camp                                                           | \$6,500        | \$2,500          | \$1,000.00         | The camp will bring approx. 100 people to Walgett showgrounds including children, parents and volunteers                                            |
| Rural Gymparoo                  | Parent/child education program                                                                                                         | \$2,000        | \$2,000          | \$0.00             | Gymparoo is a program designed to target parents of children aged 5 and below. The program would be ran by a person from Mungindi                   |

**Recommended Amount Round 1 - \$5000.00**  
**Total Budget - \$10170.00**  
**Available for Round 2 - \$5170.00**

## 17.2.5 MATTERS GENERALLY FOR BRIEF MENTION OR INFORMATION FROM CHIEF FINANCIAL OFFICER

**REPORTING SECTION:** Corporate  
**AUTHOR:** Michael Urquhart – Chief Financial Officer  
**FILE NUMBER:** 00/00/00

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### 1. Property Matters

- The CFO has already updated Councillors, Senior Management and the Jockey Club President on the closure of the **Collarenebri Showground grandstand**. The support structure has been compromised with a crack in one of the main support beams. The building has been inspected by a structural engineer and a construction executive, all of whom agree the building will not collapse, however, there is a risk of support failure should the grandstand be subject to increased loading from the seating area. As the building is heritage listed Council must now consult with the heritage advisor, as to what options are available. Estimates are currently underway for the refurbishment and alternative solutions that may include the roof of the grandstand on another free standing structure with a terraced viewing area adjacent to the racetrack. A further report shall be tabled when more information is to hand.
- The CFO is suggesting that another public meeting be called regarding the future of the **Colless grandstand**. A majority of Councillors did not attend the previous meeting due to a breakdown in communications and the meeting was poorly attended by members of the public. A Walgett based construction company is also working through estimates for the repair of the Colless grandstand.
- Discussions are continuing with the **Walgett PCYC** for the provision of suitable land to accommodate the proposed PCYC complex in Walgett. The CFO is proposing to have the PCYC make a presentation to Council in the coming month, outlining the arrangements necessary to develop a suitable MOU, and to evaluate Council's ongoing involvement, with either financial or in-kind support to the facility. The Mayor, Deputy Mayor, Bill Kennedy (PCYC), Amanda Cheal (PCYC Manager), Manager Community Services, Two (2) PCYC casual staff and the CFO visited a number of Tamworth facilities to gauge what activities could be included in the proposed PCYC complex planned for Walgett. The group had a tour of Club 360 Fitness Centre and all were very impressed with the number of activities available including a crèche, youth area, gym, exercise rooms, yoga room, meeting rooms, heated pool, hydrotherapy pool and café. The "Jump Up" facility was a big winner with the young PCYC girls and it showed just how a simple activity can be used and enjoyed by all ages. The "Regional Park" was another area visited by the group, and this was also well received with many ideas taken on board.
- **Grey Park Walgett** shade sail. COMPLETE.
- **Collarenebri Swimming Pool** shade sail construction work. COMPLETE
- The consultant has provided Council with a report on the condition of the **Lightning Ridge bore bath** and the amenities building which has been reported to Council. The plans made available in November were changed because of risk issues with the disable ramp. It is proposed to call expressions of interest as soon as the plans and scope of works is available. *Estimated completion date December 2018.*

- Refurbishment of the bathroom facilities at the **Administration Centre** has been put on hold.
- Work has commenced on the painting of the **Walgett Swimming Pool** amenities. Painting of the kiosk/entry will commence after the 18/19 season. *Estimated Completion Date 30<sup>th</sup> April 2019.*
- Painting of the **Walgett big pool**. The contractor shall return at the end of the 18/19 season to paint the big pool, repair leaks in the expansion joints and replace tiles around the gutters. *Estimated Completion Date 30<sup>th</sup> April 2019.*
- Painting of the **Collarenebri pools** have been COMPLETED. A local builder has also been engaged to carry out repairs to the amenities building, including roof, toilets and floors.
- **Burren Junction Hall** grant application approved. Contracts are to be signed w/c 17<sup>th</sup> September 2018. *Completion date estimated 31<sup>st</sup> December 18.*
- **Burren Junction Bore Bath** camping charges. Signs for the bore bath are underway and the EFTPOS machine has been ordered. All will be in readiness for the 19/20 winter season. The 355 Committee has continued to collect donations from the honesty box for the 17/18 season.
- Purchase Order issued for the **Burren Junction toilet facility**. **Purchase order issued.** *Estimated Completion Date 31<sup>st</sup> October 2018.*
- Painting/refurbishment and air conditioning of the **Collarenebri Town Hall**. It is recommended this project be also funded from the “Drought Communities program”. A scope of works is also under development. Completion date depends on approval of grant application. *Project withdrawn due to changes in priority of possible program projects.*
- **Len Cram Park** disabled toilet. Purchase order issued. *Estimated Completion Date 30<sup>th</sup> September 2018.*
- Grant application submitted for two (2) sheds for the **Collarenebri Showground**. Grant approved. Council received seven (7) quotations, however, these were all over the original estimate and exceeded the tender threshold. Other quotations now being pursued. *Estimated Completion Date??????????*
- The **Lightning Ridge depot** has a number of Workplace Health and Safety issues and this will be the subject of a further report to Council. Council’s WH & S Officer is currently investigating a number areas that require upgrade. Discussions to be held with Director Engineering to assess scope of works and completion date.
- Council has received a quotation for the Collarenebri Golf Club replacement as this is an insurance matter. *Timeframe not available.*
- Quotations are being sought for the upgrade of toilet facilities at Burren Junction Bore Baths, Carinda Pool, Walgett Showground and new kitchen and dining facilities for the Collarenebri Showground with funding from the ‘Drought Communities fund’. *Project withdrawn due to changes in priority of possible program projects.*

- Walgett Youth Centre maintenance on kitchen to prevent vermin entering building, plus additional sink installation. **Estimated Completion Date 30<sup>th</sup> September 2018.**

**Note from CFO.**

The time frame for the abovementioned works are estimates only and will be updated monthly as work progresses.

**2. Finance & Administration**

- LG Solutions have been contacted regarding the process to prepare budget papers in a line item format.
- Water standpipe testing continuing with Info Services Co-ordinator to prepare for training of staff and issue of information brochure. Underway.
- CFO to check with Audit Office if on-site for interim audit and possible meeting with Council. AO no response to date.
- Advice sent to Big Sky Library of Council resolution to sign off on Service Agreement. Agreement executed.
- FBT Policy to be developed. Underway.
- Work is progressing for completion of the 2017/18 financial statements. Auditors on-site W/c 10<sup>th</sup> September 2018.
- Email sent to OLG regarding special rates for water access by ratepayers outside reticulation system. No response as yet.
- 1<sup>st</sup> July 18 implementation of new capital works suspense ledgers with asset sub-accounts for assets system integration.
- Development of WH & S Strategy.
- CIP review with Statewide Manager Complete. 2018/19 Report received.
- Council to look at Statewide Airport management system.
- CFO presentation to community forums to include Council initiative for placing defibrillators in shire villages and towns.
- School to work program underway and in place.

**Matters Generally for Brief Mention or Information Only – From Chief Financial Officer**

**Recommendation:**

That the Matters Generally for Brief Mention or Information Only from the Chief Financial Officer in the following areas; Property Matters, Finance & Administration and Community Services be received and noted.

**Moved:**

**Seconded:**

## 17.3 ENVIRONMENTAL SERVICES

### 17.3.1 COUNCIL RESOLUTION FOR TRANSFER OF AUTHORITY TO WALGETT SHIRE COUNCIL OF KAOLIN STREET

|                           |                                     |
|---------------------------|-------------------------------------|
| <b>REPORTING SECTION:</b> | <b>Environmental Services</b>       |
| <b>AUTHOR:</b>            | <b>Town Planner, Glenn Petersen</b> |
| <b>FILE NUMBER:</b>       | <b>TBA</b>                          |

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#### **Summary:**

This report seeks Council's resolution to authorise the transfer of authority from NSW Department of Industry - Lands and Water (DPI) to Walgett Shire Council (WSC) of Kaolin Street (West), currently Crown Roads. It is recommended that Council authorise the transfer of authority so that WSC can determine development applications in a timely manner.

#### **Background:**

Lightning Ridge Bowling Club has approached Walgett Shire Council regarding a boundary adjustment to Kaolin Street. As part of this enquiry, it was revealed that this section of road is actually a Crown Road under authority of Department of Primary Industries – Land and Water.

DPI has advised that applications for development within Crown Roads take approximately 4-5 years to process due to a backlog of applications. However, the involvement of DPI in the application process will be avoided if WSC become the road authority.

#### **Current Position:**

Council currently maintains the formed road over Kaolin Street. As this road is maintained by Council and form part of Walgett's road infrastructure, it presents as being in the public interest to have it dedicated to Council management.

#### **Relevant Reference Documents/Policies:**

- Environmental Planning and Assessment Act, 1979
- Local Government Act, 1993 and the Roads Act 1993

#### **Governance issues:**

Council resolution is necessary in order to transfer the road authority to WSC.

Council's charter:- Section 8 of the Local Government Act 1993 establishes Council's charter.

#### **Environmental issues:**

Various environmental issues will be assessed on a project by project basis to ensure any environmental legislation is complied with.

#### **Stakeholders:**

Walgett Shire Council, Local Community, NSW Department of Industry – Lands & Water, Lightning Ridge Bowling Club.

#### **Financial Implications:**

No additional expenses expected as WSC already maintains Kaolin Street.

#### **Alternative Solutions/Options:**

Do nothing. This option is not recommended as The Lightning Ridge Bowling Club wishes to seek a boundary adjustment in Kaolin Street, allowing for potential development to occur at the club within a faster timeframe.

**Conclusion:**

It is recommended that WSC become the road authority for Kaolin Street in order to facilitate development.

**Resolution to authorise transfer of road authority**

**Recommendation:**

That Council resolves to authorise the transfer of authority to Walgett Shire Council of Kaolin Street.

**Moved:**

**Seconded:**

**Attachments:**

- A – Map showing the portion of Kaolin Street which is Crown Road.
- B – Map showing the proposed boundary adjustment
- C – Original request by from Bowling Club regarding boundary adjustment.

Attachment A – Map showing the portion of Kaolin Street which is Crown Road.



Attachment B – Map showing the proposed boundary adjustment.



Attachment C – Original request by from Bowling Club regarding boundary adjustment.

**Scott Franklin**

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**From:** Scott Franklin <scott@lrbc.com.au>  
**Sent:** Thursday, 11 May 2017 10:03 AM  
**To:** 'mclarkson@walgett.nsw.gov.au'  
**Subject:** Lightning Ridge BC  
**Attachments:** LR Bowling club.jpg

Matt Clarkson  
Town Planner  
Walgett Shire Council

This letter serves as an application for a boundary adjustment at Lightning Ridge Bowling Club to rectify the encroachment on the road reserve and accommodate existing infrastructure and any possible future redevelopments.

I have spoken to the Town Planner (Matt Clarkson) who has assured me that there are no council services within the proposed area and a 3-meter distance would remain from the road surface.

Further to this we seek permission to beatify (at our expense) the nature strips at the front of the club with either turf or gardens.

A map detailing the proposal has been attached for your information and consideration.

Kind regards

Scott Franklin  
CEO  
Lightning Ridge Bowling Club.

## **17.3.2 DEVELOPMENT APPLICATION, CHANGE OF USE, COMMERCIAL KITCHEN FIT-OUT, UPGRADES TO EXISTING FAÇADE - 58 FOX STREET, WALGETT**

**REPORTING SECTION:** Environmental Services  
**AUTHOR:** Glenn Petersen, Town Planner  
**FILE NUMBER:** DA2018/017

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### **Summary:**

A Development Application has been lodged for a change of use with a commercial kitchen fit out and upgrades to the existing facade at 58 Fox Street, Walgett. It is recommended that Council resolve to approve the application.

### **Background:**

Walgett Shire Council has received a Development Application from Katie Murray for a change of use to operate a food premise at Lot 38 DP 613418 in Walgett.

### **Current position:**

The development has a number of non-compliance issues in relation to the Walgett DCP 2016. These are:

### **ASSESSMENT – KEY ISSUES**

#### **Outdoor Signage**

The number of signs exceeds the guidelines of DCP. Walgett Shire Council's DCP only allows for a maximum of 3 signs associated with a single business whilst the proponent has applied for 5. The positioning of the proposed signs are replacing existing signage for the existing business. The business is also located on a corner lot which provides for additional advertising space without the façade being cluttered. The concept dimensions for the signage may protrude above the roofline and/or obstruct windows. These potential adverse impacts are addressed by conditions that restrict any protrusion of signs beyond the building/roof line and by having council review the final design.

#### **Design**

The proposal does not adhere clause 4.9.5 Design of the DCP as shown in the attached report below. The applicant proposed the use of roller shutters which are not recommended for use in Council's DCP. The approval of the roller shutters may set a precedence for the use of roller shutters for commercial premises, however, Council's DCP is currently up for review and this section may be subject to amendments. A precedence has been set by other businesses/applicants not adhering to this guideline or development consent such as Khans IGA. Reasons for this include an inability to have windows/glass insured, the need to protect stock and discourage crime. Council has since modified the development consent to allow for shutters.

The applicant has sighted similar reason in their application and have applied measures to mitigate visual impacts such as recesses to hide the shutters and graphic designs on the shutters themselves. The business also proposes to operate seven days a week with the shutters hidden during business operation. The overall impact to the streetscape of the proposal is considered positive for business and economic development. For these reasons it is considered unreasonable for strict adherence to clause 4.9.5 Design. Suggested condition of consent (9. Roller Shutters) to mitigate adverse impacts is recommended.

Development Control Plan guidelines states the roller shutters must not be used to protect doors and windows facing streets. The applicant has included measures to mitigate visual

impacts. Other businesses (Khans IGA) have recently been allowed the use of roller shutters. A development assessment report has been prepared and is included as Attachment A.

**Relevant reference documents/policies:**

- Application documents for DA2018/017.
- Environmental Planning & Assessment Act 1979.
- Environmental Planning & Assessment Regulation 2000.
- Walgett Development Control Plan 2016.
- Walgett Local Environmental Plan 2013.

**Governance issues:**

Guiding principles for councils: - Section 8a of the Local Government Act 1993 establishes guiding principles for councils.

Conflicts of interest: - Part 2 of the Local Government Act 1993 includes requirements for Councillors and staff to disclose pecuniary and non-pecuniary interests in matters being considered by the Council.

Voting: - Section 375A of the Local Government Act 1993 requires a division to be called when a motion for a planning decision is put at a meeting of the Council, and the names of Councillors voting for and against the motion must be recorded.

**Environmental issues:**

See the attached Development Application assessment report.

**Stakeholders:**

Walgett Shire Council, community, applicant and neighbours.

**Financial Implications:**

Nil

**Alternative solutions/options:**

**Refuse the application:** This is not recommended as the development overall is considered to enhance the streetscape and the development is in accordance with the objectives of the zoning of Walgett's LEP 2013.

**Request the applicant conform to the requirements of the DCP:** This is not necessary as the application complies with the objectives of the zoning as per Council's LEP 2013, including contributing to the community and meeting the needs of those living, working and visiting in the area.

**Conclusion:**

It is appropriate to approve the application subject to conditions of consent as shown below.

**Resolution of Development Application 2018/019**

**Recommendation:**

That Council resolves to approve Development Application 2018/017 for a change of use, associated alteration and installation of commercial kitchen on Lot 38 DP 613418.

**Moved:**

**Seconded:**

**Attachments:**

A – Development Assessment Report – DA2018/017

## ATTACHMENT A – DEVELOPMENT APPLICATION ASSESSMENT REPORT

|                                                           |
|-----------------------------------------------------------|
| <p><b>• DEVELOPMENT APPLICATION ASSESSMENT REPORT</b></p> |
|-----------------------------------------------------------|

**APPLICATION DETAILS**

|                                 |                                                   |                             |            |
|---------------------------------|---------------------------------------------------|-----------------------------|------------|
| <b>Application number</b>       | DA2018/017                                        | <b>Lodgment date</b>        | 09/08/2018 |
| <b>Application is for</b>       | Shop renovation in order to open a food business. | <b>Value of development</b> | \$80,000   |
| <b>Land address</b>             | 58 Fox Street, Walgett.                           | <b>Lot/sec/DP</b>           | 38//613418 |
| <b>Applicant name</b>           | Katie Murray                                      | <b>Ass</b>                  | 2881       |
| <b>Owner name</b>               | Walgett Special 1 Co-Operative Ltd                |                             |            |
| <b>Land zoning</b>              | B2 Local Centre                                   |                             |            |
| <b>Current use /development</b> | Business/commercial premise.                      |                             |            |
| <b>Assessment report author</b> | Glenn Petersen, Town Planner.                     |                             |            |
| <b>Statutory days</b>           | Deemed refusal after 40 days (Cl. 113 EPAR2000)   |                             |            |

**PROPOSAL**

Shop renovation including change of use to a retail/food premise with associated additions/alterations including the installation of a commercial kitchen.

**SUBJECT SITE AND LOCALITY**

An inspection of the site and surrounding area was undertaken on 20/08/2018.

The site has a total area of 671 sq metres and currently contains a building used for office space with carport at the rear. The site also has a container at the rear storing documents and a rights of carriageway allowing access to the adjoining property, 56 Fox Street.

The site is situated in a commercial zone on the corner of Fox and Wee Waa Street, a high traffic area. It is surrounded by a variety of commercial outlets and business as well as some residential development nearby.

**DEVELOPMENT APPLICATION AND SITE HISTORY****Previous consents:**

DA1971/026, Commercial Building, Approved, 25.05.1971

DA1978/090, Carport, Approved, 13.07.1978

DA1979/073, Subdivision, Approved, 13.09.1979

DA2005/042, Re-design and clad the roof, Approved, 11.10.2005

**Previous use/development:**

Commercial premise. Bank and trading business.

**Previous enforcement action:**

None known.

**REFERRALS**

Not required.

**SECTION 4.15 EVALUATION**

Consideration of the matters prescribed by section 4.15 are summarised below.

Where the development does not comply with any of the development controls, the non-compliance is discussed in detail in the “Assessment – Key Issues” section of the report.

**4.15(1)(a)(i) the provisions of any environmental planning instrument**

|                                                                     | Applicable Clauses                                                            | Compliance                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>State Environmental Planning Policies (SEPPs)</b>                |                                                                               |                                                                                                                                                                                                                                                                                                                           |
| State Environmental Planning Policy No 64 – Advertising and Signage | 1 Character of the area                                                       | Proposal compatible with desired future character of the area.<br>Proposal replaces existing signage and is generally consistent with advertising in the area.                                                                                                                                                            |
|                                                                     | 2 Special areas                                                               | Not considered to detract from any special areas.                                                                                                                                                                                                                                                                         |
|                                                                     | 3 Views and vistas                                                            | Proposal does not obscure/compromise important views.<br>Not considered to dominate skyline.<br>Does not inhibit other advertisers.                                                                                                                                                                                       |
|                                                                     | 4 Streetscape, setting or landscape                                           | Eastern wall sign large scale in relation to building.<br>Addressed by proposed conditions 19. Sign Design;<br>20. Signage and Advertising.<br>Proposal contributes to visual interest of streetscape.<br>Simple uncluttered design considered to reduce clutter.<br>No unsightliness, protrusion or vegetation proposed. |
|                                                                     | 5 Site and building                                                           | Eastern wall sign issue already raised.<br>Positioning respects windows and roof design.<br>Suitable business identification sign for the area.                                                                                                                                                                           |
|                                                                     | 6 Associated devices and logos with advertisements and advertising structures | No associated devices.                                                                                                                                                                                                                                                                                                    |
|                                                                     | 7 Illumination                                                                | No illumination proposed.                                                                                                                                                                                                                                                                                                 |
|                                                                     | 8 Safety                                                                      | Not considered to reduce safety for public roads or pedestrians or sightlines.                                                                                                                                                                                                                                            |
| <b>Regional Environmental Planning Policies (deemed SEPPs)</b>      |                                                                               |                                                                                                                                                                                                                                                                                                                           |
| Nil                                                                 | Nil                                                                           | N/A                                                                                                                                                                                                                                                                                                                       |
| <b>Local Environmental Plans (LEPs)</b>                             |                                                                               |                                                                                                                                                                                                                                                                                                                           |

|                                       | Applicable Clauses                                                                                                                                                             | Compliance                                                                                                                                                                                                                                                        |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Walgett Local Environmental Plan 2013 | Part 2 Permitted or prohibited development and the land use table for B2 Local Centre.                                                                                         | The proposed land use requires development consent.                                                                                                                                                                                                               |
|                                       | Clause 2.3 (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone. | The proposed development is functionally an existing lawful use, is compatible with the general character of the area, and provide retail, business and employment to the community. In that context it is compliant with the objectives for the B2 Local Centre. |
|                                       | Clause 6.2 Flood planning                                                                                                                                                      | Yes. The proposed development is within the Walgett Levee bank.                                                                                                                                                                                                   |

**4.15(1)(a)(ii) the provisions of any draft environmental planning instrument**

|                                                     | Applicable Clauses | Compliance |
|-----------------------------------------------------|--------------------|------------|
| Draft State Environmental Planning Policies (SEPPs) | Nil                | N/A        |
| Draft Local Environmental Plans (LEPs)              | Nil                | N/A        |

**4.15(1)(a)(iii) any development control plan**

|                                         | Applicable Clauses                            | Compliance                                                                                                                                                 |
|-----------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Walgett Development Control Plan 20164. | 4.9.1. Building Setbacks                      | Yes. No minimum setbacks are specified for commercial development.                                                                                         |
|                                         | 4.9.2 Fencing                                 | No new fence proposed.                                                                                                                                     |
|                                         | 4.9.3 Outdoor Lighting                        | No additional outdoor lighting proposed. Any future lighting addressed under proposed condition 4. External Lighting.                                      |
|                                         | 4.9.4 Outdoor Signage                         | No. See key issues.                                                                                                                                        |
|                                         | 4.9.5 Design                                  | No. See key issues.                                                                                                                                        |
|                                         | 4.9.6 Post supported verandahs and balconies. | Yes. Existing awning and posts appear maintained.                                                                                                          |
|                                         | 4.9.7. Services                               | Existing services connected to the premise. Liquid trade waste addressed under proposed condition 17. Trade Waste.                                         |
|                                         | 4.9.8 Utility Infrastructure protection.      | Development involves internal renovations and possible change to façade. Any possible damage addressed under proposed condition 13. Public Infrastructure. |

|  |                           |                                                                                                               |
|--|---------------------------|---------------------------------------------------------------------------------------------------------------|
|  | 4.9.9. Traffic and Access | Yes. Access via existing gravel driveway at the rear. It is considered traffic and access generally complies. |
|  | 4.9.12 Landscaping        | No Proposed landscaping as site is on main street.                                                            |
|  | 6.4 Waste Management      | Solid waste addressed by current Council waste collection services and recycling of coffee grounds            |
|  | 6.7 Stormwater            | No additions proposed that affect stormwater.                                                                 |

**4.15(1)(a)(iv) any matters prescribed by the regulations**

Any matters prescribed by the Environmental Planning and Assessment Regulation 2000.

| Applicable Clauses                                                        | Compliance                                                                          |
|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 92(1)(b) Demolition                                                       | No demolition proposed.                                                             |
| 93 Fire safety and other considerations                                   | N/A – Applicant seeks additions/alteration of building.                             |
| 94 Consent authority may require buildings to be upgraded                 | Fire safety is to be in accordance with the BCA and AS for the use of the building. |
| 94A Fire safety and other considerations applying to temporary structures | N/A – No temporary structure proposed.                                              |
| 95 Deferred commencement consent                                          | N/A – Not proposed or required.                                                     |
| 97A Fulfilment of BASIX commitments                                       | N/A – Not required.                                                                 |

**4.15(1)(b) the likely impacts of the development**

|                        | Impact | Comment                                                                                                                                                                                                                                       |
|------------------------|--------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Social                 | Yes.   | No negative social impacts as a result of the development. It is considered the development will have a positive impact for the community in providing additional goods/services and employment.                                              |
| Economical             | Yes    | It is also considered the development may have a positive economical effect on employment during the construction phase of the development. Will have ongoing positive impacts for the community through employment and additional patronage. |
| Siting & Configuration | Yes    | No change to siting. Building configuration appropriate for proposed development.                                                                                                                                                             |
| Setbacks               | No     | No change to setbacks/building.                                                                                                                                                                                                               |
| Privacy                | No     | The new alterations and additions present no new effects on the matters of privacy existing at the premises.                                                                                                                                  |
| Overshadowing          | No     | Single story building.                                                                                                                                                                                                                        |
| Solar Access           | No     | It is considered the design of the existing building and the proposed alterations allow for adequate solar access.                                                                                                                            |

|                              | Impact | Comment                                                                                                                                                                             |
|------------------------------|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Visual                       | Yes    | Renovations to façade will have additional visual impacts. These are discussed further under 'Key issues'.                                                                          |
| Significant Views            | No     | It is not considered the development will impact on any significant views.                                                                                                          |
| Amenity                      | No     | It is not considered that the proposed alterations and additions will have any impact of the amenity of the neighboring properties.                                                 |
| Water                        | No     | Water is already connected to the site and serving the building. No new connections are proposed and it is not considered the additions will place any additional demand on supply. |
| Air                          | No     | No expected air pollutants.                                                                                                                                                         |
| Noise                        | Yes.   | No additional noise from business appropriate for development and area.                                                                                                             |
| Land Degradation             | No     | No additional clearing or flood work proposed.                                                                                                                                      |
| Tree Loss                    | No     | No trees proposed to be removed or impacted.                                                                                                                                        |
| Flora                        | No     | No perceived impacts on flora and fauna.                                                                                                                                            |
| Fauna                        | No     | No perceived impacts on flora and fauna.                                                                                                                                            |
| Natural & Built Environments | No     | The additions propose no adverse impact to the natural and built environments.                                                                                                      |

**4.15(1)(c) the suitability of the site for the development**

|                                                       | Summary of site suitability issues                                                            |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Does the development fit into the locality            | Yes. The proposed development is consistent with the surrounding development.                 |
| Are the site attributes conducive for the development | No significant attributes are known which would make the site unsuitable for the development. |

**4.15(1)(d) any submissions made in accordance with this Act or the Regulations**

Proposal is only local development therefore there is no formal opportunity for submissions under the Act or Regulations.

**4.15(1)(e) the public interest**

|                                              | Summary of any detrimental impacts |
|----------------------------------------------|------------------------------------|
| Federal, state or local government interests | None known or expected.            |
| Community interests                          | None known or expected.            |

**PUBLIC PARTICIPATION**

Director Environmental Services, Jessica McDonald, identified that public notification be made on behalf of public interest. Neighbour notification occurred via letters dated on 14.08.2018 to:

- 5 Nearby landowners.

## **ASSESSMENT – KEY ISSUES**

### **Outdoor Signage**

The number of signs exceeds the guidelines of DCP. Walgett Shire Council's DCP only allows for a maximum of 3 signs associated with a single business whilst the proponent has applied for 5. The positioning of the proposed signs are replacing existing signage for the existing business. The business is also located on a corner lot which provides for additional advertising space without the façade being cluttered.

The concept dimensions for the signage may protrude above the roofline and/or obstruct windows.

These potential adverse impacts are addressed by conditions that restrict any protrusion of signs beyond the building/roof line and by having council review the final design (See attached conditions 19. Sign Design; 20. Signage and Advertising)

### **Design**

The proposal does not adhere clause 4.9.5 Design of the DCP as shown below.

#### **4.9.5. Design**

- Any security measures employed to protect windows or doors facing streets must not have:
  - o Bars.
  - o Heavy gauge wire mesh (note that 'crimsafe' style meshes are acceptable).
  - o Exterior roller shutters.
- Such security measures installed on existing commercial premises are to be removed within 12 months of the issue of a Development Consent.
- Building facades shall be articulated by use of colour, arrangement of elements or by varying materials.
- The design of new buildings must reflect and enhance the existing character of the business precinct.
- Building design for new structures must relate to their retail/ commercial/ office function with quality materials at the pedestrian level. Damaged external surfaces on the front façade of existing buildings are to be repaired within 12 months of the issue of a Development Consent for a Change of Use.
- Large expansive blank walls not permitted unless abutting a building on an adjoining allotment.
- Plans must show the location of all external infrastructure (including air conditioning units, plant rooms, ducting) and demonstrate how it will be screened from view from a public place or road.
- Development on corner sites shall incorporate splays, curves, building entries and other architectural elements to reinforce the corner as a land mark feature of the street.

The approval of the roller shutters may set a precedence for the use of roller shutters for commercial premises, however, Council's DCP is currently up for review and this section may be subject to amendments.

A precedence has been set by other businesses/applicants not adhering to this guideline or development consent such as Khans IGA (See TRIM DA2014/005). Reasons for this include an inability to have windows/glass insured, the need to protect stock and discourage crime. Council has since modified the development consent to allow for shutters.

The applicant has sighted similar reason in their application and have applied measures to mitigate visual impacts such as recesses to hide the shutters and graphic designs on the shutters themselves. The business also proposes to operate seven days a week with the shutters hidden during business operation.

The overall impact to the streetscape of the proposal is considered positive for business and economic development.

For these reasons it is considered unreasonable for strict adherence to clause 4.9.5 Design. Suggested condition of consent (9. Roller Shutters) to mitigate adverse impacts is recommended.

### **Conclusion**

The proposed signs and advertisement do not dominate the streetscape with potential protrusion issues mitigated through consent conditions.

Due to the difficulties of securing bi-fold windows without roller shutters, and the overall benefit to the streetscape of the proposal, the potential visual impacts of the roller shutters appear appropriate for the development.

No significant adverse impacts are known or expected on the natural, social or economic environment as a result of the proposed development. In that context it would be appropriate to approve the Development Application subject to the attached recommended conditions of development consent.

### **ATTACHMENT – RECOMMENDED DEVELOPMENT CONSENT CONDITIONS**

#### **CONDITIONS IMPOSED BY COUNCIL**

The following development consent conditions are imposed by Council as the consent authority.

#### **CONDITIONS THAT ARE ONGOING REQUIREMENTS**

##### **GENERAL**

##### **1. Development in Accordance with Plans**

The development shall be implemented in accordance with:

- (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
- (b) the details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*

##### **2. Plans on Site**

A copy of all stamped approved plans, specifications and documents must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

*Reason: To ensure development is undertaken in accordance with the determination of Council.*

##### **3. Environmental Management**

No increase or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any other pollution discharge.

*Reason: To prevent pollution from detrimentally affecting the public or environment.*

**4. External Lightning**

All external lightning is to be positioned and directed so as to prevent the intrusion of light to the adjoining premises and be compliant with Australian Standard AS4282.

*Reason: To ensure that lighting does not interfere with adjoining properties.*

**5. Annual Fire Safety Statement**

The owner shall submit to Council an Annual Fire Safety Statement, each twelve months after the original certificate was issued. The owner shall retain a copy at the building for inspection by any authorised person.

*Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979 and Regulations.*

**6. Food fit-out**

The fit out and operations of the food premises must comply with the requirements of:

- (a) Food Safety Standards.
- (b) Australian Standard 4674-2004 Design Construction and Fit Out of Food Premises.
- (c) The NSW Food Act 2003.
- (d) Council's Policy for Discharge of Liquid Trade Waste and Liquid Trade Waste Regulation Guidelines issued by the Department of Water and Energy – April 2009.

*Reason: To ensure that the building conforms to the relevant performance requirements of the Building Code of Australia and Food Act 2003.*

**7. Limitations on use**

The use is to operate in accordance with the following times:

Monday to Friday 6am to 11pm  
Saturday 7am to 11pm

*Reason: To ensure the amenity of the surrounding neighbourhood is protected*

**8. Loading and Unloading**

All loading and unloading in connection with the use of the premises is to be carried out wholly within the site. All deliveries to the premises shall take place during approved business hours only.

*Reason: To protect the amenity of the area.*

**9. Roller Shutters**

Commercial security shutters installed by the applicant must be:

- (a) Discreet and out of sight during business operation hours and,
- (b) Incorporate a graphic design that relates to the business.

*Reasons: To minimise visual impacts of security measures.*

**CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO CONSTRUCTION**

**10. Construction Certificate Requirements**

No additional works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works.

*Reason: To ensure work is undertaken in accordance with this consent & relevant construction standards.*

**CONDITIONS THAT MUST BE COMPLIED WITH DURING CONSTRUCTION**

**11. Site and Waste Management**

All construction materials, sheds, skip bins, spoil, temporary water closets etc, shall be kept wholly within the property and not placed on public land or in a position that may result in materials/debris being washed onto the roadway or into the stormwater drainage system.

*Reason: To preserve the amenity and access of the locality and protect stormwater systems.*

**12. Construction Noise**

The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

|                          |                                               |
|--------------------------|-----------------------------------------------|
| Monday to Saturday       | 7.00 AM to 5.00 PM                            |
| Sunday & public Holidays | No construction activities are to take place. |

*Reason: To ensure that public amenity is not unduly affected by noise.*

**13. Maintenance of Site**

Maintenance of site:

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority:
  - (a) the place to which waste materials were transported,
  - (b) the name of the contractor transporting the materials,
  - (c) the quantity of materials transported off-site and recycled or disposed of.

- (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.
- (5) During construction:
  - (a) all vehicles entering or leaving the site must have their loads covered, and
  - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (6) At the completion of the works, the work site must be left clear of waste and debris.

*Reason: to ensure that demolition work is undertaken in a manner that is safe and minimises environmental disturbance.*

#### **14. Public Infrastructure**

During construction, works are to be carried out so as not to cause damage to nearby public infrastructure, services and utilities, including Council's kerb and gutter, footpaths, water mains, sewer mains and roadways. All damage arising from demolition is to be rectified by the developer to the satisfaction of Walgett Shire Council's Director of Engineering.

*Reason: To ensure that public infrastructure is maintained.*

#### **15. Demolition**

During construction, the demolition works shall comply with the provisions of Australian Standard AS 2601-2001 - *The Demolition of Structures*, the Safe Work Australia Code of Practice – *How to Manage and Control Asbestos in the Workplace*, and the *Work Health and Safety Act 2011*.

*Reason: To ensure demolition works are carried out in an appropriate manner.*

#### **16. Asbestos**

During construction, all works involving the removal and disposal of asbestos cement and other products containing asbestos must only be undertaken by contractors who hold a current WorkCover licence (either a Friable (Class A) or a Non-Friable (Class B) Asbestos Removal Licence) appropriate to the work being undertaken. Removal of asbestos by a person who does not hold a Class A or Class B asbestos removal license is permitted if the asbestos being removed is 10m<sup>2</sup> or less of non-friable.

*Reason: To ensure asbestos is appropriately managed and minimise environmental pollutants.*

### **CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

#### **17. Fire Safety**

Upon occupation of the building for its proposed use, the owner of the building shall submit to the Principal Certifying Authority a Fire Safety Certificate(s) with respect to each essential fire safety measure installed in association with the building - as listed on the Fire Safety Schedule. Such certificate must be received by the Principal Certifying Authority before an Occupation Certificate can be issued for the subject building.

Copies of the subject Fire Safety Certificate(s) must also be forwarded by the owner to the Commissioner of Fire and Rescue NSW, and displayed in a prominent position within the subject building at the location nominated (if indicated) on the Fire Safety Schedule.

*Reason: Statutory requirement of clause 153 of the Environmental Planning and Regulation 2000.*

**18. Trade Waste**

Council shall approve a Trade Waste Activity Application for the development prior to disposal of liquid waste into Councils sewer.

*Reason: Environment protection and health and amenity.*

**19. Sign Design**

All Signs must not protrude beyond the building line or roof line. Signs must also not obstruct or protrude across any doorways, windows or other openings.

*Reason: To ensure pedestrian traffic is not impeded and minimise visual impacts.*

**20. Signage and Advertising**

Prior to the installation of the proposed signage, all business sign designs are to be submitted to Council for approval. Any business signs must be erected in a secure manner to ensure safety and installation of signage so as not to involve measures that would cause irreversible damage to the building.

*Reason: Structural safety and visual amenity.*

**NOTES – EPA act 1979**

**CONSTRUCTION CERTIFICATE & PRINCIPLE CERTIFYING AUTHORITY**

Section 6.6 of the Environmental Planning and Assessment Act 1979 provides that:

- (1) A development consent does not authorise building work until a certifier has been appointed as the principal certifier for the work by (or with the approval of) the person having the benefit of the development consent or other person authorised by the regulations.
- (2) The following requirements apply before the commencement of building work in accordance with a development consent:
  - (a) the principal certifier has, no later than 2 days before the building work commences, notified the consent authority and the council (if the council is not the consent authority) of his or her appointment as the principal certifier,
  - (b) the principal certifier has, no later than 2 days before the building work commences, notified the person having the benefit of the development consent of any inspections that are required to be carried out in respect of the building work,

**LICENCED CONTRACTOR APPOINTMENT**

Sub-section 6.6(2) of the Environmental Planning and Assessment Act 1979 provides that:

- (c) the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:

- (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
- (ii) notified the principal certifier of the appointment, and
- (iii) unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,

#### **NOTIFICATION OF COMMENCEMENT OF BUILDING WORKS**

Sub-section 6.6(2) of the Environmental Planning and Assessment Act 1979 provides that:

- (e) the person having the benefit of the development consent has given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building,

#### **NOTES – EPAR regulation 2000**

##### **BUILDING CODE OF AUSTRALIA**

Sub-clause 98(1)(a) & (b) of the Environmental Planning and Assessment Regulation 2000 makes the following mandatory condition of development consent.

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
- (b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

##### **ERECTION OF SIGNS**

Clause 98A of the Environmental Planning and Assessment Regulation 2000 imposes a mandatory condition of development consent for development that involves any building work, subdivision work or demolition work, as follows:

- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

**Note:**

Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

**ADVISORY NOTES – General**

**PLUMBING, STORMWATER AND SEWER DRAINAGE WORKS**

Section 68 of the Local Government Act 1993 requires that any plumbing, stormwater or sewer drainage works require prior approval from Council via an Activity Application.

**COVENANTS**

It is possible that a covenant may affect the land, which is subject to this consent. The granting of this consent does not necessarily override any covenant. You should seek legal advice regarding the effect of any covenants that may affect the land.

**OPAL MINING DISTURBANCE**

Opal mining and prospecting operations may have been previously carried out on, or below, the land, which is the subject of this consent, or on adjoining lands. There are no official records of the extent of opal mining workings within the Lightning Ridge area. The developer should make their own enquiries to determine whether the land being developed might be adversely affected by such activities, prior to proceeding with the development.

**FLOOD**

The applicant/owner is advised that the site is located on a flood plain, hence may be subject to periodic inundation by floodwater to an unknown depth and velocity. You are advised to obtain your own expert advice regarding the risks associated with periodic inundation by floodwater.

**DIAL BEFORE YOU DIG**

Underground infrastructure may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures.

END.

### 17.3.3 WALGETT CBD UPGRADES – PROPOSED FAÇADE DEVELOPMENT

**REPORTING SECTION:** Environmental Services  
**AUTHOR:** Director Environmental Services, Jess McDonald  
**FILE NUMBER:** TBA

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**Summary:**

This report discusses use of the Walgett CBD Upgrades Funding to assist the development of a local coffee shop 'Stone's Throw'.

**Background:**

In 2016, Council resolved to use the Walgett CBD Beautification project funding monies to assist local business to remove any existing bars from the premises windows and doors and replace with 'Crim Safe' mesh which was considered more aesthetic for the streetscape. The resolution was advertised, and Council staff spoke with various shop owners about the funding.

Overall the concept has not got off the ground with much of the feedback from shop owners stating that the crim safe would not afford as much protection as the bars.

The issue of the appearance of the CBD has been discussed heavily with works already being carried out in the main street including the installation of new gardens and upgrades to the Walgett Library. There is a lack of development throughout the Main Street (Fox Street) of Walgett and little funding available to assist to further develop and upgrade the facades and buildings along the Main Street. Council does have the Local Heritage Fund available, however, this funding is available for Heritage Listed buildings under Council's LEP only and this does not apply to much of the Main Street.

**Current position:**

Council is in receipt of an application from Katie Murray of 'Stones Throw', whom is looking to relocate her business to a premise in Fox Street, as well as undergo extensive internal shop fit outs and upgrades to the façade of the building. The works require a Development Application and a Construction Certificate from Council. The works are considered a positive for the Shire with little development occurring in the area in general. The works involve the installation of new windows and bi-fold window and the painting of the façade.

The works are in accordance with the objectives of the funding, involving a significant contribution to the improvement of the Streetscape. The works also aim to create a destination in the CBD for tourists to stop in rather than simply travel through which will have a positive economic-layer effect for the community.

The works mentioned above have a cost of over \$30,000. This cost doesn't include the internal fit out works which include a full commercial kitchen and the installation of accessible facilities. Katie Murray has purchased the premise in question.

It is considered that the development and its positive contribution to the streetscape of the CBD, along with Council's contribution could result in inspiring other business owners to upgrade and develop their premises.

Funding to the businesses could be provided on a dollar for dollar value up to \$10,000 for eligible businesses with approval from Council until the monies run out. This would allow potentially up to six (6) more Main Street Premises benefiting from the funding. The Walgett Beautification Project funding has a current balance of \$66,000.00.

**Governance issues:**

Local Government Act 1993, Environmental Planning & Assessment Act 2018.

**Environmental issues:**

Environmental issues associated with the development of ‘Stone’s Throw’ are subject to assessment under The EPA Act.

**Stakeholders:**

Walgett Shire Council, Community, Staff, Applicant

**Financial Implications:**

\$10,000 contribution towards the development of the façade at Stone’s Throw, Fox Street, Walgett.

**Alternative Solutions/Options:**

Not provide Funding for the façade works: This option is not recommended as the façade works, combined with the overall concept and upgrades to the building will provide an attractive, safe and vibrant place in Fox Street for locals to meet with their friends, family and children for coffee and food. The development will contribute to the lifestyle of the community and provide somewhere for tourists to stop, sit and relax as seating both within the premise and outside the premise will be available. The works will also contribute to the beautification of the Fox Street Streetscape and promote positivity for locals and travellers.

Provide \$5000 Funding: This is considered a second option for Council as it is still a significant contribution to the development and will assist towards the overall outcomes. However, given the overall cost of the development to the premise owner, a larger contribution would assist greatly overall.

Provide additional funding to the \$10,000 as recommended: This is an option to assist the shop owner with significant store upgrades however it could potentially mean less funding for other businesses until such time as the funding runs out.

**Walgett CBD Upgrades – Proposed Façade Development**

**Recommendation:**

That Council provide a contribution towards the development of the façade at ‘Stone’s Throw’ owned by Katie Murray, payable upon satisfactory completion of the works; Allow other premise owners within the Main Street to make their own application to Council for funding where the owner is the applicant and the applicant is able to demonstrate they meet the objectives of the Fox Street Beautification Project.

**Moved:**

**Seconded:**

### 17.3.4 DEVELOPMENT APPLICATION - ADDITIONS AT 36 ARTHUR ST

**REPORTING SECTION:** Environmental Services  
**AUTHOR:** Glenn Petersen, Town Planner  
**FILE NUMBER:** DA2018/019

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**Summary:**

A Development Application has been lodged for a roof and verandah above the residence at 36 Arthur Street, Walgett. It is recommended that Council resolve to approve the application.

**Background:**

Walgett Shire Council has received a Development Application from Jan Zemlicka for a roof and verandah on Lot 44 DP 555138 in Walgett.

The proposed development is 2.1m from the Namoi Street boundary. The minimum setback under Development Control Plan guidelines is 4.5m. This is to respect the visual streetscape and allow for safe sightlines when approaching the intersection at Namoi and Arthur Street.

**Current position:**

As the development is associated with the existing dwelling, the impact to the streetscape is not considered significant. Advice from Sylvester Otieno, Director of Engineering states that there are no significant impacts to sightlines.

Despite some non-compliance with the DCP, It is considered the development generally complies with the objectives of the relevant zoning, R1. A development assessment report has been prepared and is included as Attachment A.

**Relevant reference documents/policies:**

- \* Application documents for DA2018/019.
- \* Environmental Planning & Assessment Act 1979.
- \* Environmental Planning & Assessment Regulation 2000.
- \* Walgett Development Control Plan 2016.
- \* Walgett Local Environmental Plan 2013.
- \* Roads Act 1993.

**Governance issues:**

Guiding principles for councils: - Section 8a of the Local Government Act 1993 establishes guiding principles for councils.

Conflicts of interest: - Part 2 of the Local Government Act 1993 includes requirements for Councillors and staff to disclose pecuniary and non-pecuniary interests in matters being considered by the Council.

Voting: - Section 375A of the Local Government Act 1993 requires a division to be called when a motion for a planning decision is put at a meeting of the Council, and the names of Councillors voting for and against the motion must be recorded.

**Environmental issues:**

See the attached Development Application assessment report.

**Stakeholders:**

Walgett Shire Council, community, applicant and neighbours.

**Financial Implications:**

Nil

**Alternative solutions/options:**

**Refuse the application:** This is not recommended due to minimal impacts created by the development.

**Request the applicant comply with the Walgett DCP 2016 in full:** This is not recommended as it is not considered necessary given the site constraints and the minimal impacts of the development.

**Conclusion:**

It is appropriate to approve the application subject to conditions of consent as below.

**Resolution of Development Application 2018/019**

**Recommendation:**

That Council resolves to approve Development Application 2018/019 for a roof and verandah on Lot 44 DP 555138.

**Moved:**

**Seconded:**

**Attachments:**

A – Development Assessment Report – DA2018/019

ATTACHMENT A – DEVELOPMENT APPLICATION ASSESSMENT REPORT

**DEVELOPMENT APPLICATION ASSESSMENT REPORT**

APPLICATION DETAILS

|                                 |                                                 |                             |            |
|---------------------------------|-------------------------------------------------|-----------------------------|------------|
| <b>Application number</b>       | DA2018/019                                      | <b>Lodgement date</b>       | 20.08.2018 |
| <b>Application is for</b>       | Additions to residence.                         | <b>Value of development</b> | 42,400     |
| <b>Land address</b>             | 36 Arthur Street, Walgett                       | <b>Lot/sec/DP</b>           | 44//555138 |
| <b>Applicant name</b>           | Jan Zemlicka                                    | <b>Ass</b>                  | 240        |
| <b>Owner name</b>               | Jan Zemlicka & Arkhall Pty Ltd                  |                             |            |
| <b>Land zoning</b>              | R1 General Residential                          |                             |            |
| <b>Current use /development</b> | Residential dwelling                            |                             |            |
| <b>Assessment report author</b> | Glenn Petersen                                  |                             |            |
| <b>Statutory days</b>           | Deemed refusal after 40 days (Cl. 113 EPAR2000) |                             |            |

PROPOSAL

Additions to existing residence including verandah/full tropical roof over existing premise.  
SUBJECT SITE AND LOCALITY

An inspection of the site and surrounding area was undertaken on 14/09/2018.  
The site has a total area of approximately 1005 sq metres and currently contains a dwelling with detached garage/shed.

The site is situated on a corner lot in a residential area with similar residential development adjacent to the site, school across the road and TAFE campus nearby.

DEVELOPMENT APPLICATION AND SITE HISTORY

**Previous consents:**

DA1977/095, Dwelling and Garage, Approved, 08.09.1977  
DA2011/031, 1.8m Boundary fence, Approved, 29.09.2011

**Previous use/development:**

Dwelling and Shed.

**Previous enforcement action:**

None known.  
REFERRALS

| REFERRALS/NOTICE | ADVICE / RESPONSE / CONDITIONS |
|------------------|--------------------------------|
| Nil              | N/A                            |

SECTION 4.15 EVALUATION

Consideration of the matters prescribed by section 4.15 are summarised below.  
Where the development does not comply with any of the development controls, the non-compliance is discussed in detail in the "Assessment – Key Issues" section of the report.

**4.15(1)(a)(i) the provisions of any environmental planning instrument**

|                                                                                 | Applicable Clauses                                                                                                                                                             | Compliance                                                                                                                                                                                                                                                                                                  |
|---------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State Environmental Planning Policies (SEPPs)                                   |                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                             |
| State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 | Clause 6 Buildings to which Policy applies                                                                                                                                     | Yes. Basix certificate not required as works <\$50,000                                                                                                                                                                                                                                                      |
| Regional Environmental Planning Policies (deemed SEPPs)                         |                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                             |
| Nil                                                                             | Nil                                                                                                                                                                            | N/A                                                                                                                                                                                                                                                                                                         |
| Local Environmental Plans (LEPs)                                                |                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                             |
| Walgett Local Environmental Plan 2013                                           | Part 2 Permitted or prohibited development and the land use table for R1 General Residential.                                                                                  | The proposed land use requires development consent.                                                                                                                                                                                                                                                         |
|                                                                                 | Clause 2.3 (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within a zone. | The proposed development is functionally an existing lawful use, is compatible with the general residential character of the area, and is unlikely to adversely affect the amenity of development within the zone. In that context it is compliant with the objectives for the R1 General Residential Zone. |
|                                                                                 | Clause 6.2 Flood planning                                                                                                                                                      | N/A. Site is located inside Walgett Levee bank.                                                                                                                                                                                                                                                             |

**4.15(1)(a)(ii) the provisions of any draft environmental planning instrument**

|                                                     | Applicable Clauses | Compliance |
|-----------------------------------------------------|--------------------|------------|
| Draft State Environmental Planning Policies (SEPPs) | Nil                | N/A        |
| Draft Local Environmental Plans (LEPs)              | Nil                | N/A        |

**4.15(1)(a)(iii) any development control plan**

|                                          | Applicable Clauses      | Compliance                                                                                                                               |
|------------------------------------------|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 6. Walgett Development Control Plan 2016 | 4.3.1 Building Setbacks | No. Proposed development 2.1 from Namoi Street Boundary. Guidelines state 4.5m with no concession to secondary frontage. See Key Issues. |
|                                          | 4.3.2 Design            | Yes. No windowless facades at street frontage.                                                                                           |
|                                          | 4.3.3 Building height   | Yes. Ridge less than 10m with ceiling height less than 7.2m.                                                                             |

|  | Applicable Clauses                                          | Compliance                                                                                                                                   |
|--|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
|  | 4.3.4 Utility Infrastructure Protection                     | Yes. No additions proposed within 'Zone of Influence' of utilities. Further addressed by proposed condition 11. Public Infrastructure.       |
|  | 4.3.5 Site Coverage                                         | Yes. Site coverage less than 50%                                                                                                             |
|  | 4.3.6 Solar Access                                          | N/A. Not two storey development.                                                                                                             |
|  | 4.3.7 Privacy                                               | Yes. No additions or alterations with ground floor above 0.7m.                                                                               |
|  | 4.3.8 Parking                                               | Yes. There is provision for parking through existing garage.                                                                                 |
|  | 4.3.9 Access                                                | Yes. All weather access existing.                                                                                                            |
|  | 4.3.10 Fencing                                              | N/A. No additional fencing proposed.                                                                                                         |
|  | 4.3.11 Outbuildings and Detached Garages                    | N/A. No additional outbuildings proposed.                                                                                                    |
|  | 4.3.12 Temporary Accommodation during dwelling construction | N/A. No temporary accommodation proposed.                                                                                                    |
|  | 4.3.13 Relocated Dwellings                                  | N/A. No relocated dwellings proposed.                                                                                                        |
|  | 4.3.14 Pools                                                | N/A. No pool proposed.                                                                                                                       |
|  | 4.3.15 Water tanks                                          | N/A. No tank proposed.                                                                                                                       |
|  | 4.3.16 Car Ports                                            | N/A. no additional carport proposed.                                                                                                         |
|  | 6.1 Environmental Effects                                   | N/A. Residential development considered not to have significant environmental impacts.                                                       |
|  | 6.3 Vegetation                                              | N/A. No significant trees to be removed.                                                                                                     |
|  | 6.4 Waste Management                                        | Yes. Current waste management serviced by Council's waste collection service appears adequate with no increase proposed through development. |
|  | 6.5 Noise                                                   | N/A. No significant noise issues expected.                                                                                                   |
|  | 6.6 Geology                                                 | N/A. Alterations not significantly impacted by slope or soil type.                                                                           |
|  | 6.7 Stormwater                                              | Yes. Proposed 100mm piping to existing 2 outlets.                                                                                            |

**4.15(1)(a)(iv) any matters prescribed by the regulations**

Any matters prescribed by the Environmental Planning and Assessment Regulation 2000.

| Applicable Clauses                                                        | Compliance                                                                                              |
|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| 92(1)(b) Demolition                                                       | N/A – No demolition proposed.                                                                           |
| 93 Fire safety and other considerations                                   | N/A – No change of building use for an existing building proposed.                                      |
| 94 Consent authority may require buildings to be upgraded                 | Fire protection may be inadequate. This is covered by recommended condition of consent 14. Fire Safety. |
| 94A Fire safety and other considerations applying to temporary structures | N/A – No temporary structure proposed.                                                                  |
| 95 Deferred commencement consent                                          | N/A – Not proposed or required.                                                                         |
| 97A Fulfilment of BASIX commitments                                       | BASIX certificate A308238 supplied                                                                      |

#### 4.15(1)(b) the likely impacts of that development

|                              | Impact | Comment                                                                                                                                                                                                                                                                                                    |
|------------------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Social                       | No     | Additions to current residential dwelling and erection of outbuilding will not significantly impact on wider community or neighbours.                                                                                                                                                                      |
| Economical                   | Yes    | This development will have an economic multiplier effect. The funds used to carry out the works are likely to be used to purchase upgrading equipment and employ services and trades to undertake the work. This will have a positive economic impact on the Walgett community and the wider Shire region. |
| Siting & Configuration       | Yes    | Minimal impacts and appropriate for the development.                                                                                                                                                                                                                                                       |
| Setbacks                     | Yes    | Proposed development does not comply with DCP requirements. However, the proposed roof/verandah is for the existing dwelling and is considered appropriate for the development.                                                                                                                            |
| Privacy                      | No     | No apparent impacts on privacy from additions.                                                                                                                                                                                                                                                             |
| Overshadowing                | No     | Additions will not significantly overshadow any neighbouring development.                                                                                                                                                                                                                                  |
| Solar Access                 | Yes    | Additions appear to have appropriate solar access.                                                                                                                                                                                                                                                         |
| Visual                       | Yes    | Minimal impact as additions are to the roofed area and considered appropriate for the development.                                                                                                                                                                                                         |
| Significant Views            | No     | Level area without apparent significant views.                                                                                                                                                                                                                                                             |
| Amenity                      | No     | No adverse impact on amenity is identified.                                                                                                                                                                                                                                                                |
| Water                        | Yes    | Additional water will be capture due to the development and disposed via council's stormwater infrastructure.                                                                                                                                                                                              |
| Air                          | No     | No works proposed that will affect air issues.                                                                                                                                                                                                                                                             |
| Noise                        | Yes    | An increase in noise during construction is anticipated.                                                                                                                                                                                                                                                   |
| Land Degradation             | No     | Land degradation is not anticipated from the additions.                                                                                                                                                                                                                                                    |
| Tree Loss                    | No     | No trees proposed to be removed. Branches may need to be trimmed during construction.                                                                                                                                                                                                                      |
| Flora                        | No     | No perceived impacts to flora.                                                                                                                                                                                                                                                                             |
| Fauna                        | No     | No perceived impacts to fauna.                                                                                                                                                                                                                                                                             |
| Natural & Built Environments | Yes    | Additions will impact on the natural environment by capturing additional rainwater thus reducing water runoff from site. The built environment with be impacted visually and through additional site coverage. Impacts are appropriate for the development and locality.                                   |

**4.15(1)(c) the suitability of the site for the development**

| Summary of site suitability issues                    |                                                                                               |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| Does the development fit into the locality            | Yes. The proposed works are consistent with surrounding development.                          |
| Are the site attributes conducive for the development | No significant attributes are known which would make the site unsuitable for the development. |

**4.15(1)(d) any submissions made in accordance with this Act or the Regulations**

Proposal is only local development therefore there is no formal opportunity for submissions under the Act or Regulations.

**4.15(1)(e) the public interest**

| Summary of any detrimental impacts           |                         |
|----------------------------------------------|-------------------------|
| Federal, state or local government interests | None known or expected. |
| Community interests                          | None known or expected. |

**PUBLIC PARTICIPATION**

Public notification of single storey additions to a dwelling, and outbuildings associated with dwellings, are not required under clause 2.6.1 of the Walgett Development Control Plan 2016. Considering the proposed development, no public notification was undertaken.

**ASSESSMENT – KEY ISSUES**

**Setbacks**

Proposed verandah is within the setback distance for Street frontage. This is considered appropriate for the development as the existing dwelling is located within this setback distance and it would be unreasonable to move/modify the existing dwelling to comply with the current setback guidelines.

Another issue concerns the corner block site setting. As the development is within the minimum setbacks, it may impact on sightlines for vehicle and pedestrian safety at the intersection. Advice was received from Sylvester Otieno, Director of Engineering stating that there is no significant issue with sightlines (See TRIM file: DA2018/019/0005)

**Conclusion**

**While development is proposed within the minimum setback distances, it is unreasonable not to allow additions to the existing dwelling for this reason. Additionally, the development does not appear to impact significantly on vehicle and pedestrian safety.**

**No significant adverse impacts are known or expected on the natural, social or economic environment as a result of the proposed development. In that context it would be appropriate to approve the Development Application subject to the attached recommended conditions of development consent.**

**ATTACHMENT – RECOMMENDED DEVELOPMENT CONSENT CONDITIONS**

**CONDITIONS IMPOSED BY COUNCIL**

The following development consent conditions are imposed by Council as the consent authority.

## **CONDITIONS THAT ARE ONGOING REQUIREMENTS**

### **GENERAL**

#### **1. Development in Accordance with Plans**

The development shall be implemented in accordance with:

- (a) All documentation and correspondence submitted by the applicant, or their agents, in support of the Development Application,
- (b) the details set out on the plans approved and stamped by authorised officers of Council, except as amended by the conditions of this development consent.

*Reason: To ensure that the development proceeds in the manner proposed by the applicant and approved by Council.*

#### **2. Plans on Site**

A copy of all stamped approved plans, specifications and documents must be kept on site at all times so as to be readily available for perusal by any officer of Council or the Principal Certifying Authority.

*Reason: To ensure development is undertaken in accordance with the determination of Council.*

#### **3. External lighting**

All external lighting is to be positioned and directed so as to prevent the intrusion of light to the adjoining premises.

*Reason: To prevent the intrusion of light onto adjoining premises.*

#### **4. Air conditioners**

Drainage from evaporative air conditioners is to be directed onto lawn and garden areas only. It is not to be disposed of into Council's storm water or sewerage systems.

*Reason: To ensure that Council's stormwater and effluent systems are free of contamination and un-necessary load.*

## **CONDITIONS THAT MUST BE COMPLIED PRIOR TO CONSTRUCTION**

#### **5. Construction Certificate Requirements**

No works shall commence on site until such time as a Construction Certificate has been issued for either part or all of the works.

*Reason: To ensure work is undertaken in accordance with this consent & relevant construction standards.*

#### **6. Surface water**

The land surrounding the completed building is to have a drainage system so that:-

- (a) It is graded to divert surface water clear of existing and proposed structures and adjoining premises, or;
- (b) Disposed of in a manner, which will not create any additional nuisance to adjoining properties.

*Reason: To minimise the potential for detrimental impacts to buildings or neighbouring properties.*

#### **7. Sediment and Erosion Control**

Run-off and erosion controls must be implemented before construction, and maintained to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) prevent tracking of sediment by vehicles onto roads,
- (d) stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.

*Reason: To prevent pollution from detrimentally affecting the public or environment.*

### **CONDITIONS THAT MUST BE COMPLIED WITH DURING CONSTRUCTION**

#### **8. Sitting/Setout**

The owner of the property is to ensure that any building is constructed:

- (a) to meet the setback requirements of the approved plans,
- (b) to be located within the confines of the lot, and;
- (c) so that it does not interfere with any easements or covenants upon the land.

*Reason: To avoid any buildings being erected in a location where it would be inappropriate.*

#### **9. Construction Noise**

The applicant shall ensure that noise pollution is minimised during the course of construction. The use of power tools and/or similar noise producing activities shall be limited to the following hours:-

|                          |                                               |
|--------------------------|-----------------------------------------------|
| Monday to Saturday       | 7.00 AM to 5.00 PM                            |
| Sunday & public Holidays | No construction activities are to take place. |

*Reason: To ensure that public amenity is not unduly affected by noise.*

#### **10. Maintenance of Site**

Maintenance of site:

- (1) All materials and equipment must be stored wholly within the work site unless an approval to store them elsewhere is held.
- (2) Waste materials (including excavation, demolition and construction waste materials) must be managed on the site and then disposed of at a waste management facility.
- (3) Copies of receipts stating the following must be given to the principal certifying authority:
  - (a) the place to which waste materials were transported,
  - (b) the name of the contractor transporting the materials,
  - (c) the quantity of materials transported off-site and recycled or disposed of.
- (4) Any run-off and erosion control measures required must be maintained within their operating capacity until the completion of the works to prevent debris escaping from the site into drainage systems, waterways, adjoining properties and roads.

- (5) During construction:
- (a) all vehicles entering or leaving the site must have their loads covered, and
  - (b) all vehicles, before leaving the site, must be cleaned of dirt, sand and other materials, to avoid tracking these materials onto public roads.
- (6) At the completion of the works, the work site must be left clear of waste and debris.

*Reason: to ensure that demolition work is undertaken in a manner that is safe and minimises environmental disturbance.*

#### **11. Public Infrastructure**

During construction, works are to be carried out so as not to cause damage to nearby public infrastructure, services and utilities, including Council's kerb and gutter, footpaths, water mains, sewer mains and roadways. All damage arising from demolition is to be rectified by the developer to the satisfaction of Walgett Shire Council's Director of Engineering.

*Reason: To ensure that public infrastructure is maintained.*

#### **12. Heritage or Archaeological Relics**

If, during the course of any activities conducted under this consent, the Applicant becomes aware of any heritage or archaeological sites not previously identified, all work likely to affect the site shall cease immediately. The Applicant shall then consult with relevant authorities and decide on an appropriate course of action prior to recommencement of work. The relevant authorities may include NSW Environment, Climate Change & Water and the relevant local Aboriginal community. Any necessary permits or consents shall be obtained and complied with prior to recommencement of work.

*Reason: To avoid unnecessary impacts on heritage and archaeological items and ensure compliance with relevant regulatory requirements.*

### **CONDITIONS THAT MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

#### **13. Stormwater**

Roof water is to be disposed in a manner that does not cause a nuisance for neighbouring properties, by one of the following methods:

- (a) By Piping to the street gutter.
- (b) To a rainwater tank and then via the overflow to the street gutter.

*Reason: To alleviate any potential stormwater problems with respect to the buildings on the allotment or adjoining allotments.*

#### **14. Fire Safety**

The building or home must be equipped with working smoke alarms that are located, on or near the ceiling in between each part of the dwelling containing bedrooms and the remainder of the dwelling including where bedrooms are served by a hallway, in that hallway and any other storey not containing bedrooms. Where there is more than one alarm be interconnected and be connected to the consumer mains power where consumer power is supplied to the building.

*Reason: To ensure the fire protection and structural capacity of the building is appropriate for the building's proposed use.*

**NOTES – EPA act 1979**

**CONSTRUCTION CERTIFICATE & PRINCIPLE CERTIFYING AUTHORITY**

Section 6.6 of the Environmental Planning and Assessment Act 1979 provides that:

- (1) A development consent does not authorise building work until a certifier has been appointed as the principal certifier for the work by (or with the approval of) the person having the benefit of the development consent or other person authorised by the regulations.
- (2) The following requirements apply before the commencement of building work in accordance with a development consent:
  - (a) the principal certifier has, no later than 2 days before the building work commences, notified the consent authority and the council (if the council is not the consent authority) of his or her appointment as the principal certifier,
  - (b) the principal certifier has, no later than 2 days before the building work commences, notified the person having the benefit of the development consent of any inspections that are required to be carried out in respect of the building work,

**LICENCED CONTRACTOR APPOINTMENT**

Sub-section 6.6(2) of the Environmental Planning and Assessment Act 1979 provides that:

- (c) the person carrying out the building work has notified the principal certifier that the person will carry out the building work as an owner-builder, if that is the case,
- (d) the person having the benefit of the development consent, if not carrying out the work as an owner-builder, has:
  - (i) appointed a principal contractor for the building work who must be the holder of a contractor licence if any residential building work is involved, and
  - (ii) notified the principal certifier of the appointment, and
  - (iii) unless that person is the principal contractor, notified the principal contractor of any inspections that are required to be carried out in respect of the building work,

**NOTIFICATION OF COMMENCEMENT OF BUILDING WORKS**

Sub-section 6.6(2) of the Environmental Planning and Assessment Act 1979 provides that:

- (e) the person having the benefit of the development consent has given at least 2 days notice to the council, and the principal certifier if not the council, of the person's intention to commence the erection of the building,

**NOTES – EPAR regulation 2000**

**BUILDING CODE OF AUSTRALIA**

Sub-clause 98(1)(a) & (b) of the Environmental Planning and Assessment Regulation 2000 makes the following mandatory condition of development consent.

- (1) For the purposes of section 4.17 (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
  - (a) that the work must be carried out in accordance with the requirements of the *Building Code of Australia*,
  - (b) in the case of residential building work for which the [Home Building Act 1989](#) requires there to be a contract of insurance in force in accordance with Part 6 of that

Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

#### **ERECTION OF SIGNS**

Clause 98A of the Environmental Planning and Assessment Regulation 2000 imposes a mandatory condition of development consent for development that involves any building work, subdivision work or demolition work, as follows:

- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
    - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
    - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
    - (c) stating that unauthorised entry to the work site is prohibited.
  - (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
  - (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
  - (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 6.28 of the Act, to comply with the technical provisions of the State's building laws.
  - (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.
- Note.  
Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).

#### **ADVISORY NOTES – General**

##### **PLUMBING, STORMWATER AND SEWER DRAINAGE WORKS**

Section 68 of the Local Government Act 1993 requires that any plumbing, stormwater or sewer drainage works require prior approval from Council via an Activity Application.

##### **COVENANTS**

It is possible that a covenant may affect the land, which is subject to this consent. The granting of this consent does not necessarily override any covenant. You should seek legal advice regarding the effect of any covenants that may affect the land.

##### **OPAL MINING DISTURBANCE**

Opal mining and prospecting operations may have been previously carried out on, or below, the land, which is the subject of this consent, or on adjoining lands. There are no official records of the extent of opal mining workings within the Lightning Ridge area. The developer should make their own enquiries to determine whether the land being developed might be adversely affected by such activities, prior to proceeding with the development.

##### **FLOOD**

The applicant/owner is advised that the site is located on a flood plain, hence may be subject to periodic inundation by floodwater to an unknown depth and velocity. You are advised to obtain your own expert advice regarding the risks associated with periodic inundation by floodwater.

##### **DIAL BEFORE YOU DIG**

Underground infrastructure may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures.

END.

### 17.3.5 DRAFT WALGETT WASTE MANAGEMENT STRATEGY

**REPORTING SECTION:** Environmental Services  
**AUTHOR:** Director Environmental Services, Jess McDonald  
**FILE NUMBER:** 00/00/00

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**Summary:**

The report discusses the second DRAFT Waste Management Strategy submitted by Impact Environmental Consulting in September 2018 for comments and endorsement.

**Background:**

In 2017 Council engaged the services of Impact Environmental Consulting (IEC) to develop a Waste Management Strategy for Walgett Shire Council. Since the engagement, Council and IEC have worked together to identify the issues surrounding waste management in the shire. A Review of Current Practises was developed and a community consultation followed, with the results presented to Council.

**Current position:**

Attached in the DRAFT Waste Management Strategy for comments and endorsement. Should Council wish for further changes to be made, these will be given to the consultant and a third DRAFT will be submitted for Council review.

When endorsed, the Strategy will be placed on public exhibition for 28 days. Where submissions regarding the DRAFT Strategy are received, these will be put forward to Council as part of a separate report for Council's consideration and prior to the FINAL Strategy being adopted.

**Governance issues:**

Protection of the Environment Operations Act, NSW Environmental Protection Authority

**Environmental issues:**

The purpose of the Strategy is to improve waste management practises within the shire overall.

**Stakeholders:**

Walgett Shire Council, Community, Staff, EPA.

**Financial Implications:**

Potential costs for actions are outlined within the Strategy for Council's Consideration.

| Draft Walgett Waste Management Strategy                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That Council endorse the DRAFT Waste Management Strategy and request IEC to prepare the document for Public Consultation.</p> <p><b>Moved:</b></p> <p><b>Seconded:</b></p> |

**Attachment:**

Draft Walgett Waste Management Strategy. *Refer to Attachment Document.*

## 17.3.6 LANDFILL MANAGEMENT AND OPERATIONS – WALGETT AND LIGHTNING RIDGE

**REPORTING SECTION:** Environmental Services  
**AUTHOR:** Director Environmental Services, Jess McDonald  
**FILE NUMBER:** 00/00/00

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### **Summary:**

This report outlines Council's current position in the process of taking over the Operations of the Walgett & Lightning Ridge Landfills.

### **Background:**

In June 2018 Council resolved not to renew the Landfill Contracts for Walgett & Lightning Ridge for the Maintenance and Operations of the Landfills. It was resolved that Council would overtake these operations and that Council staff should inspect and purchase of equipment and plant from the current contractor. DES advised the Council that staff still needed to develop the methodologies, practises and policies in which Council would operate the facilities to ensure health and safety of the employees and best practise at the landfills.

### **Current position:**

#### Plant

Council staff have carried out initial inspections of the existing plant owned by the current Landfill Contractors. It has been determined that Council staff may make an offer on the plant and equipment, based on the outcome of the inspections and taking into consideration any work the plant requires. Council staff have been looking into the processing and burial of asbestos. Council will need to ensure adequate provision of suitable burial of asbestos as per safety guidelines by the EPA and is currently reviewing options for plant. Negotiations are occurring with the Contractor at present with a formal offer anticipated by September's end.

#### Offices

A number of quotes have been received at Council for the installation of pre-fabricated offices including fitted out containers which can be moved easily onto the Walgett and Lightning Ridge sites. Council are now working with a provider and other tradesman to finalise details and works associated with the installation of the offices and working with the particular site constraints.

#### Staff

The final Position Descriptions were endorsed by the Consultative Committee in September 2018 and are, at the time of writing this report, being advertised. A total of four (4) staff are required for both sites. Interviews are expected to be conducted late September/early October. Policies and Procedures

Council staff are currently reviewing the Pollution Incident Response Management Plan (PIRMP) and the Local Environmental Management Plan (LEMP) for the Walgett Landfill. New procedures and policies will be put into place including a new Asbestos Management Plan which is currently being finalised by the NetWaste Committee. New Landfill Masterplans are also in the works which will include landfilling plans suitable for each site to maximise the life of those sites.

#### Safety, Training & Equipment

All PPE will be provided and new equipment is being purchased for the sites including emergency eye wash facilities and access to fire extinguishers. Each site will have new computers, payment facilities for acceptance of fees and access to toilets and other amenities.

Staff will attend on-site training with the DES and the current Contractors and will have training in Waste Management Certificate III and training to use fire services, asbestos handling and general site safety training.

**Conclusion:**

At the time of writing the report, Council is on schedule to take over operations by 1<sup>st</sup> December 2018. This will depend on the ability to attract suitable staff to the positions and having safe compliant plant ready on-site. All safety considerations and requirements must be adhered too in regards to plant, equipment and site practises and these must be fully ensured prior to any take over occurring.

**Governance issues:**

Protection of the Environment Operations Act, Local Government Award, Associated Guidelines and Policies.

**Environmental issues:**

Council is working to ensure a safe working environment for staff and to ensure best landfill practises are followed at the Landfill sites.

**Stakeholders:**

Walgett Shire Council, Community, Staff, EPA

**Financial Implications:**

As per budget report to Council June 2018. At present, the works being undertaken and to be carried out are within the budget as outlined in the previous budget report.

**Landfill Management and Operations – Walgett and Lightning Ridge**

**Recommendation:**

That Council note the above report and endorse the actions of the Director Environmental Services.

**Moved:**

**Seconded:**

### 17.3.7 MATTERS GENERALLY FOR BRIEF MENTION OR INFORMATION ONLY FROM GENERAL MANAGER

**REPORTING SECTION:** Environmental Services  
**AUTHOR:** Jess McDonald, Director Environmental Services  
**FILE NUMBER:** 00/00/00

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This report provides notes on items for brief mention, or information only, on more significant matters recently arising in the Planning & Regulatory Services Division.

#### **1. Deed of Agreement – Environmental Trust – Lightning Ridge Transfer Station**

In September 2018 Council received confirmation from the NSW Environmental Trust that the Deed of Agreement for the approved funding for the Transfer Station at Lightning Ridge could be submitted by the end of October. This will allow Councillors and staff time to amend the application where necessary and visit similar facilities in the area.

A date of 21st September 2018 has been organized with Staff at Gilgandra and Councillors for a site visit to occur.

#### **2. Drone Surveying - Landfills**

In August 2018 ES Staff commenced drone surveying of the landfills. The surveying will occur in all Landfills under Council's Management within the shire. The purpose of the surveying is to allow staff to undertake a measured view of the cubic metres of rubbish as it is landfilled over time, monitor landfilling forms and monitor the Landfills behaviours in general. The data captured will be used to provide supporting information to the EPA for annual reporting purposes and potentially as part of a study the EPA is conducting on landfills where weighbridges are not installed, and alternative ways of measuring volumes and wastes.

| <b>Matters for Brief Mention or Information Only from Director of Environmental Services</b>                                                                                 |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That the above matters listed for brief mention or information only be received and noted.</p> <p><b>Moved:</b></p> <p><b>Seconded:</b></p> |

## 17.4 DIRECTOR ENGINEERING/TECHNICAL SERVICES

### 17.4.1 MONTHLY RMCC WORKS REPORT

**REPORTING SECTION:** Engineering / Technical Services  
**AUTHOR:** Sylvester Otieno–Director Engineering/Technical Services  
**FILE NUMBER:** 11/211

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**Summary:**

The purpose of this report is to inform Council of progress with regards to the RMCC works till 31st July 2018.

**Background:**

The RMS has approved a contract of \$2,400,000 for the 2018/2019 financial year which are made up of \$900,000 and \$1,500,000 for Routine and Ordered Works respectively. List of ordered works are given in Table 1 and Table 2.

**Current Position:**

Routine maintenance works is ongoing. Ordered Works are yet to commence.

**Relevant Reference Documents/Policies:**

RMS approved budget

**Governance issues:**

Nil

**Environmental issues:**

Nil

**Stakeholders:**

Walgett Shire  
Walgett Residents

**Financial Implications:**

As at 31st August 2018, \$0 (0%) from Ordered Works and \$136,591.75 (15%) for Routine Services for 2018/2019 budget has been spent.

**Alternative Solutions/Options:**

Nil

**Conclusion:**

Council will continue to monitor the work progress of RMCC to ensure the works are complete within the guidelines.

| Monthly RMCC works Report from Director Engineering / Technical Services                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>That Council receive and note the monthly RMCC works report for August 2018.</p> <p><b>Moved:</b><br/><b>Seconded:</b></p> |

**Attachments:**

Table 1 – 2018/2019 RMCC Ordered Works

Table 2 – 2018/2019 RMCC Routine Services

**Table 1 – 2018/2019 RMCC Ordered Works**

| SN | Description   | Physical Status | Expenditure |
|----|---------------|-----------------|-------------|
| 1  | Not Commenced |                 | 0.00        |
|    |               | <b>TOTAL</b>    | <b>0.00</b> |

**Table 2 – 2018/2019 RMCC Routine Services**

| SN | Description                              | Physical Status | Expenditure         |
|----|------------------------------------------|-----------------|---------------------|
| 1  | SH12 Gwydir Highway - Routine            | Ongoing         | \$24,567.99         |
| 2  | SH18 Castlereagh Highway North - Routine | Ongoing         | \$17,224.22         |
| 3  | SH18 Castlereagh Highway South - Routine | Ongoing         | \$20,771.42         |
| 4  | SH29 Kamilaroi Highway - Routine         | Ongoing         | \$51,116.11         |
| 5  | Training & Meeting Costs                 | Ongoing         | \$22,912.01         |
|    |                                          | <b>TOTAL</b>    | <b>\$136,591.75</b> |

## 17.4.2 MATTERS GENERALLY FOR BRIEF MENTION OR INFORMATION FROM DIRECTOR ENGINEERING/ TECHNICAL SERVICES

**REPORTING SECTION:** Engineering/Technical Services  
**AUTHOR:** Sylvester Otieno - Director Engineering Technical Services  
**FILE NUMBER:** 00/00/00

### 1. Heavy Vehicle Safety and Productivity Program

Council has been successful in securing \$1.2 million each in the latest round of Commonwealth Heavy Vehicle Safety and productivity Program (HVSPP) funding for the Come by Chance and Gundabloui Roads. These funds will be matched with the ongoing approved Fixing Country Roads funding.

No official announcement has yet been made, but the successful projects have been published on the infrastructure website for Australian Government.

|     |                                                                        |                                                                                                                                                                                                                            |             |             |             |                  |   |
|-----|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-------------|-------------|------------------|---|
| NSW | Walgett Shire Council – Gundabloui Road, Collarenebri – Widen and seal | The widening and sealing of 10.8km of Gundabloui Road between Collarenebri and Mungindi, will increase reliability for transporting freight during wet weather and greatly improve access to the bulk grain storage sites. | \$1,200,000 | \$2,700,000 | In planning | Road Enhancement | 1 |
| NSW | Walgett Shire Council - Come By Chance Road, Come By Chance - Seal     | The sealing and drainage improvements of Come By Chance Road in Come By Chance will improve safety and provide all-weather access for heavy vehicles and other road users.                                                 | \$1,200,000 | \$2,700,000 | In planning | Road Enhancement | 1 |

### 2. Artesian Bore for Collarenebri

DETS has approached Department of Industries – Lands and Water with a request funding to sink an artesian bore for Collarenebri Water Supply.

The bore would cost between \$500,000 and \$700,000 depending on the depth. The depth of the nearest bore is 1184m and is free-flowing at 986m. It has a flow of 38.5l/s at that depth and a positive head of 34.1m. However, it is approximately 15km from town. Should it be impossible to find a suitable site near the WTP, there would be additional costs for piping and pumping.

### 3. Projects Status

| No. | Project                              | Scope                              | Status      |
|-----|--------------------------------------|------------------------------------|-------------|
| 1   | Dewhurst St, Walgett                 | Drainage                           | Complete    |
| 2   | Warrena St (S), Walgett              | Drainage                           | Complete    |
| 3   | Lorne Road 3km                       | Graveling                          | Ongoing     |
| 4   | Mercadool Road, 3km                  | Graveling                          | Complete    |
| 5   | Cryon Road, 3km                      | Graveling                          | Complete    |
| 6   | Billybingbone Road, 4km              | Graveling                          | Complete    |
| 7   | Walgett Saleyard Facility            | New                                | Ongoing     |
| 8   | Goangra Bridge                       | Replacement                        | Ongoing     |
| 9   | Raw Water Pump Station, Collarenebri | Switchboard Replacement            | Complete    |
| 10  | Standby Clearwater Pump, Walgett WTP | New                                | Complete    |
| 11  | Water Supply Systems Telemetry       | Upgrade                            | Not started |
| 12  | Cooling Tower. Lightning Ridge       | New                                | Ongoing     |
| 13  | Trickling Filter repair, Walgett STP | Renewal                            | Ongoing     |
| 14  | Switchboard Design, Walgett STP      | Renewal                            | Ongoing     |
| 15  | Lightning Ridge Aerodrome Upgrade    | RNAV, runway Extension and Fencing | Ongoing     |
| 16  | Cumborah Bore                        | Upgrade                            | Ongoing     |

| No. | Project                             | Scope          | Status  |
|-----|-------------------------------------|----------------|---------|
| 17  | Walgett Weir                        | Upgrade        | Ongoing |
| 18  | Bugilbone Road, 25km                | Upgrade        | Ongoing |
| 19  | Pump Station Upgrade, Namoi Village | Upgrade        | Ongoing |
| 20  | Come By Chance Road Upgrade 6km     | Upgrade        | Ongoing |
| 21  | Carinda Road                        | Heavy-patching | Ongoing |
| 22  | Walgett Main Street Footpath & K&G  | Renewal        | Ongoing |
| 23  | Walgett Cemetery                    | Upgrade        | Ongoing |

**Matters Generally For Brief Mention or Information Only – Engineering/ Technical Services**

**Recommendation:**

That Council receives and note the Matters Generally for Brief Mention or Information Only presented by the Director Engineering/ Technical Services.

**Moved:**

**Seconded:**

## 18. RESPONSES TO QUESTIONS FROM THE LAST MEETING

### **Clr Keir**

Q1: Have we had any news re the allocation of funds for round 2 of stronger country communities? *There has been no advice received to date.*

### **Clr Murray**

Q1: Could the disabled sign outside Dharrivaa Elders Group- Fox Street, Walgett be repainted? *Ongoing*

Q2: What is happening with the historical signs on Fox Street, Walgett? *To be investigated.*

Q3: Large sign at Burren Junction sign needs repainting. *To be considered in next year annual budget.*

Q4: What is happening with the BAC Building? *BAC Building has been subject to a previous ORDER to make the building safe (inaccessible to children, others etc). The requirements of the ORDER were met and signed off by Andrew Wilson after an inspection of the works. A new inspection of the site will occur to identify any potential new safety issues.*

Q5: IGA Carpark, Walgett – change the enter and exit from the carpark and maybe the car tracks at an angle for easier access? *This matter will require further investigation & discussion with IGA Management plus development of a traffic plan. With the DE/TS leaving this work will be progressed over the next two months. This will go to LATC*

### **Clr Taylor**

Q1: Can Council get an update on the Hudson Pear Programme?

Q2: Line marking – can Lightning Ridge Street lines in town and streets be upgraded? *Ongoing*

Q3: Bundy clock for Lightning Ridge Staff? *There is already a timesheet for staff to complete everyday*

Q4: Can metres for outside of town water lines be installed to collect water fees? *See report to this meeting.*

### **Clr Martinez**

Q1: Can Council write letters/lobby for face to face registration for claims renewal in Lightning Ridge – Dept. of industries or can Council take over admin of this process? *Will be explored with relevant Department in coming weeks & the possibility of Council providing services in conjunction with the proposal to establish an office in LR will be included in discussions*

### **Clr Smith**

Q1: Inspection required at the Collarenebri Boat Ramp – very steep and dangerous? *To be inspected by relieving DE/TS and a report presented to the October Meeting of Council. Boat ramp is closed while repairs/modification is being arranged.*

### **Clr Walford**

Q1: Staff weren't not wearing harnesses when climbing the water tower in Lightning Ridge. *Noted and Staff have been advised accordingly.*

## **19. QUESTIONS FOR THE NEXT MEETING**

*Please complete the form: Questions for the Next Meeting and return the forms to the Executive Assistant.*

## 20. CLOSE OF MEETING

**Time: .....**