

# **AGENDA FOR ORDINARY COUNCIL MEETING**

## **26 June, 2012**

**NOTICE IS HEREBY GIVEN** pursuant to clause 7 of Council's Code of Meeting Practice that the Ordinary Council Meeting of Walgett Shire Council will be held in the **Walgett Shire Council Chambers** on **26 June, 2012** commencing at 10.00am to discuss the items listed in the Agenda.

Don Ramsland  
**GENERAL MANAGER**

## WALGETT SHIRE COUNCIL AGENDA

### 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 or other body, or
- Just because the person is a member of, or is employed by, the Council
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

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

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

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

#### **Participation in Meetings despite Pecuniary Interest (S452 Act)**

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

**Non-Pecuniary Interest** – Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-Pecuniary conflicts of interest must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However,

Councillors should consider providing an explanation of why they consider a conflict does not exist.

- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

**Disclosure to be Recorded (S453 Act)** A disclosure (and the reason/s for the disclosure) made at a meeting of the Council or Council Committee or Sub- Committee must be recorded in the minutes of the meeting.

## AGENDA

**1. Opening of Meeting**

**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. Apologies**

**4. Welcome to Visitors**

**5. Public Forum  
Presentations.....**

5.1 – Presentation by Mrs Anne Kennedy – letter circulated under separate cover

*(Limited to five minute presentations, and must relate to items listed within the Business Paper)*

**6. Declaration of Pecuniary/Non Pecuniary Interests**

**7. Confirmation of Minutes/Matters Arising..... 5**

1. Meeting 22<sup>nd</sup> May 2012 .....Pg 5

2. Extraordinary Meeting 22<sup>nd</sup> May 2012 .....Pg 22

**8. Reserve Trust Management Committee Reports .....Nil**

**9. Mayoral Minutes ..... Nil**

**10. Motions of which Notice has been given ..... Nil**

**11. Presentation of Petitions**

**12. Councillor's Questions from Last Meeting .....28**

**13. Reports of Delegates and Representatives.....30**

1. Netwaste Strategic Waste Plan & Last meeting minutes.....Pg 30

2. Walgett Shire Council Local Area Traffic Control Minutes – June 2012.....Pg 38

**14. Reservation of items for Debate.....Nil**

**15. Reports of Officers**

### **GENERAL MANAGER**

1. Council Decisions Action Report –May 2012.....Pg 46

2. Circulars Received from the NSW Local Government & Shire's Association of NSW – May 2012.....Pg 54

3. Circulars Received from Local Government Department of Premier & Cabinet – May 2012.....Pg 56

4. Monthly Calender – June 2012.....Pg 65

5. Review of Model Code of Conduct .....Pg 70

6. Destination 2036 Action Plan .....Pg 72

7. Matter Generally for Brief Mention or Information Only .....Pg 74

## WALGETT SHIRE COUNCIL AGENDA

### CORPORATE SERVICES

8. Community Assistance Scheme.....	Pg 75
9. Walgett Shire Ten (10) Year Community Strategic Plan.....	Pg 79
10. 2012/2016 Delivery Program, 2012/2013 Operational Plan & Budget & Long Term Ten (10) Year Financial Plan Including Fees & Charges.....	Pg 85
11. Audit & Risk Management Committee.....	Pg 91
12. Cash on Hand & Investment Report – May 2012.....	Pg 107
13. Water Fund Reserves.....	Pg 110
14. Making of the Ordinary Rate .....	Pg 116
15. Sale of Land for Overdue Rates.....	Pg 119
16. Matters Generally for Brief Mention or Information.....	Pg 122

### COMMUNITY SERVICES

17. Friday Night Engagement Program Funding .....	Pg 124
18. Family & Community Service Agreement .....	Pg 126
19. Variation to Extend Strong Collie Project .....	Pg 110

### DIRECTOR PLANNING AND REGULATORY SERVICES

20. Development and Complying Development Certificate Applications.....	Pg 130
21. Draft Walgett Local Environmental Plan 2012 .....	Pg 138
22. Development Application, Rural Subdivision.....	Pg 148
23. Matters Generally for Brief Mention or Information.....	Pg 169

### DIRECTOR URBAN INFRASTRUCTURE SERVICES

24. Matters Generally for Brief Mention or Information.....	Pg 172
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### DIRECTOR ENGINEERING SERVICES

25. Monthly Flood Works Report .....	Pg 173
26. Asset Management Strategy .....	Pg 177
27. Matters Generally for Brief Mention or Information.....	Pg 178

### 16. Reports of Committees ..... Nil

### 17. Confidential Reports/Closed Council Meeting

28. Walgett Levee Report .....	Pg 186
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### 18. Questions for the Next Meeting .....

### 19. Close of Meeting

**Confirmation of Minutes**

***1. MINUTES OF COUNCIL MEETING–22 MAY 2012***

Minutes of Council meeting – 22 <sup>nd</sup> May 2012
<p><b>Recommendation:</b></p> <p>1. That the minutes of the Council meeting held on 22<sup>nd</sup> May 2012 be confirmed.</p> <p><b>Moved:</b></p> <p><b>Seconded:</b></p>



Attachment	Council	Committee	Minutes	–	22 <sup>nd</sup>	May	2012
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## **MINUTES FOR ORDINARY COUNCIL MEETING**

**22nd May, 2012**

NOTICE IS HEREBY GIVEN pursuant to clause 7 of Council's Code of Meeting Practice that the Ordinary Council Meeting of Walgett Shire Council will be held in the **Walgett Shire Council Chambers** on **22<sup>nd</sup> May, 2012** commencing at 9.00am to discuss the items listed in the Agenda.

Don Ramsland  
**GENERAL MANAGER**

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

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# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

### MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD AT WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY 22 May, 2012 AT 9.10AM

#### PRESENT

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

#### Welcome to Visitors

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

#### Apologies

4/2012/11 Apologies – 22<sup>nd</sup> May, 2012

NIL

#### Public Forum Presentations

##### Wendy Spencer – Dharriwaa Elders Group

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

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

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

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



## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

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

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

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

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

#### Ashley Albury – Department of Planning & Infrastructure

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

##### 1. Rural Lifestyle Blocks

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

##### 2. Future Building on Flood Plain

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

##### 3. Mining Camps

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

#### Declaration of Pecuniary/Non Pecuniary Interests

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

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

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

### Confirmation of Minutes

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

#### **Recommendation:**

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

#### 1. Cllr Keir

##### **Question 1**

1 "Burren Junction" to read "Burren Junction Pre School" and "Walgett" to read "Carinda"

#### 2. Cllr Murray

##### **Question 1**

"A vandal" to read "A Vehicle"

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

"40 Acres" to read 40 "Hectares"

**Moved:** Cllr Woodcock

**Seconded:** Cllr Lane

**CARRIED**

### Matters Arising

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

#### **Resolved:**

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

**Moved:** Cllr Keir

**Seconded:** Cllr Smith

**CARRIED**

### Reserve Trust Management Committee Reports

Nil

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

### Mayoral Minutes

Nil

### Motions of which Notice has been given

Nil

### Presentation of Petitions

N/A

### Councillors Questions From Last Meeting

#### Clr Greenaway

##### **Question 1**

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

##### **Response:**

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

#### Clr Keir

##### **Question 1**

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

##### **Response:**

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

##### **Question 2**

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

##### **Response:**

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

#### Clr Martinez

##### **Question 1**

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

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

**Response:**

The Director Engineering Services advised that an upper estimate to the project was \$100,000 – see item in Director Engineering Services Matters for Brief Mention or Information  
The Director Engineering Services provided additional advice that he now had a quotation in the sum of \$47500 (approx) for the resealing of the Netball Courts with Asphaltic Concrete (AC)

**Question 2**

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

**Response:**

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

**Clr Kelly**

**Question 1**

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

**Response:**

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

**Question 2**

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

**Response:**

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

**Question 3**

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

**4/20/12/36 Switchboard Collarenebri Showground**

**Motion:**

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

**Moved:** Clr Smith

**Seconded:** Clr Greenaway

**CARRIED**

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

**Clr Woodcock**

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### Question 1

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

#### Response:

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

#### Clr Walford

#### Question 1

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

#### Response:

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

#### Clr Murray

#### Question 1

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

#### Response:

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

#### Question 2

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

#### Response:

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

### Reports of Delegates and Representatives

Nil

### Reservation of items for Debate

Nil

### Reports of Officers

| 5/2012/2 Council Quarterly Decisions Action Report – May 2012                          |
|----------------------------------------------------------------------------------------|
| <b>Recommendation:</b><br>That the action register for May 2012, be received and noted |

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

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

**CARRIED**

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

**Recommendation:**

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

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

**CARRIED**

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

**Recommendation:**

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

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

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

**CARRIED**

#### 5/2012/5 Monthly Calendar – May 2012

**Recommendation:**

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

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

**CARRIED**

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

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

**Recommendation:**

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

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

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

**Moved:** Cllr Woodcock

**Seconded:** Cllr Greenaway

**CARRIED**

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

**Recommendation:**

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

**Moved:** Cllr Greenaway

**Seconded:** Cllr Walford

**CARRIED**

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

Clr Greenaway declared his non Pecuniary Interest in this item

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

**Recommendation:**

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

**Moved:** Clr Woodcock

**Seconded:** Clr Martinez

**CARRIED**

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

**Recommendation:**

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

**Moved:** Clr Smith

**Seconded:** Clr Lane

**CARRIED**

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

**Recommendation:**

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

**Moved:** Clr Keir

**Seconded:** Clr Greenaway

**CARRIED**

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

**Recommendation:**

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

**Moved:** Clr Keir

**Seconded:** Clr Greenaway

**CARRIED**



## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

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

##### Recommendation:

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

**Moved:** Cllr Woodcock

**Seconded:** Cllr Martinez

**CARRIED**

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

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

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

##### Recommendation:

That the Walgett Shire Council resolve to:

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

**Moved:** Cllr Smith

**Seconded:** Cllr Greenaway

**CARRIED**

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

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

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

#### Recommendation:

That:

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

Moved:

Seconded:

**CARRIED**

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

#### Recommendation:

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

Moved: Cllr Walford

Seconded: Cllr Lane

**CARRIED**

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

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

##### **Recommendation:**

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

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

**CARRIED**

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

##### **Recommendation:**

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

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

**CARRIED**

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

##### **Recommendation:**

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

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

**CARRIED**

### **Reports of Committees**

Nil

### **Questions for the next Meeting**

#### **Clr Keir**

##### **Question 1**

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

##### **Response:**

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

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### Question 2

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

#### Response:

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

#### Clr Walford

#### Question 1

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

#### Response:

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

#### Clr Martinez

#### Question 1

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

#### Response:

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

#### Question 2

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

#### Response:

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

#### Clr Smith

#### Question 1

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

#### Response:

The General Manager advised that the matter will be investigated.

Clr Keir left the meeting at 11.41am

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

Clr Keir returned to the meeting at 11.43am

#### **Question 2**

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

#### **Response:**

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

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

Nil

#### **Close of Meeting**

The meeting closed at 11.45am

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

\_\_\_\_\_  
Mayor

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

**2. MINUTES OF EXTRAORDINARY COUNCIL MEETING–22 MAY 2012**

| <b>Minutes of Extraordinary Council meeting – 22<sup>nd</sup> May 2012</b>                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>1. That the minutes of the Extraordinary Council meeting held on 22<sup>nd</sup> May 2012 be confirmed.</p> <p><b>Moved:</b><br/><b>Seconded:</b></p> |

**Attachment** Extraordinary Council Committee Minutes – 22<sup>nd</sup> May 2012



## **MINUTES FOR EXTRAORDINARY COUNCIL MEETING**

**22nd May, 2012**

**NOTICE IS HEREBY GIVEN** pursuant to clause 7 of Council's Code of Meeting Practice that the Extraordinary Council Meeting of Walgett Shire Council will be held in the Walgett Council Chambers on 22<sup>nd</sup> May, commencing after Council's Ordinary Meeting to discuss the items listed in the Agenda.

Don Ramsland  
**GENERAL MANAGER**

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### CONFLICT OF INTERESTS

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

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

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

**Remoteness**

A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to a matter or if the interest is of a kind specified in Section 44B 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 descendant 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 or other body, or
- Just because the person is a member of, or is employed by, the Council
- Just because the person is a member of, or a delegate of the Council to, a company or other body that has a pecuniary interest in the matter provided that the person has no beneficial interest in any shares of the company or body.

**Disclosure and participation in meetings**

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

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

**Participation in Meetings despite Pecuniary Interest (S452 Act)**

A Councillor is not prevented from taking part in the consideration or discussion of, or from voting on, any of the matters/questions detailed in Section 452 of the Local Government Act.

**Non-Pecuniary Interest** – Must be disclosed in meetings.

There are a broad range of options available for managing conflicts & the option chosen will depend on an assessment of the circumstances of the matter, the nature of the interest and the significance of the issue being dealt with. Non-Pecuniary conflicts of interest must be dealt with in at least one of the following ways:

- It may be appropriate that no action be taken where the potential for conflict is minimal. However,

Councillors should consider providing an explanation of why they consider a conflict does not exist.

- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

**Disclosure to be Recorded (S453 Act)**

A disclosure (and the reasons 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.

---(10)---



## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD AT WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY 22 MAY 2012 AT 11.55AM

##### PRESENT

Cir B Murray (Mayor)  
Cir D Lane (Deputy Mayor)  
Cir K Smith  
Cir J Keir  
Cir Martinez  
Cir R Greenaway  
Cir Walford  
Cir Woodcock  
Mr Don Ramsland (General Manager)  
Mr Stephen Holland (Director Corporate Services)  
Mr Mathew Goodwin (Director Planning & Regulatory Services)  
Mr Raju Ranjit (Director Engineering Services)  
Mr Fred Corallo (Director Urban & Infrastructure Services)  
Miss Jane Farkas (Minute Secretary)

##### Welcome to Visitors

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

##### Apologies

5/2012/1 Apologies – 22nd May 2012

Resolution:

Nil

CARRIED

##### Public Forum Presentations

Nil

5/2012/2 Integrated Planning and Reporting Legislation – Review – Draft Walgett Shire Community Strategic Plan

Recommendation:

That the proposed amendments to the Draft Walgett Shire Community Strategic Plan be received and noted

Moved: Cir Greenaway

Seconded: Cir Keir

CARRIED

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### 5/2012/3 Integrated Planning and Reporting Legislation – Consideration of Resourcing Strategy

##### Recommendation:

That where appropriate the proposed documents comprising the Resourcing Strategy for the Walgett Shire Community comment and submissions invited

Moved: Cllr Walford

Seconded: Cllr Keir

**CARRIED**

#### 5/2012/4 Overview – 2012/2015 Draft Delivery Programme and 2012/2013 Draft Operational Plan & Draft Budget

##### Recommendation:

That the General Manager's overview be received and noted

Moved: Cllr Greenaway

Seconded: Cllr Martinez

**CARRIED**

Council adjourned for lunch at 1.14pm and resumed at 1.51pm with all those previously in attendance again present.

#### 5/2012/5 Overview – 2012/2015 Draft Delivery Programme and 2012/2013 Draft Operational Plan & Draft Budget

##### Recommendation:

That the Council endorse the Delivery Program, Operational plan, Long Term Financial Plan and Rates, Fees and Charges Schedules and that they be placed on public exhibition and submissions invited

Moved: Cllr Walford

Seconded: Cllr Martinez

**CARRIED**

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

### 5/2012/6 Introduction of Water Billing

#### Recommendation:

That Council endorse the Report

Moved: Cllr Lane

Seconded: Cllr Martinez

CARRIED

### Close of Meeting

The meeting closed at 4.20pm

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

\_\_\_\_\_  
Mayor

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

**Reserve Trust Management Committee Reports**

Nil

**Mayoral Minutes**

Nil

**Motions of which Notice has been given**

NIL

**Presentation of Petitions**

N/A

**Councillors Questions From Last Meeting**

**Clr Keir**

**Question 1**

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

**Response:**

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

**Question 2**

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

**Response:**

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

**Clr Walford**

**Question 1**

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

**Response:**

1. The Director of Planning & Regulatory Services advised that a temporary appointment has been made to the position of Regulatory Officer
2. The Director Urban & Infrastructure Services advised that the ramp will be looked into and repairs made as necessary

**Clr Martinez**

**Question 1**

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

**Response:**

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

The Director already had an initial discussion with Clr. Lane regarding the beautification project in Lightning Ridge CBD area in stages. Council may initiate consultations, draft a strategy and prepare a plan to determine the future cost/s of the project. This project will also include stormwater/drainage systems. Expected to be include in the 2013/14 formulation of budget. Most area, including where Council staff worked was already in bitumen. The old bitumen (between LRE and Tobacconist at Morilla Street) has been stripped off and now replaced with selected gravel materials only without a thin layer of bitumen on top.

**Question 2**

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

**Response:**

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

**Clr Smith**

**Question 1**

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

**Response:**

The General Manager advised that the matter will be investigated.

**Question 2**

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

**Response:**

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

## **Reports of Delegates and Representatives**

### **1. NETWASTE STRATEGIC WASTE PLAN**

**REPORTING SECTION:** Urban Infrastructure Services  
**AUTHOR:** Siegfredo O Coralde – Director Urban Infrastructure Services  
**FILE NUMBER:** 09/1508

---

#### **Summary:**

This report recommends that Council note the Strategic Waste Plan developed by Netwaste in consultation with member Councils. This document has already been submitted to the EPA to hopefully fund the waste activities of Netwaste Group members from 2012 to 2015.

#### **Background:**

Netwaste is a non-profit organization composed of 28 member Councils located in the Central and Western regions of New South Wales as shown below:

|                               |                              |
|-------------------------------|------------------------------|
| Bathurst Regional Council     | Forbes Shire Council         |
| Bland Shire Council           | Gilgandra Shire Council      |
| Blayney Shire Council         | Lithgow City Council         |
| Blue Mountains City Council   | Lachlan Shire Council        |
| Bogan Shire Council           | Mid-Western Regional Council |
| Bourke Shire Council          | Narromine Shire Council      |
| Brewarrina Shire Council      | Oberon Council               |
| Broken Hill City Council      | Orange City Council          |
| Cabonne Council               | Parkes Shire Council         |
| Central Darling Shire Council | Walgett Shire Council        |
| Cobar Shire Council           | Warren Shire Council         |
| Coonamble Shire Council       | Warrumbungle Shire Council   |
| Cowra Shire Council           | Weddin Shire Council         |
| Dubbo City Council            | Wellington Council           |

The Netwaste area represents over one third of the State of New South Wales.

#### **Current Position:**

The Richmond Review of the Waste Avoidance and Resource Recovery Act was released in 2011. This review has strongly influenced the development of the Strategic Waste Plan focusing in six key areas as briefly outlined below:

Enablement: where skills and capability of those tasked with delivering the strategic waste plan will be expanded and enhanced.

Financial Systems: where systems are set in place to effectively manage funding of projects and administration.

Infrastructure: where facilities are developed to collect, process, or aggregate recovered resources.

## WALGETT SHIRE COUNCIL AGENDA

Engagement: Where emphasis is placed on promotion and education to mobilize householders and business to recycle and avoid waste generation.

Resource Recovery: Where improvement on the efficiency and performance of existing infrastructure and services are the focus.

Problem Wastes: Where these are managed through special collection services, by providing drop off centres or targeted education.

### **Relevant Policies:**

2011 Richmond Review  
Waste Avoidance and Resource Recovery Act  
Solid Waste Guidelines  
Landfill Environmental Management Plan

### **Governance issues:**

No Walgett Shire Representatives attended the meeting and apologies were made.

### **Environmental issues:**

Nil

### **Stakeholders:**

Walgett Shire Council  
Netwaste Member Councils

### **Financial Implications:**

Nil

### **Conclusion:**

The Strategic Waste Plan developed by Netwaste highlights the six priority areas for focus and outlines the actions for implementation. The Plan includes a section which aims to celebrate the successes of NetWaste over the last 17 years.

Council may incorporate the six priority areas into its Solid Waste Management Plan and relevant policies if applicable.

It is advisable for Council to feature this Plan on our website for general public information.

**NETWASTE STRATEGIC WASTE PLAN**

**Recommendations:**

1. Council note the Strategic Waste Plan prepared by Netwaste on behalf of all member Councils.
2. Council considers integrating the six priority areas into the final development of its Solid Waste Management Plan.
3. Council place the Strategic Waste Plan on Walgett Shire Council's website for general public information.

**Moved:**

**Seconded:**

**Attachments:**

1. Netwaste Strategic Plan (*has been circulated under separate cover*)



**1. NETWASTE COMMITTEE MINUTES – 1 JUNE 2012**

| NETWASTE COMMITTEE MINUTES - 1 JUNE 2012                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>1. That the minutes of the Netwaste Committee minutes held on 1<sup>th</sup> June 2012 be received and noted.</p> <p><b>Moved:</b><br/><b>Seconded:</b></p> |



**Attachments:** Netwaste Committee Minutes – 1<sup>st</sup> June 2012

|                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------|
| <b>MINUTES OF THE MEETING OF NETWASTE FORUM HELD AT FORBES SHIRE COUNCIL ON 1 JUNE 2012, COMMENCING AT 9.30 AM</b> |
|--------------------------------------------------------------------------------------------------------------------|

The meeting was opened at 9.30am with an introduction & welcome from Steven Campbell, NetWaste Executive Officer.

### **1. ATTENDANCE**

Anthony Cullen Ward (Bathurst Regional Council), Russell Dean (Bathurst Regional Council), Dwayne Willoughby (Bourke Shire Council), Craig Lynch (Cowra Shire Council), Paul O'Brien (Cobar Council), Steve Campbell (Parkes Shire Council), Steve Clayton (Dubbo City Council), Paul Bennett (Forbes Shire Council), David Neeves (Gilgandra Shire Council), Jason Scarborough (EPA), Sam Wythes (Lachlan Shire Council), Julian Geddes (MidWestern Regional Council), Kylie Stewart (MidWestern Regional Council), Chris Brook (Narromine Shire Council), Wayne Davis (Orange City Council), Cath Thomas (Orange City Council), Glenn Whiteman (Wellington Council), Kristy Cosier (NetWaste), David Johnston (Nationwide Oil), Dennis Russell (Nationwide Oil), Dave Warren (Shoalhaven Recycling), Tony Domanski (Reverse E-Waste).

### **2. APOLOGIES**

Dean Woods (Bogan Shire Council), Tim Riley (Bogan Shire Council), Francois Van Der Berg (Lachlan Shire Council), Adrian Butler (Lachlan Shire Council), Alison Reilly (Bathurst Regional Council), Peter Oldsen (Broken Hill Shire Council), Wayne Broad (Bland Shire Council), Rebecca Tempest (Blue Mountains City Council), Bernie Wilder (Brewarrina Shire Council), Leanne Ryan (Central Darling Shire Council), Kookie Atkins (Coonamble Shire Council), Stephen Sykes (Orange City Council), Maryanne Stephens (Warren Shire Council), Peter Wasley (Warrumbungle Shire Council), Tony Meppem (Warrumbungle Shire Council), Ann Trofa (EPA), Greg Miller (JR Richards), Rachel Young (CENTROC), Ian Tucker (Oberon Council), Aruna Wickramasinghe (Oberon Council), Mark Robertson (Narromine Shire Council), Darren Honnery (Wellington Council), Jason Blackmore (Sims Metal Management), Leon Rodwell (Blayney Shire Council), Shane Wilson (Weddin Shire Council), Roy White (Walgett Shire Council), Fred Coralde (Walgett Shire Council), ( Phil Tucker (Ag Stewardship), Peta Lette (Lithgow Council), Michael McCulloch (Dubbo City Council), Simmone Kalanj (NetWaste), Sue Clarke (NetWaste), Lex Stewart (Cabonne Council), Chris Cannard (Cowra Shire Council).

|                 |
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| <b>RESOLVED</b> |
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| <b>Moved:</b> Paul O'Brien |
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| <b>Second:</b> Paul Bennett |
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|----------------------------------------------------------------------------------|
| That the apologies be accepted and leave of absence granted to the above members |
|----------------------------------------------------------------------------------|

### **3. CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

|                 |
|-----------------|
| <b>RESOLVED</b> |
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|-----------------------------|
| <b>Moved:</b> Julian Geddes |
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| <b>Second:</b> Craig Lynch |
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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| That the Minutes of the Meeting of the NetWaste Forum held at Cowra Shire Council on 9 March 2012 are hereby confirmed as a true and accurate record of the decisions of that Meeting. |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### **3.1 MATTERS ARISING FROM THE MINUTES**

- Councils commented that there had been little follow up from Orbitas following from last meeting in Cowra, with Bathurst still waiting for storage containers.
- Kristy updated the group on the training opportunities offered by Academy Green who presented at Cowra. They are organising training with MidWestern, Orange and Cabonne at the moment, with Councils being encouraged to contact them if Landfill Operator Training is of interest. Further information is attached to these Minutes.

#### 4. REGIONAL CONTRACTS UPDATE

##### Processing of Garden Organics Contract

Dave Warren attended the meeting and advised he has recently been appointed to General Manager of Shoalhaven Recycling, with Steve Campbell expressing the groups congratulations and appreciation of the service quality they provide the Councils. The regional contract was also recently formally extended and now expires **16 July 2013**.

Councils expressed it is a high quality service and satisfaction with the final product, with chipping currently underway in Gilgandra.

##### Nation Wide Oil:

Represented by Dennis Russell & David Johnston. Steven Campbell advised the group that we are currently in the processing of finalising legal matters following the recent tender process, however there is strong intent to proceed and formalise the arrangement. The Councils were also reminded that once the contract is in place to ensure that other companies do not collect their material, with the value and possibility of Authority Cards and also specific signage on the collection units discussed.

**RESOLVED**

**Moved:** Craig Lynch **Second:** Antony Cullen-Ward

#### 5. RENEW NSW MEETING UPDATE

Kristy Cosier updated the group on outcomes from the last Renew NSW Meeting held 1 May 2012 at Coffs Harbour as follows:

##### **Waste & Environment Levy Review**

- The submission period for the Waste & Environment Levy review closed 17 April 2012. NetWaste & Renew NSW both made submissions with key points being:
  - We do not support the extension of the levy geographically
  - Request that the current funding to the VRWGs is maintained as a minimum
  - Support the request for additional specific funds for infrastructure development
- A report is being prepared for the Minister with consideration by Government expected in June
- NetWaste reps have met with a number of the local MPs to ensure they are aware of the issues & a briefing session was also held in Sydney, with Steven Campbell commenting that these had been well received with NetWaste in particular recognised for the effort in briefing the relevant MPs.

##### **Some things of possible interest**

- Discussion re. the VRWGs developing a central image library on the internet to use, so any generic photos Councils may have they could contribute would be useful.
- WMAA Committees – a number of Renew reps are on the different Technical Committees, and it was agreed at the meeting that each Committee would be monitored by a dedicated rep to report back to Renew.
- REROC are undertaking a cluster composting trial, with material collected from 5 Ccls and delivered to Cootamundra & processed using the Groundswell model. The trial has concluded but likely the service will continue and also trialling a fortnightly collection of the residual bin.
- Recent EPS recycling grant opportunity – EPA were offering funding to help establish infrastructure, with a submission made by Styrotec and JR Richards both in Orange.

## WALGETT SHIRE COUNCIL AGENDA

There was also discussion about the recent POEO legislative amendments related to EPA licensed premises and how the EPA process for introducing these was poorly handled, particularly time wise and also financial implications to Councils.

Next RENEW Meeting – 23 & 24 August 2012, Albury

### 6. REGIONAL ASBESTOS PRIORITIES – UPDATE FROM COWRA SESSION

Kristy tabled an update on the agreed regional projects, with general feedback being Councils are happy with the proposed templates and drafts. Kristy will also be working on possible training options in conjunction with NSW Health and NSW TAFE and circulate to Councils, with focus to be more on asbestos handling and identification at the operator level.

|                                                                                                                                                                                                                                                                 |                             |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------|
| <b>RESOLVED</b>                                                                                                                                                                                                                                                 | <b>Moved:</b> Julian Geddes | <b>Second:</b> Dwayne Willoughby |
| That the following be pursued with regard to Asbestos:                                                                                                                                                                                                          |                             |                                  |
| <ul style="list-style-type: none"><li>• That the draft templates and resources be circulated to Councils &amp; adapted as necessary</li><li>• That Kristy work to identify possibly training opportunities and seek interest from the NetWaste group.</li></ul> |                             |                                  |

### 7. NETWASTE 3 YEAR PLAN & SUMMARY DOCUMENT

Kristy showed the group the Summary Document that has now been finalised in support of the 3 year Regional Strategic Waste Plan and also explained the idea behind the Anniversary Document which has also been finalised. The Anniversary Document in particular offers an opportunity for the group's achievements and focus areas to be showcased given it has been 17 years since NetWaste formed.

Councils are encouraged to make the Summary document available on their websites (we are only receiving this electronically) and also provide copies of the Anniversary Document to their Councilor's or make publicly available.

|                                                                                                                                                                                         |                           |                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------|
| <b>RECOMMENDATIONS:</b>                                                                                                                                                                 |                           |                             |
| That NetWaste distribute the Anniversary Document to Councils in hard copy format and provide the Summary document electronically for this to be made available to the wider community. |                           |                             |
| <b>RESOLVED</b>                                                                                                                                                                         | <b>Moved:</b> Chris Brook | <b>Second:</b> David Neeves |

### 8. NETWASTE PROJECTS COORDINATOR REPORT

The main focus of the report was to highlight the status of the current projects identified for implementation and also the new projects that have been identified for 2012/13. A number of projects have been completed or are nearing completion including LEMP for small landfills, establishment of the new Regional Environmental Monitoring of Licensed Landfills contract, 2011 HHW Collection, GHG Toolkit & workshops and finalisation of the Strategic Waste Action Plan.

Some of the new projects that will commence shortly include the update of the NetWaste website and electronic library, development of the Waste Education Plan and NetWaste Training Plan and also Problem Waste Management Strategy.

Kristy also advised that 17 Councils had indicated interest in the 2012 Annual HHW Campaign, with a funding request to be made shortly to the EPA for 50% contribution.

Councils also expressed interest in a community sharps project, with Kristy to make contact with the group shortly to discuss project focus and possible funding application to NSW Health.

## WALGETT SHIRE COUNCIL AGENDA

### RECOMMENDATIONS

2. That the report be noted & accepted.

### RESOLVED

**Moved:** Antony Cullen-Ward **Second:** Craig Lynch

### 9. ENVIRONMENTAL LEARNING ADVISOR REPORT

Sue Clarke was unable to attend and tabled her report.

### RECOMMENDATIONS

That the report be noted & accepted

### RESOLVED

**Moved:** Wayne Davis **Second:** Craig Lynch

### 10. REVERSE E-WASTE

Tony Domanski from Reverse E-Waste was in attendance and gave an overview of their company, activities and focus. General discussion was had by the group about Councils views on e-waste, viability of collecting and transporting the material. There was support to gather further information on this topic, with Tony to provide a brief questionnaire for the Councils, which will be distributed through NetWaste.

### 11. FORBES SHIRE COUNCIL UPDATE

Paul Bennett briefly addressed the forum and provided an overview of Forbes waste management activities and recent events/developments for the town, with a specific one of note being the Regional Waste 2 Art Exhibition. Over 200 people attended the launch with significant number of people viewing the exhibition. Pack-up is scheduled for 8 June, with the 2013 Regional Exhibition to be held in Bourke.

### RESOLVED

**Moved:** Russell Deans **Second:** Antony Cullen-Ward

### 12. COUNCIL UPDATES

**Gilgandra** – Gilgandra recently crushed approx. 3,000 tonnes of concrete to allow reuse, with 3 products available. Material is used by Council, and works out approximately \$18/tonne charge to cover costs.

**Narromine** – Tyre retaining wall has recently been constructed at the landfill site with assistance from Ecoflex and NetWaste, with process currently being documented for reference to other Councils. Council is also reviewing their LEMP and Waste Management Strategy.

### RESOLVED

**Moved:** Julian Geddes **Second:** Paul Bennett

### 13. OPEN FORUM – DISCUSSION

There were no specific matters discussed.

### 14. PRESENTATION – Surveillance Procedures & Illegal Dumping (Jason Scarborough, EPA)

Refer to attached copy of presentation.

**THANK YOU & MEETING CLOSED at 12.20 pm.**

**NEXT MEETING – Thursday 30 August (Rationalising Landfills & Compliance Workshop) & Friday 31 August 2012 (Forum Meeting) – Wellington**

THIS IS PAGE No 5 AND THE FINAL PAGE OF THE MEETING OF THE NETWASTE FORUM HELD AT FORBES ON 1 JUNE 2012

26<sup>th</sup> June 2012

Page 37 of 191

## **2. LOCAL AREA TRAFFIC COMMITTEE MINUTES – 7 JUNE 2012**

| <b>LOCAL AREA TRAFFIC COMMITTEE MINUTES – 7 JUNE 2012</b>                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>1. That the minutes of the Local Area Traffic Committee minutes held on 7<sup>th</sup> June 2012 be received and noted.</p> <p><b>Moved:</b><br/><b>Seconded:</b></p> |



**Attachments:**

Local Area Traffic Committee meeting minutes – 7<sup>th</sup> June 2012



Walgett Shire Council

**LOCAL AREA TRAFFIC COMMITTEE MINUTES**

**7 June 2012**

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Minutes

7 June 2012

Traffic Committee Meeting

## WALGETT SHIRE COUNCIL AGENDA

### Delegation to Councils – Regulation of Traffic

A Council can regulate traffic for the specific reasons set out in Division 1 of Part 8 of the Roads Act, 1993 such as carrying out work on a road, etc whereas the RTA can regulate traffic for any purpose.

If a Council wishes to regulate traffic for purposes other than those specified in Division 1 of Part 8 of the Roads Act, 1993, it must seek the advice of its Local Traffic Committee and act in accordance with the RTA's "Delegation to Councils – Regulation of Traffic",

Section 50 of the Transport Administration Act 1988 confers the power to the RTA to delegate the following Traffic Regulation responsibilities to Council;

- (1) Section 50 to Section 55 (inclusive) of the Road Transport (Safety and Traffic Management) Act 1999. Install, display and remove prescribed traffic control devices
- (2) Section 122 of the Road Transport (Safety and Traffic Management) Regulation 1999. Establish and operate a special event parking scheme for any road
- (3) Section 116 to 119 (inclusive) of the Roads Act 1993 Part 8 Division 2. The erection (or removal) of any notice or barrier, the carrying out of any work or the taking of any other action for the purpose of regulating traffic (restrict or prohibit the passage along a road of persons, vehicles or animals) on a public road for purposes other than those referred to in Division 1 (ie Sections 114 and 115)

#### **115 Roads authority may regulate traffic in connection with road work etc**

- (1) A roads authority may regulate traffic on a public road by means of barriers or by means of notices conspicuously displayed on or adjacent to the public road.
- (2) The power conferred by this section may be exercised by the RTA for any purpose but may not be exercised by any other roads authority otherwise than:
  - (a) for the purpose of enabling the roads authority to exercise its functions under this Act with respect to the carrying out of road work or other work on a public road, or
  - (b) for the purpose of protecting a public road from serious damage by vehicles or animals as a result of wet weather, or
  - (c) for the purpose of protecting earth roads from damage caused by heavy vehicles or by animals, or
  - (d) for the purpose of protecting members of the public from any hazards on the public road, or
  - (e) for the purpose of protecting vehicles and other property on the public road from damage, or
  - (f) for the purpose of enabling a public road to be used for an activity in respect of which a permit is in force under Division 4 of Part 9, or
  - (g) for a purpose for which the roads authority is authorised or required, by or under this or any other Act or law, to regulate traffic.

The Council may sub-delegate their powers to Councillors, the General Manager or an employee of the Council for items 1 and 2 above.

The Council may not sub-delegate item 3.

For further information please refer to the following document

**"A Guide to the Delegation to Councils for the Regulation of Traffic (including the operation of Traffic committees)" RTA – 2007**



## WALGETT SHIRE COUNCIL AGENDA

<http://www.rtn.nsw.gov.au/doingbusinesswithus/tgr/index.html>

### Advice to Council – Regulation of Traffic

Local Traffic Committee Advice to Council on a proposal referred to it by Council must be recorded as one of the following

1. Unanimous support;
2. Majority support;
3. Split vote;
4. Minority support; or
5. Unanimous decline.

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Minutes

7 June 2012

Traffic Committee Meeting

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## WALGETT SHIRE COUNCIL AGENDA

### MINUTES OF THE WALGETT LOCAL TRAFFIC FACILITIES COMMITTEE MEETING HELD ON 7 JUNE 2012

Opening of the Meeting: 7 JUNE 2012 10.00am

Present:

Raju Ranjit, Director Engineering Services, Walgett Shire Council, Chairman (RR)

David VANT, Road Safety & Traffic, Western Region, RTA NSW (DV)

Ian Woodcock, Local (State) Member's Representative (IW)

Inspector Chris Taylor, NSW Police (CT)

Stephen Holland, Walgett Shire Council, Director Corporate & Community Services (ST)

Matt Clarkson, Walgett Shire Council, Town Planner (MC)

Kate Anderson, Walgett Shire Council, Administrative Officer (KA)

Guests:

Malcolm George, Carinda Motorsport Inc, Carinda 600 Cross Country Rally (MG)

Apologies:

Don Ramsland, General Manager, Walgett Shire Council (DR)

Acting Inspector Mark Hoath, Castlereagh Local Area Command (MH)

Councillor Manuel Martinez (Walgett Shire Council) (MM)

Councillor Jane Keir (Walgett Shire Council) (JK)

#### **1.0 CONFIRMATION OF PREVIOUS MINUTES**

Deferred to Next Meeting

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Minutes

7 June 2012

Traffic Committee Meeting

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**2. Incoming Correspondence:**

**1. Carlinda 600 Cross Country Rally 16-17 June 2012**

**RECOMMENDATIONS:**

- MG: Advised that Rally has been postponed with no new date set  
Getting help from Organisers of the Condo 750 Rally
- JV: RTA does not have any direct involvement as State Roads are not involved  
Traffic Committee can only make recommendations to Council  
Council must give approvals  
Rally Committee needs to supply all relevant paperwork to gain approval  
Contact organisers of the Condo 750 Rally and get a copy of their Full Project Plan  
Check with Land holders if their Insurance Policies also cover these events  
OH&S also needs to be investigated
- IT: Lack of Lead in Time for approvals to be granted  
Letter to Police from Rally Committee states Council has already approved Rally which was incorrect  
Regulation requirements need to be met before approval can be given  
Information can be obtained from NSW Government website-Road Transport safety and Traffic Management Act Section 40
- TR: Traffic Committee will support Rally as long as all requirements are met
- MC: DA Required and Council is happy to give any assistance but Malcolm needs to supply all information required

**2. New Item: Sam Hegney Solicitors, Heavy Vehicle Traffic in Walgett CBD**

**RECOMMENDATIONS:**

Deferred to next meeting

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Minutes

7 June 2012

Traffic Committee Meeting

## WALGETT SHIRE COUNCIL AGENDA

### 3. For your comment:

|                                            |
|--------------------------------------------|
| 1. Walgett Festival-Starting 8 August 2012 |
|--------------------------------------------|

#### COMMENTS:

Deferred to next meeting

### 4. General Business

None

### 5. Next Meeting

14 JUNE 2012 at 9.30am

Meeting Closed: 10:55 am

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Minutes

7 June 2012

Traffic Committee Meeting

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**Reservation of items for Debate**

Nil

**Reports of Officers**

## **1. COUNCIL'S DECISION ACTION REPORT – MAY 2012**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland  
**FILE NUMBER:** 10/154

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### **Summary:**

This schedule summarises the action taken in respect of matters considered at the previous meeting of Council and includes any action from previous meetings still outstanding

### **Background:**

Attached is the Resolution Register which summaries outstanding action in respect of all resolutions as well as any other matters raised at the last Meeting which required action. The Resolution Register also lists any matters from previous meetings (as of July 2011) that have not been finalised.

### **Current Position:**

Details of Action taken/being taken are flagged for each motion.

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

Resolution Register 20 December 2011

### **Governance issues:**

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

### **Environmental issues:**

Nil

### **Stakeholders:**

Council and Manex Team

### **Financial Implications:**

Nil

### **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 facilitate proceedings at the meeting.

|                                                                    |
|--------------------------------------------------------------------|
| <b>Title of Report: Council Decisions Action Report – May 2012</b> |
|--------------------------------------------------------------------|

**Recommendation:**

1. That the Resolution Register for May 2012 be received and noted.

**Moved:**

**Seconded:**

**Attachments:**

Resolution Register for – May 2012

| 22 May 2012 | 5/2012/1  | Apologies - Nil                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | General Manager      | General Manager                        | General Manager                |
|-------------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------|--------------------------------|
| 22 May 2012 | 5/2012/1  | <p>That the minutes of the Council meeting held 24th April, adjourned to 9th May 2012, having been circulated, be confirmed as a true and accurate record of the proceedings of that meeting, subject to following corrections:</p> <p>1. Cllr Keir</p> <p>Question 1<br/>1 "Burren Junction" to read "Burren Junction Pre School" and "Walgett" to read "Carinda"</p> <p>2. Cllr Murray</p> <p>Question 1<br/>"A vandal" to read "A Vehicle"</p> <p>3. Resolution 4/2012/22<br/>"40 Acres" to read 40 "Hectares"<br/><b>Moved: Cllr Woodcock Seconded: Lane</b></p> | General Manager      | No further action required             | General Manager<br>22 May 2012 |
| 22 May 2012 | 5/2012/2  | <p>That Council investigate the cost of providing all weather access to all cemeteries within the Shire and provide a report to the June, 2012 Meeting.<br/><b>Moved: Cllr Keir Moved: Cllr Smith</b></p>                                                                                                                                                                                                                                                                                                                                                            | Engineering Services | Investigation is in progress           | Director Engineering Services  |
| 22 May 2012 | 4/2012/36 | <p>That the switchboard repairs be carried out as soon as possible and the General Manager ascertain the reasons for the delay and position with regards to insurance<br/><b>Moved: Cllr Smith Seconded: Cllr Greenaway</b></p>                                                                                                                                                                                                                                                                                                                                      | General Manager      | Report being prepared for June meeting | General Manager                |
| 22 May 2012 | 5/2012/2a | <p>That the action register for May 2012, be received and noted<br/><b>Moved: Cllr Woodcock Seconded Cllr Keir</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                               | General Manager      | No further action required             | General Manager<br>22 May 2012 |
| 22 May 2012 | 5/2012/3  | <p>That the information contained in the weekly circulars from the NSW Local Government and Shires Association be received and noted<br/><b>Moved: Woodcock Seconded: Walford</b></p>                                                                                                                                                                                                                                                                                                                                                                                | General Manager      | Action taken as appropriate            | General Manager<br>22 May 2012 |



# WALGETT SHIRE COUNCIL AGENDA

|             |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                 |                             |                 |             |
|-------------|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------------|-----------------|-------------|
| 22 May 2012 | 5/2012/4 | <p>That the information contained in the following Departmental circulars 12-05 to 12-07 from the Local Government Division Department of Premier and Cabinet be received and noted.</p> <ul style="list-style-type: none"> <li>• Circular to Councils 12-08 - 2012 – Councillor Development Strategy</li> <li>• Circular to Councils 12-09 – Fair Valuation – Infrastructure, Property, Plant and Equipment</li> <li>• Circular to Councils 12-10 – Review of the Model Code of Conduct for Local Councils – Request for submissions on consultation draft</li> <li>• Circular to Councils 12-11 - Release of Companion Animals Taskforce discussion paper</li> <li>• Circular to Councils 12-12 – Amendments to the Local Government Act 1993</li> </ul> <p><b>Moved: Cllr Greenaway Seconded: Cllr Martinez</b></p> | General Manager | Action taken as appropriate | General Manager | 22 May 2012 |
| 22 May 2012 | 5/2012/5 | <p>That Council receive and note the regular monthly calendar for the period May 2012 to July 2012</p> <p><b>Moved: Cllr Lane Seconded: Cllr Walford</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | General Manager | No further action required  | General Manager | 22 May 2012 |
| 22 May 2012 | 5/2012/6 | <p>1. That Council apply to the Minister for Local Government pursuant to section 294 of the Local Government Act 1993 for the issue of an order not to hold a bi-election to fill the casual vacancy on Council cause by the death of Councillor Geoffrey (Dick) Colless</p> <p>2. It was determined that the following Councillors will fill the following vacancies:</p> <p>Local Traffic Committee – Cllr M Martinez Alternate Cllr Keir<br/>Plant Committee – Cllr D Lane<br/>Salesyards Advisory Committee – Cllr B Murray<br/>Weight of Loads Committee – Cllr K Smith</p> <p><b>Moved: Cllr Woodcock Seconded: Cllr Greenaway</b></p>                                                                                                                                                                          | General Manager | 02.06.2012 – Letter drafted | General Manager |             |
| 22 May 2012 | 5/2012/7 | <p>That the Mayor Cllr Gustavus (Bill) Murray, be nominated as Council voting delegate to take part in the forthcoming secret postal ballot to deal with the matter of One Association, and that his name and personal address be forwarded to the Associations to form the Roll of Voters prior to the end of May, 2012</p> <p><b>Moved: Cllr Greenaway Seconded: Cllr Walford</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                | General Manager | 02.06.2012 – Letter drafted | General Manager |             |
| 22 May 2012 | 5/2012/8 | <p>That Council determine if an additional submission should be made with regards the recent LHPA and, if so, what issues should be raised</p> <p><b>Moved: Cllr Woodcock Seconded: Martinez</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | General Manager | No further action required  | General Manager | 22 May 2012 |

# WALGETT SHIRE COUNCIL AGENDA

|             |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                |                                                                                 |                                         |             |
|-------------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---------------------------------------------------------------------------------|-----------------------------------------|-------------|
| 22 May 2012 | 5/2012/9  | That the Walgett Shire Waste to Art Annual Report July 2011 – June 2012 be received and noted<br><b>Moved: Cllr Smith Seconded: Cllr Lane</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Community Services             | No further action required                                                      | Director Corporate Services             |             |
| 22 May 2012 | 5/2012/10 | That the cash on hand and investment report as at 31 March 2012 be received and noted<br><b>Moved: Cllr Keir Seconded: Cllr Greenaway</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Corporate Services             | No further action required                                                      | Director Corporate Services             |             |
| 22 May 2012 | 5/2012/11 | That the cash on hand and investment report as at 30 April 2012 be received and noted<br><b>Moved: Cllr Keir Seconded: Cllr Greenaway</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Corporate Services             | No further action required                                                      | Director Corporate Services             |             |
| 22 May 2012 | 5/2012/12 | 1. That Council authorise the write off of rates and charges totalling \$55,786.56 as detailed on the attachment following the Sale of Land for Overdue Rates that took place on the 17th December 2011.<br>2. Further, that Council note there will be an additional write off will be required when assessment 16808 is settled and final costs determined.<br><b>Moved: Cllr Woodcock Seconded: Cllr Martinez</b>                                                                                                                                                                                                                                   | Corporate Services             | No further action required                                                      | Director Corporate Services             |             |
| 22 May 2012 | 5/2012/13 | That the Walgett Shire Council resolve to:<br>1. Note the report on the activities of Walgett Shire Council's Heritage Advisory, Ray Christison, during 2011 - 2012<br>2. Endorse and adopt the following documents, as prepared by Walgett Shire Council's Heritage Advisor Ray Christison.<br>(a) The Walgett Shire Heritage Strategy Annual Report 2011-2012<br>(b) The Walgett Shire Local Heritage Fund Annual Report 2011-2012<br>(c) The Walgett Shire Council Heritage Strategic Plan 2012-2013.<br>3. Endorse the submission of the documents to the Office of Environment and Heritage.<br><b>Moved: Cllr Smith Seconded: Cllr Greenaway</b> | Planning & Regulatory Services | Documents submitted to Heritage Office 24.05.2012<br>No further action required | Director Planning & Regulatory Services | 24 May 2012 |

# WALGETT SHIRE COUNCIL AGENDA

|             |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                |                                                                         |                                         |  |
|-------------|-----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------------------------------------------------------------------|-----------------------------------------|--|
| 22 May 2012 | 5/2012/14 | <p>That:</p> <ol style="list-style-type: none"> <li>1. Council note the letter dated 23 March 2012 from Department of Planning &amp; Infrastructure which conditionally certifies the draft Walgett Local Environmental Plan 2012 (LEP) for public exhibition under section 65 of the Environmental Planning and Assessment Act 1979.</li> <li>2. Note the verbal presentation by Ashley Albury, the Regional Director of the Department of Planning &amp; Infrastructure during which he indicated that: <ol style="list-style-type: none"> <li>(a) He is prepared to provide a letter which guarantees the Department will allow rural lifestyle rezoning on suitable land in the vicinity of Collarenebri, Lightning Ridge and Walgett.</li> <li>(b) The Department supports the public exhibition of an LEP which includes two options for mining camps in the proposed "SP1 Special activities – mining" zone (preserved Opal Fields), one excluding additional camps (current wording) and the other which allows new camps related to Opal mining.</li> </ol> </li> <li>3. Endorse a Draft Walgett LEP 2012 which includes two options for mining camps within the SP1 zone, one excluding new camps and the other enabling them.</li> <li>4. Request the GM to ensure that appropriate explanatory notes regarding the camp options are circulated to the public and NSW Government agencies during the public exhibition period.</li> <li>5. Place draft Walgett Local Environmental Plan 2012 on public exhibition for a minimum period of six weeks.</li> <li>6. Request the General Manager to arrange community information sessions regarding the draft Walgett Local Environmental Plan 2012 at Carinda, Collarenebri, Cumborah, Gravin, Lightning Ridge and Walgett early in the public exhibition period.</li> </ol> | Planning & Regulatory Services | Amendment of LEP in progress. Expected to be completed about 08.06.2012 | Director Planning & Regulatory Services |  |
| 22 May 2012 | 5/2012/15 | <p>That Council support all four (4) locations being nominated for Heritage Listing by the Dharrwaa Elders Group and if listed then negotiate the wording and location of proposed in a permanent plaque<br/> <b>Moved: Cllr Walford Seconded: Cllr Lane</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Planning & Regulatory Services | Letter sent 24.05.2012.<br>No further action required                   | Director Planning & Regulatory Services |  |

# WALGETT SHIRE COUNCIL AGENDA

|             |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                        |                                                                                                                                                   |                                                                                         |             |
|-------------|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-------------|
| 22 May 2012 | 5/2012/16                      | That the matters listed by the Director of Engineering Services for brief mention or information, where not otherwise dealt with, be received and noted and the offers for Casual Plant Hire and Services be added to the list of eligible contractors.<br><b>Moved: Cllr Smith Seconded: Cllr Martinez</b>                                                                                                                                                                                                                                                                                                   | Engineering Services                   | Completed                                                                                                                                         | Director Engineering Services                                                           | 1 June 2012 |
| 22 May 2012 | 5/2012/17                      | That the Council receive and note the monthly May 2012 flood works report<br><b>Moved: Cllr Lane Seconded Cllr Keir</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Engineering Services                   | Ongoing                                                                                                                                           | Director Engineering Services                                                           |             |
| 22 May 2012 | 5/2012/18                      | That Council receive and note the monthly road and bridge report.<br><b>Moved: Cllr Lane Seconded: Cllr Woodcock</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Engineering Services                   | ongoing                                                                                                                                           | Director Engineering Services                                                           |             |
| 22 May 2012 | Questions for the next Meeting | Can a perpetual award be considered to honour the late Cllr Dick Colless<br><b>Cllr Keir</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | General Manager                        | Report being prepared for June meeting                                                                                                            | General Manager                                                                         |             |
| 22 May 2012 | Questions for the next Meeting | Can the Honour Board in the Council Chambers be updated the last time it was updated was back in 1999<br><b>Cllr Keir</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | General Manager                        | Costs being obtained                                                                                                                              | General Manager                                                                         |             |
| 22 May 2012 | Questions for the next Meeting | Cllr Woodcock and I visited Lightning Ridge Central School to give a talk on how to become a Councillor on your local Council and what duties a Councillor performs. The interesting thing that came out of that visit was the concern from the children about the dogs that are running loose around the town of Lightning Ridge and what the Council going to do about it. They also asked us if the Council could take a look at the skate ramp at Lightning Ridge as there appears to be some type of bolts that are coming from underneath the skate ramp that would cause injury<br><b>Cllr Walford</b> | Planning & Regulatory Services         | Concern re Dogs noted.<br>Casual Regulatory Officer commences 05.06.2012 will be tasked to undertake regular patrols of recognised problem areas. | Director Planning & Infrastructure Services<br>Director Urban & Infrastructure Services |             |
| 22 May 2012 | Questions for the next Meeting | Can Council look into the beautification of the main street in Lightning Ridge as I have noticed that bitumen is being used. The bitumen is not a good look, could something be done between the gutters and the footpath, can this be put on a program for Lightning Ridge?<br><b>Cllr Martinez</b>                                                                                                                                                                                                                                                                                                          | Director Urban Infrastructure Services | Report being prepared for July meeting                                                                                                            | Director Urban Infrastructure Services                                                  |             |
| 22 May 2012 | Questions for the next Meeting | Enquired as to whether there was any money in the budget to beautify main streets around the Shire<br><b>Cllr Martinez</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                        | Funding to be reviewed in Draft Budget                                                                                                            | General Manager                                                                         |             |

# WALGETT SHIRE COUNCIL AGENDA

|             |                                |                                                                                                                                                                                                       |                 |                                                                    |                 |  |
|-------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------------------------------------|-----------------|--|
| 22 May 2012 | Questions for the next Meeting | The main street in Collarenebri needs attention. There is a particular property that has overgrown grass and it is a fire hazard as well as being an eye sore<br><b>Cir Smith</b>                     | Governance      | Contact being made with RFS, Sundry Debtor option being considered | General Manager |  |
| 22 May 2012 | Questions for the next Meeting | The growth in the table drains along the side of the road is starting to create blind spots and this has a potential for accidents. Could this be actioned as a matter of urgency<br><b>Cir Smith</b> | General Manager | Referred to next RMSS meeting                                      | General Manager |  |

## Resolution Actions for Extraordinary Meeting 22 May 2012

|             |          |                                                                                                                                                                                                                                                               |                 |                                                                                      |                             |             |
|-------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------|-----------------------------|-------------|
| 22 May 2012 | 5/2012/1 | Apologies - Nil                                                                                                                                                                                                                                               | General Manager | No further action required                                                           | General Manager             | 22 May 2012 |
| 22 May 2012 | 5/2012/2 | That the proposed amendments to the Draft Walgett Shire Community Strategic Plan be received and noted<br><b>Moved: Cir Greenaway Seconded: Cir Keir</b>                                                                                                      | Governance      |                                                                                      | Director Corporate Services |             |
| 22 May 2012 | 5/2012/3 | That where appropriate the proposed documents comprising the Resourcing Strategy for the Walgett Shire Community Strategic Plan be placed on public exhibition and community comment and submissions invited.<br><b>Moved: Cir Walford Seconded: Cir Keir</b> | Governance      | Documents placed on Public Exhibition                                                | General Manager             | 24 May 2012 |
| 22 May 2012 | 5/2012/4 | That the General Manager's overview be received and noted<br><b>Moved: Cir Greenaway Seconded: Cir Martinez</b>                                                                                                                                               | General Manager | No further action required                                                           | General Manager             | 22 May 2012 |
| 22 May 2012 | 5/2012/5 | That the Council endorse the Delivery Program, Operational Plan, Long Term Financial Plan and Rates, Fees and Charges Schedules and that they be placed on public exhibition and submissions invited.<br><b>Moved: Cir Walford Seconded: Cir Martinez</b>     | Governance      | Documents placed on Public Exhibition. To be considered for adoption at June Meeting | Director Corporate Services | 24 May 2012 |
| 22 May 2012 | 5/2012/6 | That Council endorse the Report<br><b>Moved: Cir Lane Seconded: Cir Martinez</b>                                                                                                                                                                              | Governance      | No further action required                                                           | Director Corporate Services |             |

## **2. CIRCULARS RECEIVED FROM THE NSW LOCAL GOVERNMENT AND SHIRES ASSOCIATION OF NSW – MAY 2012**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 10/615

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### **Summary:**

Copies of weekly circulars received from the Local Government and Shires Association since 24 April 2012 Council meeting have been distributed to Councillors.

### **Background:**

The following items in each circular have been flagged by the General Manager as requiring particular attention of councillors:

#### **Issue 19**

Item 5 2013 NSW ARTS funding grants open  
Item 10 2012/2013 Federal Budget Summary  
Item 22 Interim Policy for Mining and CGS Assessments

#### **Issue 20**

Item 10 Proposed Changes to LEP Template

#### **Issue 21**

Item 8 Cancer Council Partnership Awards  
Item 10 The Impacts of Fly-in Fly-Out Development

#### **Issue 22**

Item 14 LGSA Cost Shifting Survey 2010/2011  
Item 18 Revised Murray Darling Basin Plan

#### **Issue 23**

Item 22 Work Health and Safety Training  
Item 25 Destination 2036 Action Plan

#### **Issue 24**

Item 11 New Grants for Regional Galleries  
Item 13 RDAF Funding Announcements  
Item 14 Additional \$96M Funding for SES  
Item 18 NSW State Budget for 2012/2013  
Item 23 Country Passenger Infrastructure Grants

### **Current Position:**

Councillors need to peruse these circulars and raise any matters of interest with the General Manager prior to the Meeting.

## WALGETT SHIRE COUNCIL AGENDA

### Relevant Reference Documents/Policies:

Nil

### Governance issues:

Councillors are requested to review weekly Circulars and keep abreast of Local Government issues occurring at Industry level.

### Environmental issues:

Nil

### Stakeholders:

Councillors  
Walgett Shire Council staff

### Financial Implications:

Nil

### Alternative Solutions/Options:

Not Applicable

### Conclusion:

Councillors need to consider the contents of the various circulars and determine what action, if any, needs to be taken.

|                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Title of Report: Circulars received from the NSW Local Government and Shires Association of NSW – MAY 2012</b>                                                                                            |
| <b>Recommendation:</b><br><br>1. That the information contained in the weekly circulars from the NSW Local Government and Shires Association be received and noted.<br><br><b>Moved:</b><br><b>Seconded:</b> |



### Attachments:

Nil

### **3. CIRCULARS RECEIVED FROM THE LOCAL GOVERNMENT DEPARTMENT OF PREMIER AND CABINET – MAY 2012**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 10/616

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#### **Summary:**

Copies of circulars received 12-13 to 12-18 from the Local Government Division Department of Premier and Cabinet are attached for Councillors information.

#### **Background:**

The General Manager has flagged the following circular as requiring the particular attention of councillors:

- Circular to Councils 12-13 – Determination of the Local Government Remuneration Tribunal
- Circular to Councils 12-14 – Candidate Diversity Strategy and thinking about becoming a Councillor
- Circular to Councils 12-15 – Information about Rating for 2012/13
- Circular to Councils 12-16 – Release of the Destination 2036 Action Plan
- Circular to Councils 12-17 – Information about Rating for 2012/13
- Circular to Councils 12-18 – Councillor Induction and Professional Development – A Guide for Councils

All circulars have been emailed to Councillors prior to Council meeting.

#### **Current Position**

|                |                                                                            |
|----------------|----------------------------------------------------------------------------|
| Circular 12-13 | A report on payments applicable will be presented in July                  |
| Circular 12-14 | Councillors may wish to consider whether if any action is required locally |
| Circular 12-15 | Included in Fees and Charges as required                                   |
| Circular 12-16 | Will be the subject of a Supplementary Report                              |
| Circular 12-17 | Maximum Interest Charge of 10% p.a included in Fees and Charges            |
| Circular 12-18 | A report will be prepared for the July meeting                             |

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

Nil

#### **Governance Issues:**

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

Copies of the briefing papers/discussion papers have been forwarded to all Councillors under separate cover. Councillors need to consider what the long term impacts may be on Local Government generally and Walgett Shire in particular.



## WALGETT SHIRE COUNCIL AGENDA

### Environmental issues:

Nil

### Stakeholders:

Councillors  
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.

### Alternative Solutions/Options:

Nil

### Conclusion:

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

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <b>Title of Report: Circular received from the Division of Local Government – May 2012</b> |
|--------------------------------------------------------------------------------------------|

### Recommendation:

1. That the information contained in the following Departmental circulars 12-13 to 12-18 from the Local Government Division Department of Premier and Cabinet be received and noted.
  - Circular to Councils 12-13- Determination of the Local Government Remuneration Tribunal
  - Circular to Councils 12-14 – Candidate Diversity Strategy and Thinking about becoming a Councillor
  - Circular to Councils 12-15 – Release of the Destination 2036 Action Plan
  - Circular to Councils 12-16 – Boarding House Tariffs for Residential Rating and Fee for Section 603 Certificates for 2012/13
  - Circular to Councils 12- 17 – Information about Rating for 2012/13
  - Circular to Councils 12-18 – Councillor Induction and Professional Development – A Guide for Councils

**Moved:**

**Seconded:**



Premier & Cabinet  
Division of Local Government

## Circular to Councils

Circular No. 12-13  
Date 18 May 2012  
Doc ID: A281477

Contact Anita Gambhir  
02 4428 4215  
anita.gambhir@dlg.nsw.gov.au

### DETERMINATION OF THE LOCAL GOVERNMENT REMUNERATION TRIBUNAL

The Local Government Remuneration Tribunal has completed its annual review of annual fees and its review of categories for 2012. The Report and Determination was published in the NSW Government Gazette on 4 May 2012. The new rates will take effect from 1 July 2012.

Section 241 of the *Local Government Act 1993* requires the Local Government Remuneration Tribunal to determine each year the maximum and minimum amounts of annual fees payable during the following year to Mayors and councillors. Section 239 requires the Tribunal to determine the categories of councils and to place each council in a category, at least once every three years.

In reviewing the categories, the Tribunal advised that it has considered all the submissions and found that the existing model of categorisation adequately reflects the differences between the various types of councils. The Tribunal therefore made no adjustment to the categorisation framework.

Councils are encouraged to read the Report and Determination on the Division of Local Government's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)

Ross Woodward  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 • 02 4428 4199 TTY 02 4428 4208  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 93 567 853 195



**Premier & Cabinet**  
Division of Local Government

## Circular to Councils

Circular No. 12-14  
Date 25 May 2012  
Doc ID: A260812

Contact Helen Gustus  
02 4428 4219  
helen.gustus@dlg.nsw.gov.au

### **CANDIDATE DIVERSITY STRATEGY AND *THINKING ABOUT BECOMING A COUNCILLOR?***

#### **Purpose**

I am writing to inform councils of new resources to help attract people from diverse backgrounds to stand for election to local government.

#### **Issue**

Despite past efforts to improve representation, the demographic make up of elected councils across NSW does not generally reflect the make up of the communities that they represent.

These resources are designed to help councils develop local strategies to attract a diverse range of candidates to stand for election at the upcoming elections in September 2012.

#### **Resources**

##### **Webpage – Council Elections 2012**

A webpage is available on the Division's website containing resources for councils and others to use to implement local strategies to attract people from diverse groups to stand for election. The webpage, [Council Elections 2012](#), includes all of the resources listed below.

##### **Brochures – *Stand for your community. Be a councillor.***

A series of brochures, developed in partnership with the Local Government and Shires Associations of NSW, aim to encourage people from diversity groups to stand for election by providing information on what is involved. A brochure aimed specifically at encouraging women to stand for election has been developed in partnership with the Australian Local Government Women's Association. A brochure aimed specifically at encouraging Aboriginal and Torres Strait Islander people to stand for election has also been developed. The generic brochure has been translated into community languages. All brochures are available on the Division's website.

##### **Publication – *Thinking about becoming a councillor?***

The *Thinking about becoming a councillor? A guide for candidates in NSW* publication, updated in cooperation with the Local Government and Shires Associations of NSW, provides information to potential candidates to assist them make an informed decision about standing for election. It includes

Division 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 [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ASN 69 567 863 195

information about what local government is, the role of a councillor, what support is provided to councillors and election processes.

*Candidate Information Seminars*

The Division is supporting a series of Candidate Information Seminars being organised across NSW by the Election Funding Authority. The Division is providing information aimed at potential candidates to assist them make an informed decision about standing for election. This includes the role and responsibilities of a councillor, key relationships and what support is provided to councillors. The Australian Local Government Women's Association has been invited to share the Division's platform at the seminars to encourage more women to stand.

Details about these seminars, which are being held between May and July 2012, including some targeted at councils holding their own elections, are available on the Election Funding Authority's website. A link to the seminar details is available from the Division's [Council Elections 2012](#) webpage.

**Action**

I encourage councils to make use of these resources to attract a more diverse group of candidates for Council and I welcome your views on whether you find them useful.

Councils are requested to provide the Division with information about current or past local strategies that they have used and found successful in attracting diverse people to stand for election in their area to share with other councils on the webpage. Please contact Helen Gustus on Tel: (02) 4428 4219 or via email: [helen.gustus@dlg.nsw.gov.au](mailto:helen.gustus@dlg.nsw.gov.au) to provide this information.



**Ross Woodward**

**Chief Executive, Local Government**

**A Division of the Department of Premier and Cabinet**



Premier & Cabinet  
Division of Local Government

## Circular to Councils

Circular No. 12-15  
Date 29 May 2012  
Doc ID. A277025, A277029 & A278958

Contact Helen Pearce  
02 4428 4131  
helen.pearce@dlg.nsw.gov.au

### BOARDING HOUSE TARIFFS FOR RESIDENTIAL RATING AND FEE FOR SECTION 603 CERTIFICATES FOR 2012/13

#### Boarding House Tariffs

In accordance with section 516(1A) of the *Local Government Act 1993*, the Minister for Local Government, the Hon Don Page MP, has determined that for the purpose of the definition of 'boarding house' and 'lodging house' in that section, the maximum tariffs, excluding GST, that a boarding house or lodging house may charge tariff-paying occupants are:

- (a) Where full board and lodging is provided –  
\$323 per week per room for single accommodation, or  
\$538 per week per room for family or shared accommodation.
- (b) Where less than full board and lodging is provided –  
\$215 per week per room for single accommodation, or  
\$359 per week per room for family or shared accommodation.

A notice giving effect to this decision was published in the Government Gazette 11 May 2012.

#### Fee for Section 603 Certificates

I have determined that the fee for a Section 603 Certificate for 2012/13 will be \$85.00.

The determination applies to the issuing of a certificate for the matters specified in section 603(3) of the *Local Government Act 1993* (the Act). Where a council offers to provide other information as an optional service, the council is not prevented from separately determining an approved fee for that additional service. Furthermore, a council is not prevented from determining approved fees for additional services required by an applicant for the expedited processing of a Section 603 Certificate.

Ross Woodward  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

Division 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 4200  
E dlgs@dlg.nsw.gov.au www.dlg.nsw.gov.au ABN 88 567 863 185



Premier & Cabinet  
Division of Local Government

## Circular to Councils

Circular No. 12-16  
Date 6 June 2012  
Doc ID. A283603

Contact: Corin Moffatt  
02 4428 4174  
corin.moffatt@dlg.nsw.gov.au

### RELEASE OF THE DESTINATION 2036 ACTION PLAN

I am pleased to advise that the *Destination 2036 Action Plan* has been released by the Implementation Steering Committee (ISC) following approval by the Minister for Local Government, the Hon Don Page MP.

The Action Plan can be downloaded from the [Destination 2036 webpage](http://www.dlg.nsw.gov.au) (via [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au)).

The Destination 2036 Action Plan sets out the actions that will be delivered over the coming years to achieve the vision of creating strong communities through partnerships.

Over 100 responses were received from a range of stakeholders during the consultation on the draft action plan. The ISC made minor changes to the Plan to set more specific and realistic timescales and to streamline the actions to simplify it. It also changed the Plan to take account of the establishment of the Independent Local Government Review Panel.

The ISC will be responsible for overseeing the delivery of actions in the Action Plan. It will monitor and report quarterly progress and ensure that the identified lead agency delivers on each activity, in a continued spirit of collaboration with the sector and other key stakeholders. It will work with the Independent Panel as a key partner.

Destination 2036 is a long-term reform agenda that will lead to stronger local government in the future. This Action Plan sets out the important first steps. I encourage you to get involved by:

- discussing the Action Plan with councillors and council staff and considering how your council can contribute to the 5 strategic directions identified in the Action Plan; and
- contacting the coordinating agency if you are interested in contributing to any particular action.

Thank you for your contribution to this initiative so far.

Ross Woodward  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 2015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ASN 99 567 663 195



Premier & Cabinet  
Division of Local Government

## Circular to Councils

Circular No. 12-17  
Date 6 June 2012  
Doc ID: A276370

Contact Helen Pearce  
02 4428 4131  
helen.pearce@dlg.nsw.gov.au

### INFORMATION ABOUT RATING FOR 2012/13

#### Maximum Interest on Overdue Rates and Charges

In accordance with section 566(3) of the *Local Government Act 1993*, the Minister for Local Government has determined that the maximum rate of interest payable on overdue rates and charges for the 2012/13 rating year will be 10%.

The methodology used to calculate the interest rate is the Supreme Court methodology (the Reserve Bank cash rate plus 6%), rounded to the nearest half percent of the maximum interest rate for the previous year. The cash rate used for the purposes of the maximum interest rate for local government is based on the rate as at 2 May 2012.

A notice giving effect to this decision was published in the NSW Government Gazette on 1 June 2012.

#### Maximum Amount of Minimum Rates 2012/13

By an amendment to clause 126 of the *Local Government (General) Regulation 2005*, the Independent Pricing and Regulatory Tribunal (IPART) has specified that the maximum amount of a minimum ordinary rate made in terms of s548(3)(a) will be \$458 for 2012/13 for all ordinary rates in all councils without Ministerial/IPART approval for a higher amount.

The instrument giving effect to this amendment was published on the NSW legislation website, [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au), on 20 April 2012.

Minimum amounts of special rates under s548(3)(b) of the Act remain at \$2 (unless prior Ministerial/IPART approval for a higher amount has been given).

In cases where prior approval has been granted for a minimum amount of an ordinary rate higher than \$442, IPART has announced a 3.6% increase in terms of s548(5) of the Act for the rating year commencing 1 July 2012.

Ross Woodward  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3013 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4189 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 557 863 195



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## Circular to Councils

Circular No. 12-18  
Date 20 June 2012  
Doc ID: A261949

Contact Gabe Hart  
02 4428 4171  
gabe.hart@dlg.nsw.gov.au

### COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT - A GUIDE FOR COUNCILS

The Division of Local Government has just released the updated *Councillor Induction and Professional Development - A Guide for Councils*.

The *Guide for Councils* aims to provide councils with information to assist them develop and implement councillor induction and continuing professional development programs so that councillors have the information, skills and resources to undertake their roles and responsibilities effectively. It:

- provides a framework for the development of induction and professional development
- provides checklists of what could be included to assist councils to develop programs that best suit local needs and circumstances
- includes a sample self-assessment tool for councillors to identify individual areas for knowledge and skills development.
- identifies further opportunities for councillor professional development.

The *Guide for Councils* is available electronically on the Department's website at "Council Elections 2012".

Local induction of councillors is vital to support effective leadership and quality governance – a key aim of Destination 2036. I encourage you to use this guide to develop locally appropriate programs to support those councillors elected at the September 2012 local government elections.

Alongside support for local induction of councillors, the Division of Local Government, in partnership with the Local Government and Shires Associations and the Local Government Managers Australia, is planning a series of induction workshops to be held around the state from October. Details will be made available soon.

A handwritten signature in black ink, appearing to read 'Ross Woodward'.

Ross Woodward  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4100 TTY 02 4428 4200  
E dlq@dlg.nsw.gov.au W www.dlg.nsw.gov.au ASN 99 667 863 185



#### **4. MONTHLY CALENDAR – JUNE 2012**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 10/22

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**Summary:**

Monthly calendar of Council activities

**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 for the months of June 2012 to August 2012 is attached. Councillors are requested to raise any queries prior to the meeting.

**Relevant Reference Documents/Policies:**

Nil

**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  
Walgett Shire Council staff

**Financial Implications:**

Nil

## WALGETT SHIRE COUNCIL AGENDA

### Alternative Solutions/Options:

Not applicable

### Conclusion:

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

|                                                      |
|------------------------------------------------------|
| <b>Title of Report: Monthly Calendar – June 2012</b> |
|------------------------------------------------------|

|                        |
|------------------------|
| <b>Recommendation:</b> |
|------------------------|

- |                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"><li>1. That Council receive and note the regular monthly calendar for the period June 2012 to August 2012.</li></ol> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|

|               |
|---------------|
| <b>Moved:</b> |
|---------------|

|                  |
|------------------|
| <b>Seconded:</b> |
|------------------|

### Attachments:

**Calendar for June 2012 to August 2012.**

# WALGETT SHIRE COUNCIL AGENDA



## STRATEGIC TASKS, EVENTS AND MEETINGS CALENDAR

June 2012

|            |         |                                                                    |                                  |
|------------|---------|--------------------------------------------------------------------|----------------------------------|
| Fri 1 Jun  |         |                                                                    |                                  |
| Sat 2 Jun  |         |                                                                    |                                  |
| Sun 3 Jun  |         |                                                                    |                                  |
| Mon 4 Jun  |         | LGMA Forum                                                         | GM                               |
| Tue 5 Jun  |         | Shire's Association of NSW Annual Conference – Sydney ( to 6 June) | Clr Keir, Mayor & GM             |
| Wed 6 Jun  |         | CWP Meeting                                                        |                                  |
| Thu 7 Jun  |         | Emergency Management Briefing – Sydney                             | Mayor & GM                       |
| Fri 8 Jun  |         |                                                                    |                                  |
| Sat 9 Jun  |         |                                                                    |                                  |
| Sun 10 Jun |         |                                                                    |                                  |
| Mon 11 Jun |         |                                                                    |                                  |
| Tue 12 Jun |         | Lightning Ridge Interagency Meeting                                |                                  |
| Wed 13 Jun |         |                                                                    |                                  |
| Thu 14 Jun |         | Walgett – Health Advisory Council Meeting                          |                                  |
| Fri 15 Jun |         |                                                                    |                                  |
| Sat 16 Jun |         |                                                                    |                                  |
| Sun 17 Jun |         | National General Assembly (to 20 June)                             | GM                               |
| Mon 18 Jun |         | 18-20 June MPRA Meeting                                            |                                  |
| Tue 19 Jun |         |                                                                    |                                  |
| Wed 20 Jun |         |                                                                    |                                  |
| Thu 21 Jun |         | Outback Arts - Walgett                                             |                                  |
| Fri 22 Jun | 2.00pm  | Extraordinary Council Meeting                                      | All Councillors, GM & Exec Staff |
| Sat 23 Jun |         |                                                                    |                                  |
| Sun 24 Jun |         |                                                                    |                                  |
| Mon 25 Jun |         |                                                                    |                                  |
| Tue 26 Jun | 10.00am | Council Meeting                                                    | All Councillors & GM             |
| Wed 27 Jun |         |                                                                    |                                  |
| Thu 28 Jun |         |                                                                    |                                  |
| Fri 29 Jun |         |                                                                    |                                  |
| Sat 30 Jun |         |                                                                    |                                  |

# WALGETT SHIRE COUNCIL AGENDA



## STRATEGIC TASKS, EVENTS AND MEETINGS CALENDAR

July 2012

|             |         |                                                                          |                               |
|-------------|---------|--------------------------------------------------------------------------|-------------------------------|
| Sun 1 July  |         |                                                                          |                               |
| Mon 2 July  |         |                                                                          |                               |
| Tue 3 July  |         |                                                                          |                               |
| Wed 4 July  |         | Lightning Ridge - CWP Meeting                                            |                               |
| Thu 5 July  |         |                                                                          |                               |
| Fri 6 July  |         |                                                                          |                               |
| Sat 7 July  |         |                                                                          |                               |
| Sun 8 July  |         |                                                                          |                               |
| Mon 9 July  |         |                                                                          |                               |
| Tue 10 July |         | Lightning Ridge - Interagency Meeting                                    |                               |
| Wed 11 July |         |                                                                          |                               |
| Thu 12 July |         | Walgett – Health Advisory Council Meeting                                |                               |
| Fri 13 July |         |                                                                          |                               |
| Sat 14 July |         |                                                                          |                               |
| Sun 15 July |         |                                                                          |                               |
| Mon 16 July |         |                                                                          |                               |
| Tue 17 July |         |                                                                          |                               |
| Wed 18 July |         |                                                                          |                               |
| Thu 19 July |         |                                                                          |                               |
| Fri 20 July |         |                                                                          |                               |
| Sat 21 July |         |                                                                          |                               |
| Sun 22 July |         | Water Management Conference – Wagga Wagga (to 24 July)                   |                               |
| Mon 23 July |         |                                                                          |                               |
| Tue 24 July | 10.00am | Council Meeting - Rowena                                                 | GM, Councilor's and Exec Team |
| Wed 25 July |         |                                                                          |                               |
| Thu 26 July |         |                                                                          |                               |
| Fri 27 July |         |                                                                          |                               |
| Sat 28 July |         |                                                                          |                               |
| Sun 29 July |         |                                                                          |                               |
| Mon 30 July | 6.00am  | Rolls Close for Local Government Elections<br>Councilor Nominations Open | All Candidates                |
| Tue 31 July | 12.00am | Caretaker Period Commences                                               |                               |

# WALGETT SHIRE COUNCIL AGENDA



## STRATEGIC TASKS, EVENTS AND MEETINGS CALENDAR

August 2012

|              |         |                                       |                                |
|--------------|---------|---------------------------------------|--------------------------------|
| Wed 1 Aug    | 5.30pm  | Lightning Ridge – CWP Meeting         |                                |
| Thurs 2 Aug  |         |                                       |                                |
| Friday 3 Aug |         |                                       |                                |
| Sat 4 Aug    |         |                                       |                                |
| Sun 5 Aug    |         |                                       |                                |
| Mon 6 Aug    |         |                                       |                                |
| Tue 7 Aug    |         |                                       |                                |
| Wed 8 Aug    | 12 Noon | Councillor Nominations Close          |                                |
| Thu 9 Aug    |         |                                       |                                |
| Fri 10 Aug   |         |                                       |                                |
| Sat 11 Aug   |         |                                       |                                |
| Sun 12 Aug   |         |                                       |                                |
| Mon 13 Aug   |         |                                       |                                |
| Tue 14 Aug   |         | Lightning Ridge – Interagency Meeting |                                |
| Wed 15 Aug   |         |                                       |                                |
| Thu 16 Aug   |         |                                       |                                |
| Fri 17 Aug   |         |                                       |                                |
| Sat 18 Aug   |         |                                       |                                |
| Sun 19 Aug   |         |                                       |                                |
| Mon 20 Aug   |         |                                       |                                |
| Tue 21 Aug   |         |                                       |                                |
| Wed 22 Aug   | 10.00am | Council Meeting – Walgett             | GM, Councillor's and Exec Team |
| Thu 23 Aug   |         |                                       |                                |
| Fri 24 Aug   |         |                                       |                                |
| Sat 25 Aug   |         |                                       |                                |
| Sun 26 Aug   |         |                                       |                                |
| Mon 27 Aug   |         |                                       |                                |
| Tue 28 Aug   |         |                                       |                                |
| Wed 29 Aug   |         |                                       |                                |
| Thu 30 Aug   |         |                                       |                                |
| Fri 31 Aug   | 5.00pm  | Election Material Registration Closes |                                |

## **5. REVIEW OF MODEL CODE OF CONDUCT**

**REPORTING SECTION:** GENERAL MANAGER

**AUTHOR:** Don Ramsland – General Manager

**FILE NUMBER:** 09/1409

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### **Summary**

To consider Departmental Circular 12-10 that concerns the review of the Model Code of Conduct.

### **Background**

The Division of Local Government, Department of Premier and Cabinet, Circular 12-10 advises Council of the progress with regards the review of the Model Code of Conduct.

It also invites submission on consultation drafts of the new Model Code, model Code procedures and proposed amendments to the Local Government Act 1993 and Local Government (General) Regulation 2005.

Councillors are requested to access the consultation drafts on the Division's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) as the draft document comprises 80 pages. A copy is also available at Council offices on request.

The consultation drafts set out the background, the purpose of the paper, the Division's reform objectives, what is being proposed and the action sought from Council/Councillors.

Attachments set out a summary of the new Model Code, draft revised Model Code, proposed procedures for the Code's administration, propose changes to the Local Government Act and General Regulation.

### **Current Position**

Submissions, which may be made by email or in writing to the Division, close on Tuesday 26 June, 2012.

Council, in considering what action should be taken with regards this matter should also consider the alternative version of the Model Code put forward by the LGSA which is a fairly simple document comprising only 6/10 pages in length.

### **Relevant Reference Documents**

Local Government Act 1993 (as amended)

Local Government (General Regulation 2005

Council's Code of Conduct

Council's Policy and Procedures for the Provision of Information and Interaction between Councillors and Staff.

## WALGETT SHIRE COUNCIL AGENDA

### Stakeholders

Councillors  
Local community  
Staff

### Financial Implications

The more complicated and detailed any model documentation becomes, the higher the exposure of action being taken with any costs having to be met from current budget allocations.

### Options/Alternatives

Do nothing and await the outcome of the Divisions consultation process  
Press for the implementation of the more simple version being promoted by the LGSA.  
Make appropriate comments/submissions by the closing date on 26 June, 2012.

### Conclusion

Council has an opportunity to have appropriate input into the content of the new Model Code and it would be a shame to waste this opportunity.

| Title of Report: Review of Model Code of Conduct |                             |
|--------------------------------------------------|-----------------------------|
| <b>Recommendation:</b>                           |                             |
| 1.                                               | For Council's consideration |
| <b>Moved:</b>                                    |                             |
| <b>Seconded:</b>                                 |                             |

### Attachments

Nil

## 6. DESTINATION 2036 ACTION PLAN

**REPORTING SECTION:** GENERAL MANAGER

**AUTHOR:** Don Ramsland – General Manager

**FILE NUMBER:** 09/1330

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### Summary

To consider the approach to be taken to the Destination 2036 Action.

### Background

The Division of Local Government, Department of Premier and Cabinet, Circular 12-16 advises Council of the release of the Destination 2036 Action Plan on 6 June, 2012.

It also invites submission on consultation drafts of the new Model Code, model Code procedures and proposed amendments to the Local Government Act 1993 and Local Government (General) Regulation 2005.

Councillors are requested to access the plan from the [Destination 2036 webpage](http://www.dlg.nsw.gov.au) through the Division's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) as the document comprises some 50 odd pages. A copy is also available at Council offices on request.

The Plan outlines 5 strategic directions and requests councillors and staff consider how they can best contribute.

### Current Position

It is suggested that Council establish a small working party, comprising the Mayor, Deputy Mayor and MANEX to review the Plan and report on how best to contribute to the 5 key strategic directions identified.

### Relevant Reference Documents

Local Government Act 1993 (as amended)  
Local Government (General Regulation 2005  
Council's Policy and Procedures for the Provision of Information and Interaction between Councillors and Staff.  
Destination 2036 Action Plan

### Stakeholders

Councillors  
Local community  
Staff

### Financial Implications

The major threat from any action arising from the Destination 2036 process centres around amalgamation and the financial impact that would have on our local community



**Options/Alternatives**

Do nothing and await the outcome of the Division's consultation process  
Identify and press for the implementation of an alternate resourcing model  
Make appropriate comments/submissions to the Division

**Conclusion**

Council has an opportunity to have appropriate input into the Destination 2036 Action Plan process and it will be to its own peril to waste this opportunity.

| Title of Report: Destination 2036 Action Plan |                                                                                                                                                                                                                                     |
|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Recommendation:</b>                        |                                                                                                                                                                                                                                     |
| 1.                                            | That Council establish a small working party, comprising the Mayor, Deputy Mayor and MANEX to review the Plan and report on how best to contribute to the 5 key strategic directions identified in the Destination 2036 Action Plan |
| <b>Moved:</b>                                 |                                                                                                                                                                                                                                     |
| <b>Seconded:</b>                              |                                                                                                                                                                                                                                     |

**Attachments**

Nil

**7. MATTERS GENERALLY FOR BRIEF MENTION OR INFORMATION ONLY**

**REPORTING SECTION:** GENERAL MANAGER

**AUTHOR:** Don Ramsland – General Manager

**FILE NUMBER:** 000/00/00/00

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Owing to time commitments, the Matters for Brief Mention or Information only item has been held over and a supplementary report will be circulated on Monday 25 June 2012.

| Title of Report: Matters Generally for Brief Mention or Information Only |                           |
|--------------------------------------------------------------------------|---------------------------|
| <b>Recommendation:</b>                                                   |                           |
| 1.                                                                       | For Council's Information |
| <b>Moved:</b>                                                            |                           |
| <b>Seconded:</b>                                                         |                           |

**Attachments**  
Nil.

## 8. COMMUNITY ASSISTANCE SCHEME

**REPORTING SECTION:** Community Assistance Scheme  
**AUTHOR:** Stephen Holland – Director Corporate Services  
**FILE NUMBER:** 09/1240

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### Summary

This report provides suggested criteria for the determination of eligibility for funding under the Community Assistance Scheme.

### Background

The council invites applications from eligible organisations in January and July each year for funding under the Community Assistance Scheme. At its meeting held on 27 March 2012, the Council resolved that the Community Assistance Scheme Guidelines be reviewed prior to the 2012 / 2013 round one applications being called.

### Current Position

The current program operates under guidelines that were adopted for the July 2010 round. Whilst the guidelines state some broad objectives, they do not contain specific criteria regarding organisation and project eligibility.

### Grant Categories

The range of grant categories can include; Community Capacity Building & Development, Community Facilities, Community Events and Individual Achievement. It is proposed to do a further review of the scheme at a later date as part of an overall review of the community development area and an expansion of the grant categories would form part of that review. For the current program it is recommended that the following guidelines be adopted under the category of; Community Capacity Building & Development.

### General Eligibility Criteria

#### Organisations and Groups

- Community Groups and organisations:
- must be based within the Walgett Shire and/or be able to demonstrate that the project, program and/or activity will directly benefit Walgett Shire residents
- Should be an incorporated 'not for profit' organisation or a company limited by guarantee that has been endorsed by the Australian Taxation Office as a charity, tax exempt fund or deductible gift recipient.
- Unincorporated groups are eligible to apply, providing that their application is made through an appropriate incorporated body which supports the project, program and/or activity (Auspice)
- The applicant has successfully acquitted all previous Walgett Shire Council grants
- Must have relevant insurance cover including public liability to the value of \$20m

Who cannot apply

- Commercial organisations
- Government agencies
- Schools (public and independent); unless sponsored by an eligible community organisation/group
- Churches; unless the proposed project, program and/or activity can be considered an addition to the core business of the church
- Community organisations operating more than 30 gaming machines
- Political groups.

**Projects, Programs and/or Activities**

The grants program aims to provide limited financial assistance in relation to the development of programs, projects and/or activities, and is not intended to be relied upon as a primary source of funding. Applicants are required to demonstrate that they have investigated funding from other sources.

Priority may be given to projects, programs and/or activities that have not received a grant in the preceding 12 months

Applicants are eligible to receive up to a total value of \$3,000 in grant funds per financial year. Grants will not be provided for projects, programs and/or activities which are to be undertaken for the sole purpose of profit generation (There must be some other general community benefit / outcome from the activity)

Council encourages co-funding from other external funding sources and reserves the right to part fund a grant application

Generally, funding will not be provided to increase existing un-acquitted funds from council for the same project, program and/or activity

Projects that align with the responsibilities of the State or Federal Government are ineligible

Projects that will have commenced prior to the receipt of council funding are ineligible

In the event that the funded event does not occur, or the activity or program which was the subject of the funding is not delivered, the grant recipient will be required to repay the full amount of the council funding awarded.

**Relevant Reference Documents/Policies**

**Community Strategic Plan**

The Community Assistance Program supports the strategy C1.1 in the Community Strategic plan(CSP); 'Support, resource and initiate a range of local activities and projects with the ability to increase community participation, capacity, and build community connections for all age sectors

## **Governance issues**

### **356 Can a council financially assist others?**

Council must ensure that the granting of financial assistance conforms to sec 356 of the LGA 1993 (reprinted below)

- (1) A council may, in accordance with a resolution of the council, contribute money or otherwise grant financial assistance to persons for the purpose of exercising its functions.
- (2) A proposed recipient who acts for private gain is not ineligible to be granted financial assistance but must not receive any benefit under this section until at least 28 days' public notice of the council's proposal to pass the necessary resolution has been given.
- (3) However, public notice is not required if:
  - (a) the financial assistance is part of a specific program, and
  - (b) the program's details have been included in the council's draft operational plan for the year in which the financial assistance is proposed to be given, and
  - (c) the program's proposed budget for that year does not exceed 5 per cent of the council's proposed income from the ordinary rates levied for that year, and
  - (d) the program applies uniformly to all persons within the council's area or to a significant group of persons within the area.
- (4) Public notice is also not required if the financial assistance is part of a program of graffiti removal work.

## **Environmental issues**

N/A

## **Stakeholders**

Walgett Shire Community  
Walgett Shire Council

## **Financial Implications**

An amount of \$16,000 has been provided in the 2012 / 2013 budget.

## **Alternative Solutions/Options**

That the scheme criteria be further reviewed  
That the Community Scheme be discontinued

## **Conclusion**

It is not uncommon for Councils to provide financial assistance to their community through a financial assistance scheme. In doing so it is important that the scheme provides support to 'get projects up' but doesn't become a substitute for community effort and initiative. It should be a funding source of 'last resort' and organisations encouraged to source funding from other public and non-public sources in the first instance.

|                                                     |
|-----------------------------------------------------|
| <b>Title of Report: Community Assistance Scheme</b> |
|-----------------------------------------------------|

**Recommendation:**

1. That the Eligibility Criteria detailed in this report be adopted as criteria for evaluation of the applications under the Community Assistance Scheme

**Moved:**

**Seconded:**

**Attachments**

## **9. WALGETT SHIRE TEN (10) YEAR COMMUNITY STRATEGIC PLAN**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Stephen Holland – Director Corporate Services  
**FILE NUMBER:** 10/299

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### **Summary**

This report deals with the Council's consideration of any submissions received in relation to the Walgett Shire Community Strategic Plan (CSP) and having considered any submissions, recommends that the Plan be adopted and forwarded to the Division of Local Government.

### **Background**

On 27 March 2012, the Council resolved to place the Draft Walgett Shire Community Strategic Plan (CSP) on exhibition and to invite submissions. At its Extraordinary meeting held on 22 May 2012, Council resolved to receive and note amendments to the CSP which included reference to the receipt of a submission from the Australian Opal Centre (AOC)

### **Current Position**

Following the closing of submissions, the Council is now required to formally adopt the CSP and to forward a copy to the Division of Local Government within twenty eight (28) days. Prior to this, the Council is required to give consideration to any further submissions received in relation to the Draft CSP.

Other than that mentioned above, the only submissions received at the time of writing this report, are really related to issues associated with the 2012/2016 Delivery Programme and/or the 2012/2013 Operational Plan and Budget. As such they will be dealt with in considerations in that area rather than at this more strategic level.

### Consideration of Submissions

Australian Opal Centre – The submission is mainly focussed on the need for the local opal mining industry to be formally recognised along with the potential for the Australian Opal Centre (AOC) to have a specific mention in the CSP. Two (2) objectives and strategies (E2.1 & E2.2) in the CSP relate to projects such as the AOC. The AOC is not specifically mentioned in the CSP as this document relates to higher level objectives and strategies and not specific actions for achieving these such as the AOC. The AOC is stated as a specific action in the Operational Plan; 'Advocate for the development of the Australian Opal Centre'.

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

Walgett Shire Community Strategic Plan 2012 - 2016  
Delivery Program and Operational Plan 2012 - 2013  
Associated IP&R plans and documents

**Governance issues**

Under the IP&R legislation Council is required to consider any or all submissions prior to adopting the CSP

**Environmental issues**

N/A

**Stakeholders**

Walgett Shire Community  
Walgett Shire Council  
Division of Local Government, DPC

**Financial Implications**

The CSP strategies form the basis of actions and projects within both the 2012/2016 Delivery Programme and 2012/2013 Operational Plan and the 2012 / 2013 Budget.

**Alternative Solutions/Options**

Nil

**Conclusion**

After an extension period of preparation and public consultation, adoption of the CSP is now in the final stage in the Community Strategic Plan process that commenced in 2009. The Plan will need to be reviewed within nine months of the election of the new Council in September 2012.

|                                                                              |
|------------------------------------------------------------------------------|
| <b>Title of Report: Walgett Shire Ten (10) Year Community Strategic Plan</b> |
|------------------------------------------------------------------------------|

|                               |
|-------------------------------|
| <p><b>Recommendation:</b></p> |
|-------------------------------|

- |                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. That the Council having considered any submissions received, formally adopt the Draft Walgett Shire Ten (10) Year Community Strategic Plan and that the Plan be submitted to the Division of Local Government for endorsement</p> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                      |
|----------------------|
| <p><b>Moved:</b></p> |
|----------------------|

|                         |
|-------------------------|
| <p><b>Seconded:</b></p> |
|-------------------------|

**Attachments**

Copies of the revised Integrated Planning and Reporting documentation will be tabled at the meeting.





AUSTRALIAN  
**OPAL**  
CENTRE  
LIGHTNING RIDGE · NSW

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LROFC Inc • PO Box 229 • 3/11 Morilla Street • Lightning Ridge • NSW 2834 • AUSTRALIA • ABN 20 377 425 512  
Tel. (+61) 2 6829 1667 • Fax (+61) 2 6829 1665 • Email opalfossil@wj.com.au • www.australianopalcentre.com

22 March 2012

## WALGETT SHIRE DRAFT COMMUNITY STRATEGIC PLAN

This submission is made on behalf of the Australian Opal Centre and its parent organisation, LROFC Inc. It reiterates issues already addressed at the Community Strategic Plan Workshop held at the Barwon Inn on 21 March and includes additional points.

### General comments

1. Given the objectives of the Plan, the Identified Target Groups for consultation (p.8) should have included groups focused on industry, economic development, tourism, community cultural development, heritage, education and training. The content of the plan reflects those absences. This was acknowledged at the Workshop of 21 March.
2. The plan provides an excellent framework. The Australian Opal Centre has much to offer in fleshing out that framework, making it actionable and giving it life off the page. The Australian Opal Centre offers Walgett Shire opportunities to progress towards its overall Strategic Vision and to achieve many of the specific visions and strategies, and address several of the challenges, identified in this Plan – particularly in the areas of Community, Economy, Sustainable Living and Infrastructure.
3. The Plan acknowledges that opal mining and opal-based tourism are key economic drivers in Walgett Shire; and that decline of opal mining is a challenge for the Shire. However, it includes no objective or intention to address this issue. Furthermore, no opal industry representatives were present at the Workshop held on 21 March. Decline in the opal industry is an increasingly serious economic and social issue for Walgett Shire and should be addressed in the Walgett Shire Community Plan.
4. The document fails to recognise the Australian Opal Centre or its programs in key areas – notably, under the headings of Community, within the tourism component of Economic Development, or under Sustainable Living or Infrastructure. As a major council- and community-supported development initiated to address these issues, the AOC should be included under these headings. This omission constitutes a failure to recognise community expectations and council's strategic investment.
5. We recognise that the Plan does not yet contain actions or performance indicators. We urge Council to involve the Australian Opal Centre in scoping and delivering actionable outcomes. Walgett Shire Council has an unprecedented opportunity to create diverse and widespread community benefit, and to 'tick many boxes', by partnering in present and planned activities and programs of the Australian Opal Centre. This approach would earn Council great accolades as well as helping it to achieve great outcomes for its communities. We welcome active partnerships with Council to achieve these goals.
6. The Draft Plan indicates that Council staff and/or consultants are unaware of the scope, level of investment in, or significance of, the Australian Opal Centre. We would be

delighted to make a brief presentation to properly inform Council staff about this wonderful project. Please contact us to arrange a suitable date and time.

7. The Australian Opal Centre offers to participate on reference groups established in relation to the Walgett Shire Draft Community Plan. We believe we could make the greatest contribution in the areas of Community, Economic Development and Sustainable Living. We are willing to participate in relation to areas of infrastructure development/ management where Council believes we could assist.

## COMMUNITY

The Australian Opal Centre plays a very important role in community life. However, it is not mentioned in this chapter about building a stronger community. Its activities and objectives resonate with almost every objective and strategy listed in Table 1, either because it is already advancing the strategies, or has the potential to do so, particularly in partnerships.

The Australian Opal Centre already contributes to all key elements of the Vision for Community, with even greater potential for the future. It:

- Involves, celebrates and nurtures 'resilient, resourceful, friendly people with a strong education base'
- Cultivates a culture of diversity and mutual respect – with a large group of people working together harmoniously to achieve its diverse programs and goals
- Celebrates the unique outback environment and works to preserve unique aspects of that environment – by sharing and nurturing the creation of photographs and art that reflect this unique the environment; working with government agencies and other community groups to protect sites and landscapes of heritage significance; and interpreting and celebrating that environment
- Provides opportunities for people of all backgrounds – in its volunteer program (ranging across customer service, school activities, construction, event management, member services, collection management, heritage preservation and diverse other activities), its management committee and subcommittees, working bees, workshops, community and social events, public lectures, art exhibitions and other activities.
- Welcomes visitors and passers-by and enriches their experience in Walgett Shire – several thousand people each year, likely to multiply tenfold once the Centre's new building is achieved
- Already siezes opportunies identified in the Plan, including Aboriginal culture; working together to achieve a goal; providing an environment in which people with good ideas can flourish; and drawing on the unique opportunities of the black opal resource and the diversity of people it has drawn together
- Addresses identified challenges, including lack of employment opportunities; lack of recreational activities; and lack of service organisations and opportunities for people to participate in community activities

The Australian Opal Centre provides great opportunity to achieve stronger communities in Walgett Shire and is willing to work with Council towards shared community goals.

## ECONOMY

Council's support for federal funding for construction of the Australian Opal Centre is noted in this chapter.

However, the chapter does not reflect the massive potential of the AOC to drive sustainable economic development.

- The AOC is a potential vehicle for every opportunity listed for fuinding a stronger functional economy. This is not reflected in the table of objectives and strategies. The AOC does, or could, help meet all of the following objectives and strategies:
  - A strong diverse economic base that supports employment and lifestyle opportunities
  - Promoting innovative investment opportunities in Walgett Shire
  - Potential projects that take advantage of the Shire's attributes
  - Increase the significance of tourism to the Walgett Shire economy
  - Potential development opportunities to host large scale events, meetings and conferences
  - Partner with local organisations to develop projects that support tourism
  - Increase employment by value adding to current primary industries
  - Improve the standard of infrastructure
- **An additional strategy that should be included, and that the AOC strongly supports, is 'Develop and support programs and infrastructure improvements that foster the growth of niche and high yield visitor markets'**
- The AOC will contribute significantly to addressing the identified challenge of the decline in opal mining – which is identified on p.16, but for which no strategies are offered. **Addressing the challenge of declining opal mining is not identified as a strategic objective, despite the acknowledgement on p.15 that opal mining and opal-based tourism are key economic drivers in Walgett Shire. This is a serious omission from the Plan.**
- An identified challenge is the cost of tourism infrastructure. The AOC is taking local investment and leveraging it massively to attract external investment that will enable local community economic and cultural development. It is also attracting investment to other infrastructure; the Opal Caravan Park, for example, was constructed at a cost in excess of \$2 million, partly on the strength of the future potential of the Australian Opal Centre. By the time the AOC building is completed, the project will have attracted more than \$25 million in external investment (and have created local employment, economic and cultural activity as a result of that investment).
- Conservative estimates indicate that the AOC will create an additional \$4 million annually in Walgett Shire (not to mention wider-spread activity and benefits).
- Council intends in the next decade (p.16) to focus on 'developing new and innovative 'blue sky' ideas and strategies'. This theme is repeated throughout the Plan. It already has one such idea (and associated strategies) in the Australian Opal Centre, but to date has failed to enable or realise the potential of this extraordinary project.

## SUSTAINABLE LIVING

- This chapter identifies (p.21) that Council has a role in preserving the heritage and culture of Walgett Shire. However, it includes no objective or strategy to achieve this. **The plan should be amended to include objectives and strategies to preserve the physical and cultural heritage of Walgett Shire.** This issue has a bearing also on Community and Economic Development.
- **Destruction of heritage sites and landscapes should be added to the list of challenges facing the environment (p.21).**

- **Ecologically sustainable design for residential, business and industrial premises should be added to this chapter.** With the important exception of mentioning water consumption minimisation strategies, this chapter does not address these issues. It also neglects to address domestic-level sustainable living.
- There is an opportunity to highlight and celebrate the culture of resourcefulness, recycling and sustainability exhibited by residents of the shire for more than a century. Again, this would also support objectives for Community and Economic Development.

## INFRASTRUCTURE

- Table 4b Urban Infrastructure contains no line item for non-council assets.
- **The chapter on infrastructure mentions recreational and non-council infrastructure, but includes no mention of the Australian Opal Centre. This is a major omission, given not only the enormous significance and anticipated benefits of the Centre, but also that Council has invested in the vicinity of \$600,000 in the AOC project; the NSW and Australian Governments have already invested more than \$200,000 (with considerably more being sought); and the value of the community investment to date is over \$2.5 million.** The Australian Opal Centre has also already attracted investment of more than \$2 million into other local business infrastructure; has hundreds of supporters across Australia and in eight other countries. It is the most significant tourism infrastructure development in this part of NSW.
- An identified challenge is that 'a small number of ratepayers contribute to the high cost of recreational and sporting facilities and infrastructure'. The AOC presents an opportunity to secure huge outside contributions.
- **Very important: both directly and indirectly, the Australian Opal Centre will help to generate the critical mass required to achieve other infrastructure and service developments – road improvements, air services and more.**

The Australian Opal Centre manager or management committee are available to speak with Council staff on these or any other matters; please don't hesitate to contact us if we can assist in any way. We thank Council and its staff for their excellent work for the communities of Walgett Shire.

Yours sincerely,



Jenni Brammall  
Manager  
Australian Opal Centre

# 10. 2012/2016 DELIVERY PROGRAM, 2012/2013 OPERATIONAL PLAN AND BUDGET AND LONG TERM TEN (10) YEAR FINANCIAL PLAN INCLUDING FEES AND CHARGES

**REPORTING SECTION:** Corporate Services

**AUTHOR:** Stephen Holland – Director Corporate Services

**FILE NUMBER:** 12/112

## Summary

This report recommends the 2012/2016 Delivery Program and 2012/2013 Operational Plan and Budget and Long Term Ten (10) Year Financial Plan and Fees and Charges to be formally made and adopted as required per the Local Government Act (1993) for the 2012/13 financial year.

## Background

The 2012/2013 Operational Plan and Budget including all section 356 donations and the Schedule of Fees and Charges for the 2012/13 year, the Delivery Program for the four years starting 2012/13, and the Long Term Financial Plan for the 10 year period starting 2012/13 were placed on exhibition on 23rd May, and public comment invited with submissions closing at 5.00 pm on Wednesday 20th June, 2012.

## Current Position

The net results of Council's draft 2012/2013 Operational Plan and Budget are summarised as follows:

## Operating Results

|              | <b>After<br/>Depreciation</b> |                | <b>Depreciation</b> | <b>Before<br/>Depreciation</b> |                |
|--------------|-------------------------------|----------------|---------------------|--------------------------------|----------------|
| General Fund | 2,742,770                     | Deficit        | 5,367,947           | (2,625,177)                    | Surplus        |
| Water Fund   | 139,465                       | Deficit        | 443,496             | (304,031)                      | Surplus        |
| Sewer Fund   | 40,055                        | Deficit        | 183,446             | (143,391)                      | Surplus        |
| Waste Fund   | (14,017)                      | Surplus        | 30,000              | (44,017)                       | Surplus        |
| <b>TOTAL</b> | <b>2,908,273</b>              | <b>Deficit</b> | <b>6,024,889</b>    | <b>(3,116,616)</b>             | <b>Surplus</b> |

Following the consideration of submissions and various inquiries there has been a revision in the 2012/13 Budget included within the Long Term Financial Plan to include the following expenses:

- 1) An increase in section 356 donations paid to the Lightning Ridge Swimming Pool of \$50k (total \$350k)
- 2) An increase of \$30k in the Walgett Swimming Pool budget (total for the year \$205k)
- 3) An increase in Council liability for Water as part of the new water pricing strategy, totalling \$7k
- 4) 2012/2013 Contribution to the Castlereagh Macquarie County Council has increased to \$93,450 plus GST

## WALGETT SHIRE COUNCIL AGENDA

- 5) Indicative figures for revenue/expenditure from RMS for 2012 Flood Damage have been received - \$10.3M
- 6) Indicative figures for revenue/expenditure from RMS for 2012/2013 RMCC Works have been received - \$13.5M
- 7) Provision has now been made for a capital grant of \$250K for the establishment of lower level PCYC Facility

As a result overall there has been an increase of expense of \$92k. There are now available budgeted unrestricted funds of \$227k in the 2012/13 year, and \$92k in the 2013/14 year. However, the full impact of cost recovery from RMS Works will only be known when the actual contributions are determined and as such no adjustment for oncost recovery etc. will be made until the end of the September, 2012 financial quarter.

### Submissions

Two written submissions were received following the public exhibition of the above documentation and copies are attached for Council's consideration.

With regards the concerns raised by the St Joseph's School at Walgett, there is little that can be done other than advise them that the new water charging regime has been introduced as a result of State Government legislation that Council has no option other than to comply with. It is in line with "best practice water management" guidelines.

Robert and Prue Hutchinson have lobbied for the reconstruction and sealing of SR 5 (the Cryon to Collarenebri Road). Included in the 2012/2013 Operational Plan and Budget is a proposal to establish a "Local Road Maintenance Hierarchy". Under this strategy, a detailed plan for the regular maintenance of all shire roads is to be developed and implemented as early as practicable.

### **2012 / 2013 Fees and Charges, including the new Water Charges**

The fees and charges have been reviewed and in general have been increased by 3.6% in line with the permissible rate increase. A significant change from the previous year is the inclusion of the water billing charges and a number of new fees relating to water meter maintenance and administration. The Fees and Charges schedule has been exhibited alongside the Operational Plan, Delivery Program and Long Term Financial Plan in accordance with sections 404 / 405 of the Local Government Act (1993), and the only submissions received in the period of exhibition has been considered above.

### **Section 356 Donations**

Council has included within its 2012/13 budget a total of \$619,413 to be given in accordance with section 356 of the Local Government Act as detailed below

|                                                                          | <b>Total 2012/13<br/>Budget</b> |
|--------------------------------------------------------------------------|---------------------------------|
| <b>Section 356 Donations and Subsidies</b>                               |                                 |
| Section 356 Expenditure- Community Assistance                            | 16,000                          |
| Section 356 Expenditure-Glengarry Grawin Sheepyards Miners Association   | 26,000                          |
| Section 356 Expenditure-Burren Junction Pool                             | 21,063                          |
| Section 356 Expenditure-Lightning Ridge Sport and Gym Centre             | 88,000                          |
| Section 356 Expenditure-Lightning Ridge Diving Pool and Water Theme Park | 262,000                         |
| Section 356 Lightning Ridge Opal Queen                                   | 3,000                           |
| Section 356 Lightning Ridge Jewellery Design Award                       | 3,500                           |
| Section 356 Lightning Ridge Information Centre                           | 144,550                         |
| Subsidy -Fees and Charges Rebates, Local Churches                        | 22,000                          |

## WALGETT SHIRE COUNCIL AGENDA

|                                                        |         |
|--------------------------------------------------------|---------|
| Donation - Barwon Group CWA Medical Scholarship Scheme | 3,000   |
| Community Centre operational support                   | 10,300  |
| Housing Subsidy - Medical Practitioners                | 20,000  |
|                                                        | <hr/>   |
|                                                        | 619,413 |
|                                                        | <hr/>   |

A revised Community Assistance Scheme will be implemented in 2012/2013.

### Relevant Reference Documents/Policies

**Local Government Act 1993 and Integrated Planning and Reporting legislation.**

### Governance issues

As a Group 3 Council, Walgett Shire Council is required to comply with the IP&R legislation by 1 July 2012.

### Stakeholders

Walgett Shire Community  
Walgett Shire Council  
Division of Local Government

### Financial Implications

The respective financial details relating to the components of this report are detailed in the respective attachments.

### New initiatives

As a result of various inquiries and other comments it is proposed that a number of additional strategies and Action Plan items be included in the 2012/2016 Delivery Plan and 2011/2013 Operational Plan and Budget in respect of the:

#### Establishment of an effective Interagency Committee

Council operations, organisational structure and plant utilisation

Provision of a new works depot at Walgett

Additional Road Infrastructure initiatives to provide for the establishment of an effective roads maintenance hierarchy, application for betterment funding and involvement of local landholders in local road maintenance/flood damage works.

Provision of Walgett Airport maintenance work - \$1M

Provision of Walgett Town Levee work - \$1m and ongoing

Provision for lobbying for a range of community and economic development proposals.

### Project Costing

It is proposed that no capital projects over \$20,000 will be commenced without a detailed project cost and funding summary and supporting documentation being available.

**Title of Report; Delivery Program, Operational Plan, Long Term Financial Plan Including Fees and Charges**

**Recommendation:**

That Council having considered any submissions received:

1. Adopts the 2012/2013 Operational Plan and Budget, 2012/2016 Delivery Program and Long Term Ten (10) Year Financial Plan incorporating the following changes:
  - A variation in the budget for the 2012/13 year of \$92k

Indicative figures for revenue/expenditure from RMS for 2012 Flood Damage have been received - \$10.3M  
 Indicative figures for revenue/expenditure from RMS for 2012/2013 RMCC Works have been received - \$13.5M  
 Provision has now been made for a capital grant of \$250K for the establishment of lower level PCYC Facility
2. Adopts Fees and Charges 2012/2013 as listed in the Schedule of Fees and Charges 2012/2013 with Council reserving the right to vary fees and charges of a commercial nature as circumstances require.
3. Makes the annual charge for the provision of domestic waste management services for each parcel of rateable land for which the service is available in accordance with section 496 of the Local Government Act (1993)
4. Adopts the increase of 10% in Walgett and Collarenebri, and 3.6% in Lightning Ridge in the annual Sewer charge
5. Adopts the Water Pricing Structure as set out in the Schedule of Fees and Charges
6. Provision is made for the following additional strategies/action plans:
  - \* Establishment of an effective Interagency Committee
  - \* Council operations, organisational structure and plant utilisation
  - \* Provision of a new works depot at Walgett
  - \* Additional Road Infrastructure initiatives to provide for the establishment of an effective landholders in local road maintenance/flood damage works.
  - \* Provision of Walgett Airport maintenance work - \$1M
  - \* Provision of Walgett Town Levee work - \$1m and ongoing
  - \* Provision for lobbying for a range of community and economic development proposals.
7. No capital projects over \$20,000 will be commenced without a detailed project cost and funding summary and supporting documentation being available.

**Moved:**

**Seconded:**

**Attachment**

Nil.

Note: Update documentation will be tabled at the meeting

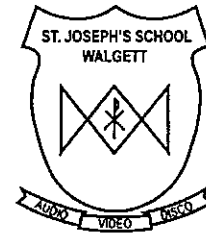


# St. Joseph's School Walgett

ABN 58 861 438 045

PO Box 125  
82 Arthur Street Walgett, NSW 2832

☎ (02) 68281060  
Fax: (02) 6828 1591



Email: [admin@stjosephswalgett.catholic.edu.au](mailto:admin@stjosephswalgett.catholic.edu.au)

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14<sup>th</sup> June 2012

Dear Mr Ramsland,

As the Principal of St Joseph's School, Walgett I am contacting you about the Introduction of Water Billing to our school. This is a very serious concern for our community as the impact of another bill will affect our ability to provide a sound, healthy, hygienic service to our students.

If we are asked to pay for our water usage we will need to raise our school fees and I believe this is very unfair to our families who already are rate payers. If this proposal is introduced I expect that our rates will decrease?

We endeavour to be conscience of the water we use and we do not waste a drop. The consumption at the school is supported by the use of 3 large water tanks. I would have a problem if I had to compromise the hygienic standard we have at present. Would this mean to save on consumption the students would not be able to have access to readily available water for hand washing, art work and casual drinking from our taps? The grass on the playing fields needs to be kept alive and once again we are very conscience of water consumption and the fields are maintained so that the students have a safe area that is covered with grass to play on in recreation time. Our maintenance staff and cleaners are also very aware of water consumption and only use what is absolutely necessary to keep our school environment clean and hygienic. I would not like to think what cut backs on consumption would mean for our school community as I truly believe we are acting very responsibly in this area. If we were to be billed at the rate suggested then there would be many educational aspects, health and safety issues that would need to be compromised as our funding at present is just covering our operational expenses.

Our school has an excellent reputation supporting anyone in the community who wishes to enrol. The education we provide is of a very high standard and as mentioned above to increase our school fees would be very unfair to our parents and carers as they are already paying rates. I ask you to reconsider this proposal and view it from our perspective. We have always paid our rates bills on time and we keep the areas outside the school fence and inside spotless. I can assure you that we will not and do not abuse the water consumption. We are an environmentally friendly school with a sound awareness of waste issues. The students are taught to recycle, grow their own class vegetables and keep the school grounds spotless.

I await your decision and support of our request.

Yours sincerely

Mrs Helen Cooney

Principal

## WALGETT SHIRE COUNCIL AGENDA

RE & PA Hutchinson t/a  
LEANDER AGRICULTURE  
"Weatalibah"  
3696 Cryon Road  
Cryon via  
WALGETT NSW 2832

Date: June 16 2012

The General Manager  
Walgett Shire Council  
P O Box 31  
WALGETT NSW 2832

Dear Sir

This letter is to request that SR5 (Cryon to Collarenebri Road) be allocated funding in the Capital Works Program 2012-2020 to become an all-weather road (gravel would be wonderful and tar brilliant). This is currently black soi and is closed after the smallest fall of rain.

Prue has part-time off-farm employment and, as she wishes to be a reliable employee, road closures which are often in place for weeks after rain cause difficulty for her getting to work. In any case, when it looks like rain, there i a dash to the closest tar (at Cryon) to get a motor vehicle 'out', and then another trip (by quad bike when wet) to Cryon to get to the car to go to work or bring it home when the road is dry enough.

We operate a farming enterprise. When farm produce is sold on-farm, there usually a specified delivery date. If it rains, grain or livestock can't be delivered and you either lose the sale or get penalised for not delivering on the specified date.

If we have contractors working here, and it rains, they usually wish to go home until it is dry enough to finish the job, and the black soil road gets chopped up when they depart.

This road is used for delivery of all farming requirements and livestock husbandry goods. We use this road for obtaining groceries, and for medical appointments. We can't afford to have an accident or get sick when it is we On some sections of the road is part of a school bus run.

We would appreciate your consideration of this request.

Yours faithfully  
LEANDER AGRICULTURE  
Per:

*R Hutchinson*

*Prue Hutchinson*

Robert and Prue Hutchinson  
Tel: 02 6828 5307 or 0428 285 307

## **11. AUDIT & RISK MANAGEMENT COMMITTEE**

**REPORTING SECTION:** Corporate Services

**AUTHOR:** Stephen Holland – Director Corporate Services

**FILE NUMBER:** 10/252

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### **Summary**

The Audit and Risk Management Committee Charter governs the operation of the committee and its adoption by council confirms the committee as a committee of Council

### **Background**

The Council previously resolved to undertake its audit and risk management function through the establishment of a joint project together with the Councils of Coonamble, Gilgandra, Narromine, Warrumbungle and Warren. The Council has also previously confirmed the appointment of Mr Andrew Fletcher and Mr David Honner as independent members of its Audit and Risk management Committee

### **Current Position**

The first meeting of the committee was held in Coonamble on Tuesday 8 May 2012 (copy of minutes attached). As outcomes of that meeting, the following matters now require confirmation by the Council;

Adoption of the three year internal audit plan (Copy attached)

Adoption of the Audit & Risk management Charter (Copy attached)

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

Walgett Shire Council Internal Audit plan

Walgett Shire Council Audit & Risk Management Committee Charter.

### **Governance issues**

The internal audit committee now plays a key role in Council meeting its corporate governance obligations under the Local Government Act 1993

### **Environmental issues**

N/A

### **Stakeholders**

Walgett Shire Council  
Division of Local Government

### **Financial Implications**

An amount of \$40,000 has been provided in the 2012 / 2013 budget for the internal audit function.

**Alternative Solutions/Options**

Nil

**Conclusion**

This report details those matters requiring confirmation by the Council to finalise the establishment of its Audit & Risk management Committee.

| <b>Title of Report: Audit and Risk Management Committee</b> |                                                                                        |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <b>Recommendation:</b>                                      |                                                                                        |
| 1.                                                          | That the Three Year Internal Audit Plan as attached be adopted.                        |
| 2.                                                          | That the Walgett Shire Council Audit & Risk Management Charter as attached be adopted. |
| <b>Moved:</b>                                               |                                                                                        |
| <b>Seconded:</b>                                            |                                                                                        |

**Attachments**

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL

### THREE YEAR INTERNAL AUDIT PLAN COMMENCING 1 JULY 2011

In March 2012, Morse Group met with the General Manager and the Senior Staff at Walgett Shire Council. Our two-day site visit, and the subsequent risk analysis undertaken by the staff, has resulted in us developing this proposed Three-Year Internal Audit Plan for the Council.

We have identified four key risk areas in discussion with senior staff that that Council is seeking to have reviewed in our next internal audit visit in the 2011-12 year.

Council's internal audit plan is set based on completing five reviews up until June 2014, with the first review to be completed by June 2012. It is our intention that we will conduct a site visit in each six-month period and provide a report of our findings to Council's Audit and Risk Management and Audit Committee.

It is intended that we will also include in our subsequent site visits a brief follow-up on Council's progress towards implementing our recommendations from our previous reviews, and provide Council's Audit and Risk Management a progress report. This will ensure that Council is working towards better practice in managing its risks.

The internal audit plan is flexible with the nature of the reviews and timing, allowing the Council's Audit and Risk Management to reprioritise as necessary.

| Risk Area                                    | 2011/12 | 2012/13 | 2013/14 | Risk Rating |
|----------------------------------------------|---------|---------|---------|-------------|
| Accounts Payable                             |         |         |         |             |
| Accounts Receivable                          |         |         |         |             |
| Grants                                       |         |         |         |             |
| Payroll                                      |         |         |         | Medium      |
| Stores / Inventory                           |         |         |         |             |
| Business Continuity Plan / Disaster Recovery |         |         |         |             |
| Contract Management                          |         |         |         |             |
| Budget Oversight & Control                   |         |         |         |             |
| Environmental Management                     |         |         |         |             |
| Asset Management                             |         |         |         | Medium      |
| Workplace, Health & Safety                   |         |         |         | Medium      |

# WALGETT SHIRE COUNCIL AGENDA

|                                |  |  |  |        |
|--------------------------------|--|--|--|--------|
| Tendering & Procurement        |  |  |  | Medium |
| Policies and Procedures Review |  |  |  | Medium |
| Records                        |  |  |  | Medium |
| Plant Hire                     |  |  |  | Medium |
| Delegations                    |  |  |  | Medium |
| Insurances                     |  |  |  | Medium |
| Development Applications       |  |  |  | Medium |
| Information Technology         |  |  |  | Medium |
| Governance                     |  |  |  | Medium |

# WALGETT SHIRE COUNCIL



## Audit & Risk Management Committee Charter

## WALGETT SHIRE COUNCIL AGENDA

[illegible]



## **1. Purpose**

The Audit & Risk Management Committee is an independent advisory Committee, assisting the Council to fulfil its governance and oversight responsibilities. The primary duties and responsibilities of the Audit & Risk Management Committee are to assist the Council to discharge its responsibilities relating to:

- 1.1. Financial reporting process
- 1.2. Business ethics, policies and practices
- 1.3. Management and internal controls
- 1.4. Monitoring the integrity of the Council's financial reporting practices and finance and accounting compliance
- 1.5. Reviewing internal controls, key corporate risks and all audit related matters
- 1.6. Encouraging continuous improvement of Council's systems and practices
- 1.7. Adoption of the Internal Audit Plan
- 1.8. The Council's process for monitoring compliance with policies, laws and regulations and the Council code of conduct.

## **2. Authority**

- 2.1. The Audit & Risk Management Committee is granted delegated authority by Council to carry out its duties and responsibilities as defined in this charter. The Audit & Risk Management Committee has delegated authority to approve investigations into any matters within its scope of responsibility. It is empowered to:
  - a) Resolve any disagreements between management and the auditor regarding financial reporting (subject to confidentiality considerations).
  - b) Pre-approve all auditing and non-audit services.
  - c) After due consultation with the General Manager, retain independent counsel, accountants, or others to advise the committee or assist in the conduct of an investigation.
  - d) Meet with Council management, external auditors, or outside counsel, as necessary.
- 2.2. The member Council acknowledges that professional independence and objectivity are key attributes of an efficient and effective Audit & Risk Management Committee. The member Council and General Manager are therefore committed to uphold and guarantee the professional independence and objectivity of the Audit & Risk Management Committee.

### **3. Composition**

- 3.1. All appointments to the Audit & Risk Management Committee shall be made by the respective Council. The Audit & Risk Management Committee will consist of:
- 3.2. Core Members (voting)
- Councillor appointed by the Council – or alternate Councillor appointed by Council.
  - Two Independent external members (not members of Council, and one to be Chairperson)
- 3.3. Attendees (non-voting)
- Mayor
  - General Manager
  - Internal Auditor
  - Director Finance & Corporate Strategy
- 3.4. Invitees (non-voting)
- Representatives of the external auditor
  - Other officers of Council as requested by the Audit & Risk Management Committee and/or General Manager.
- 3.5. In order to maintain independence, and to comply with the recommendations of the Department of Local government, Council shall appoint one of the independent members as its chairperson.
- 3.6. The selection of independent members should be undertaken in a transparent and unbiased manner. This could include calling for expressions of interest from interested persons.

### **4. Tenure**

- 4.1. The term of office for an Audit & Risk Management Committee member shall end on the earlier of:
- a) the day on which the member resigns from the Audit & Risk Management Committee;
  - b) in the case of a Councillor, the day on which the Councillor ceases to be a Councillor;
  - c) three years in respect of the independent members or such other term as determined by Council;
  - d) the day on which the member's appointment is legally terminated by Council;
  - e) the day on which the member is incapacitated by law from holding such office.
- 4.2. Members are encouraged to serve multiple terms and to plan for an orderly rotation of members so that experienced members will always be serving. The Audit & Risk Management Committee should make recommendations to Council on membership.
- 4.3. In any event, the appointment of each member of the Audit & Risk Management Committee will be reviewed at the end of the first year and confirmed for the remaining period subject to satisfactory performance as determined by Council. A member may be

## WALGETT SHIRE COUNCIL AGENDA

eligible for re-appointment to the committee for a continuous period not exceeding five years.

- 4.4. In considering independent members for the Audit & Risk Management Committee, advice will be sought and regard will be given to:
- a) Recommendations from an accounting industry body, either CPA Australia or the Institute of Chartered Accountants Australia.
  - b) The existence of a nexus between the candidate and the LGAs.
  - c) The Councils plan to share an Internal Auditor, and therefore recognize the benefits of a common Audit & Risk Management Committee chairperson.
- 4.5. The independent members on the Audit & Risk Management Committee should be remunerated for attending Committee meetings. The remuneration shall be adopted by Council.

### 5. Meetings & Quorum

- 5.1. The committee will meet at least four times a year, with authority to convene additional meetings, as circumstances require.
- 5.2. A quorum shall not exist unless the following are present:
- At least two of the voting members, one being the appointed Councillor.
- 5.3. Members of the Audit & Risk Management Committee are expected to attend each meeting, in person or via tele or video-conference.
- 5.4. The Audit & Risk Management Committee will invite members of management, auditors or others to attend meetings and provide pertinent information, as necessary.
- 5.5. It may hold private meetings with auditors (see below) and executive sessions.
- 5.6. Audit & Risk Management Committee meetings are to be structured with the use of an agenda to be provided in advance to members, along with appropriate briefing materials.
- 5.7. The Chairperson shall determine the agenda for the Audit & Risk Management Committee in conjunction with Council General Manager.
- 5.8. The Chairperson may allow voting on urgent issues out side of scheduled meetings by email or phone, with the resolution ratified at the next scheduled meeting.
- 5.9. Minutes will be prepared and distributed to the Audit & Risk Management Committee members and to the next Ordinary meeting of the Council, including a report explaining any specific recommendations and key outcomes, if appropriate.
- 5.10. Meetings are to be rescheduled if there is not a quorum. The host Council will minute the proceedings of all meetings.
- 5.11. The chairperson shall endeavour to conduct meetings on a "consensus basis" but formal voting on recommendations shall be required. Each member shall have one vote and a majority of those present shall be required to pass a recommendation. The chairperson shall have a casting vote. The meetings should operate as far as is practical in accordance with the Council's Code of Meeting Practice.
- 5.12. Business papers are to be prepared and distributed to members of the Committee at least ten (10) days before the scheduled meeting in hard copy and electronic formats.

**6. Confidentiality**

- 6.1. The Audit & Risk Management Committee will ensure that Committee members comply with all relevant laws and Council's policies regarding confidentiality, privacy and reporting. Committee members shall treat all information received as part of the Committee as confidential and only disclose the content to third parties with the consent of other members of the Committee.

**7. Responsibilities**

- 7.1. The Audit & Risk Management Committee has no executive powers, except those expressly provided by Council.
- 7.2. In carrying out its responsibilities, the Committee must at all times recognize that primary responsibility for management of Council rests with the Council and General Manager as defined by the Local Government Act 1993. The Council and General Manager shall ensure that reasonable resources are allocated to providing the Audit & Risk Management Committee with the information it needs to discharge its responsibilities.
- 7.3. The responsibilities of the Audit & Risk Management Committee may be revised or expanded by Council from time to time. The Committee will carry out the following responsibilities:

**a. Financial Statements**

- Review significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent professional and regulatory pronouncements, and understand their impact on the financial statements. The ARMC can add value for Councillors and the process by reviewing the audit objectives, timeline and process, settlement of identified issues and the independence of the external auditor. This would be done in consultation with the External Auditor, Internal Auditor and management.
- Based on the audit objectives, review with management and the external auditors the results of the audit, timeline and process, settlement of identified issues and the independence of the external auditor. Review the process of the audit, identify unresolved issues.
- Review the annual financial statements before they are presented to Council and consider whether they are complete, consistent with information known to committee members, and reflect appropriate accounting principles. Without having conducted its own assessment the ARMC will need to rely on the work of Internal, External Auditor and management representations. Therefore any recommendation to Council would be based on the External Auditors Management Letter and made under a disclaimer that identifies things such as the audit process, access to records, auditor appears to be suitably qualified, had sufficient time to complete, items identified have been resolved to their satisfaction.
- As part of the External Auditors presentation and management representations, review with management and the external auditors all matters required to be communicated to the Committee under generally accepted auditing Standards.
- Understand how management develops interim financial information, and the nature and extent of internal and external auditor involvement.

**b. Risk Management**

- Review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud.
- Review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings.
- Review the impact of risk management framework on its control environment and insurance arrangements, and
- Review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

**c. Internal Control**

- Consider the adequacy and effectiveness of the Council's internal control system, incorporating the:
  - reliability and integrity of financial and operational information systems, including information technology security and control
  - effectiveness and efficiency of operations and
  - safeguarding of assets
  - compliance with contracts, laws and regulations
  - governance framework
- Understand the scope of internal auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.
- Understand the scope of external auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.

**d. Internal Audit**

- Review and recommend approval of the Internal Audit Activity Charter, activities, and staffing, and organisational structure of the internal audit function; and any subsequent changes.
- Have final authority to review and approve the annual audit plan and all major changes to the plan.
- Ensure there are no unjustified restrictions or limitations to the activities of internal audit.
- Review the effectiveness of the internal audit function and objectives, including compliance with The Institute of Internal Auditors' International Standards for the Professional Practice of Internal Auditing.

**e. External Audit**

- Oversee Council's compliance with the Local Government Act requirements for financial reporting and auditing.
- Review the external auditors' proposed audit scope and approach, including coordination of audit effort with internal audit.

## WALGETT SHIRE COUNCIL AGENDA

- In accordance with the provisions of s422 to 427 of the Local Government Act 1993, support the General Manager in reviewing the performance of the external auditors, and recommend to General Manager final approval on the appointment or discharge of the auditors.
- Review and confirm the independence of the external auditors by obtaining statements from the auditors on relationships between the auditors and the Council, including non-audit services, and discussing the relationships with the auditors.
- Review management's responses to the recommendations in the external auditor's management letter.
- On a regular basis, meet separately with the external auditors to discuss any matters that the Committee or auditors believe should be discussed privately.

### **f. Compliance**

- Review the effectiveness of the system for monitoring compliance with laws, regulations and contracts and the results of management's investigation and follow-up of any instances of noncompliance.
- Review the findings of any examinations by regulatory agencies, and any auditor observations.
- Review the process for communicating the code of conduct to Council personnel, and for monitoring compliance therewith.
- Liaise with the General Manager to obtain regular updates from management and Council legal counsel regarding compliance matters.
- Review other sections of the annual report and related regulatory filings before release and consider the accuracy and completeness of the information.

### **g. Reporting Responsibilities**

- Regularly report to the Council about committee activities, issues, and related recommendations.
- Provide an open avenue of communication between internal audit, the external auditors, and the Council.
- Report annually to the Council, describing the committee's composition, responsibilities and how they were discharged, and any other information required by law, including non-audit services.
- Review any other reports the Council issues that relate to Committee responsibilities.

### **h. Other Responsibilities**

- Perform other activities related to this charter as requested by the Council.
- Institute and oversee special investigations as needed.
- Review and assess the adequacy of the Audit & Risk Management Committee Charter annually, requesting Council approval for proposed changes, and ensure appropriate disclosure as may be required by law or regulation.
- Confirm annually that all responsibilities outlined in this charter have been carried out.
- Evaluate the committee's and individual members' performance on a regular basis.

**i. Individual Responsibilities of Members**

Members of the Audit & Risk Management Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to the Alliance member Council.
- Contribute the time needed to study and understand the papers provided.
- Apply good analytical skills, objectivity and good judgment.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.
- Declare any conflicts of interest before participating in deliberations on the issue where the conflict of interest exists.
- Attend an induction meeting at which they receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

**8. Insurance**

Committee Members, Staff and/or Office Bearers are covered by Council's personal accident insurance only for attendance at meetings and other activities formally endorsed by the Committee, and reported to Council via the minutes, and are also covered by Council's civil liability insurance policy.

**9. General Public**

The Committee will not be open to members of the general public.

**10. Code of Conduct**

All members of Council committees are required to observe the provisions of Council's Code of Conduct and any other policy applicable to the proper functioning of the Committee. All new members will be provided with a copy of Council's Code of Conduct and will sign to indicate that they have read and understood their obligations. A breach of the Code of Conduct may lead to the member being excluded from the Committee and may include disciplinary action.

In particular, if a committee member has a pecuniary interest in any matter with which the Committee is concerned, and who is present at a meeting of the committee at which the matter is being considered, they must disclose the interest to the meeting and must not be present during any discussion or decision making relating to that matter. Leaving the room is necessary because to remain in the presence of the meeting but refrain from voting is taken to be a vote against the motion (see Clause 25 of the Local Government (General) Regulation 2005).

A person does not breach the above clause if he or she 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.

A member of a committee who has a non-pecuniary conflict of interest in any matter with which the committee is concerned and who is present at a meeting of the Committee at which the matter is being considered will disclose the interest to the meeting as soon as practicable. If a member of the committee has declared a non-pecuniary conflict of interest there are a range of options for managing the conflict. The option chosen will depend on an evaluation of the

circumstances of the matter, the nature of the interest and the importance of the issue being dealt with.

Committee members must act in a professional and conscientious manner with any information they obtain as a committee member, especially as committees need openness and honesty to operate efficiently. Committee members should feel free to express their opinions and views without fear of recrimination. It is therefore important that committee members respect each other, despite differences, and work together to create an open and trusting atmosphere.

## **11. Media Protocol**

Council's media relations policy states that all media relations shall be conducted through the Mayor for policy, strategic and emergency matters, and through the General Manager for procedural and operational matters.

## **12. Review**

Amendments to this Charter may be proposed to the Council by the Committee at any time, and change will not take effect until such time as Council has resolved to make any required amendments.



**MINUTES OF THE WALGETT SHIRE COUNCIL AUDIT AND RISK  
MANAGEMENT COMMITTEE HELD AT THE COONAMBLE SHIRE  
ADMINISTRATION BUILDING ON TUESDAY 8<sup>TH</sup> OF MAY 2012.**

**ATTENDANCE**

Mr A Fletcher, Mr D Honner , Mr J Shanks, Cr Ian Woodcock, Mr D Ramsland, Mr S Holland.

**APOLOGIES**

Nil.

**INTRODUCTION**

As this was the first meeting of the Committee, members of the committee gave an overview of their career history and current roles.

The Chairman outlined the role of the committee which is to provide advice and guidance to Council in relation to identifying risk and options for mitigating such risk.

**4. MANAGEMENT LETTER - DATED 30.03.2011**

**RESOLVED**

That the receipt of the Management Letter dated 30.03.11 be noted.

Honner/Woodcock

**5. RISK IDENTIFICATION PROCESS**

Jeff Shanks provided an overview of the site visit by Morse staff and presented the risk identification report.

**RESOLVED**

That the Risk Identification Report be noted.

Honner/Woodcock

**6. THREE YEAR INTERNAL AUDIT PLAN**

The three year internal audit plan was presented for discussion and review.

**RESOLVED**

That the Three Year Audit Plan incorporating the following amendments be approved and referred to Council for adoption;

- a) Work Place Health and Safety be moved from 2014 to 2013
- b) Policy Review be moved from 2014 to 2013
- c) Delegations be moved from 2013 to 2014.

Honner/Woodcock

**7. AUDIT AND RISK MANAGEMENT CHARTER**

The Audit and Risk Management Charter was presented for discussion and review.

**RESOLVED**

That the Audit and Risk Management Charter incorporating the following amendments be approved and referred to Council for adoption:

- a) Clause 3.5 – In order to maintain independence, and to comply with the recommendations of the Department of Local government, Council shall appoint one of the independent members as its chairperson.
- b) Clause 5.12 – Business papers are to be prepared and distributed to members of the Committee at least ten (10) days before the scheduled meeting in hard copy and electronic formats;
- c) Clause 8 – After Committee Members, Staff and/or Office Bearers and also that they are covered by Council's civil liability insurance policy.

Honner/Woodcock

**8. GENERAL BUSINESS**

**8a) AVAILABLE REPORTS TO THE COMMITTEE**

The committee sought details of the range of reports that would be made available to it.

**RESOLVED**

That the General Manager report back to the Committee at a future meeting or the extent of information that would be made available to the committee.

Honner/Woodcock

**OTHER MATTERS FOR NOTATION**

Jeff Shanks to review Internal Auditor Report format with General Manager. Report will include issue implications and recommendations including completion dates.

If disagreement, GM to propose alternatives and completion dates. If considered irrelevant by GM, matter to be referred back to committee for further discussion.

**ACTIONS**

General Manager to forward letter from Council to Andrew Fletcher and David Honner confirming their individual appointments as members of the Walgett Shire Council Audit and Risk Management Committee.

**MEETING DATE**

The next meeting will be held in July (date to be advised). Financials are due to be provided to the Committee by 11 October 2012 .

There being no further business the meeting closed at 16:30.

**12. CASH ON HAND & INVESTMENT REPORT**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Shane Roberts – Senior Finance Officer  
**FILE NUMBER:** 09/1460

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**Summary**

This report summarises the cash on hand and investments held by Walgett Shire Council as at 31 May 2012.

**Background**

Walgett Shire Council operates one primary transaction account with the Commonwealth Bank and invests surplus funds to its operational requirements. The level of funds held in the account at any time reflects the outlook in terms of payments to be made in the short term.

**Current Position**

As at 31 May 2012 the operational bank account's balance was \$1,583,345.83. The reconciliation of this balance is:

**Operational Account Bank Reconciliation  
 As at 31 May 2012**

|                                                                           |                         |
|---------------------------------------------------------------------------|-------------------------|
|                                                                           | \$                      |
| <b>Opening Ledger Account Balance as at 1 May 2012</b>                    | <b>583,833.47</b>       |
| Add: Receipts                                                             | 3,326,462.49            |
| Add: Recalled Investments                                                 | 1,250,000.00            |
| Less: New Investments                                                     |                         |
| Less: Payments                                                            | (3,346,991.33)          |
| <b>Closing Ledger Balance as at 31 May 2012</b>                           | <b>1,813,304.63</b>     |
| <br><b>Balance as per Bank Statement as at 31 May 2012</b>                | <br><b>1,583,345.83</b> |
| Add: Receipts not banked                                                  | 279,363.84              |
| Less: Payments not presented                                              | (49,405.04)             |
| <b>Closing Balance of Bank Account</b>                                    | <b>1,813,304.63</b>     |
| 6 Term Deposits were recalled in May 2012 to the value of \$2,000,000.00. |                         |
| No New Term Deposits were made in May 2012.                               |                         |
| No transfers were done from the 24hour online account in May 2012.        |                         |
| No transfers were made to the 24hour online account in May 2012.          |                         |

## WALGETT SHIRE COUNCIL AGENDA

As at 31 May 2012 Walgett Shire Council's investment register's balance was \$6,001,162.06. The balance as per the attached investment report comprised:

|                                                    |                |
|----------------------------------------------------|----------------|
| Term Deposits                                      | \$6,000,000.00 |
| Floating Rate Collateralized Debt Obligation (CDO) | \$ 1,162.06    |

The values disclosed for the Floating Rate Collateralized Debt Obligation (CDO) are market values as at 30 April 2012 and were supplied by the ANZ Group.

|                                |             |
|--------------------------------|-------------|
| 24 Hour Online Account Balance | \$ 2,107.30 |
|--------------------------------|-------------|

### Relevant Reference Documents/Policies

|                |                                             |
|----------------|---------------------------------------------|
| 09/1772/0024   | May 2012 bank reconciliation ledger 11.5010 |
| 09/1460-02/008 | Investments Report To Council 2011-2012     |

### Governance issues

Nil

### Environmental issues

Nil

### Stakeholders

Walgett Shire Council  
Residents of Walgett Shire Council

### Financial Implications

As per report

### Alternative Solutions/Options

NIL

### Conclusion

As at 31 May 2012 Walgett Shire Council's total available cash and invested funds were \$7,816,573.99 represented by:

|                                        |                |
|----------------------------------------|----------------|
| Reconciled Operational Account Balance | \$1,813,304.63 |
| Investments                            | \$6,001,162.06 |
| 24 Hour Online Saver Account           | \$ 2,107.30    |

| Title of Report: Cash on Hand and Investment Report as at 31 May 2012 |                                                                            |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------|
| <b>Recommendation:</b>                                                |                                                                            |
| 1.                                                                    | That the cash on hand and investment report as at 31 May 2012 be received. |
| <b>Moved:</b>                                                         |                                                                            |
| <b>Seconded:</b>                                                      |                                                                            |

# WALGETT SHIRE COUNCIL AGENDA

## Attachments

| <u>Investment Institution</u>                               | <u>Type of Investment</u> | <u>Term (days)</u> | <u>Rate %</u> | <u>Ref</u> | <u>Reset Date</u> | <u>Maturity Date</u> |                       |
|-------------------------------------------------------------|---------------------------|--------------------|---------------|------------|-------------------|----------------------|-----------------------|
| <b>Term Deposits</b>                                        |                           |                    |               |            |                   |                      |                       |
| Credit Union Australia                                      | Term Deposit              | 329                | 5.83          | 754/12     |                   | 05-Dec-12            | \$250,000.00          |
| Bank of Queensland                                          | Term Deposit              | 182                | 6.00          | 755/12     |                   | 11-Jul-12            | \$500,000.00          |
| Bankwest                                                    | Term Deposit              | 154                | 5.70          | 759/12     |                   | 04-Jul-12            | \$250,000.00          |
| Suncorp                                                     | Term Deposit              | 182                | 6.00          | 762/12     |                   | 15-Aug-12            | \$250,000.00          |
| Credit Union Australia                                      | Term Deposit              | 322                | 5.95          | 763/12     |                   | 09-Jan-13            | \$250,000.00          |
| Suncorp                                                     | Term Deposit              | 322                | 5.80          | 764/12     |                   | 09-Jan-13            | \$250,000.00          |
| National Australia Bank                                     | Term Deposit              | 182                | 5.88          | 765/12     |                   | 22-Aug-12            | \$500,000.00          |
| Bank of Queensland                                          | Term Deposit              | 182                | 5.85          | 766/12     |                   | 29-Aug-12            | \$250,000.00          |
| Credit Union Australia                                      | Term Deposit              | 210                | 5.96          | 767/12     |                   | 26-Sep-12            | \$250,000.00          |
| Suncorp                                                     | Term Deposit              | 182                | 5.86          | 768/12     |                   | 05-Sep-12            | \$250,000.00          |
| Bankwest                                                    | Term Deposit              | 343                | 6.05          | 769/12     |                   | 13-Feb-13            | \$250,000.00          |
| IMB                                                         | Term Deposit              | 182                | 5.85          | 770/12     |                   | 05-Sep-12            | \$250,000.00          |
| Suncorp                                                     | Term Deposit              | 91                 | 5.80          | 771/12     |                   | 13-Jun-12            | \$500,000.00          |
| IMB                                                         | Term Deposit              | 119                | 5.60          | 772/12     |                   | 18-Jul-12            | \$250,000.00          |
| Bankwest                                                    | Term Deposit              | 182                | 5.80          | 773/12     |                   | 19-Sep-12            | \$500,000.00          |
| Newcastle Permanent Building Society                        | Term Deposit              | 98                 | 5.85          | 775/12     |                   | 04-Jul-12            | \$250,000.00          |
| Bankwest                                                    | Term Deposit              | 105                | 5.73          | 776/12     |                   | 25-Jul-12            | \$250,000.00          |
| National Australia Bank                                     | Term Deposit              | 98                 | 5.80          | 777/12     |                   | 25-Jul-12            | \$250,000.00          |
| National Australia Bank                                     | Term Deposit              | 182                | 5.70          | 778/12     |                   | 17-Oct-12            | \$250,000.00          |
| National Australia Bank                                     | Term Deposit              | 189                | 5.57          | 779/12     |                   | 07-Nov-12            | \$250,000.00          |
|                                                             |                           |                    |               |            |                   |                      | <u>\$6,000,000.00</u> |
| <b>Floating Rates Collateralized Debt Obligations (CDO)</b> |                           |                    |               |            |                   |                      |                       |
| Zircon Finance Ltd                                          | Floating Rate CDO         |                    | 0.00          |            |                   | 20-Sep-14            | \$0.00                |
| Morgan Stanley Acses SP                                     | Floating Rate CDO         | 91                 | 6.950         |            | 20-Mar-12         | 20-Jun-15            | \$1,162.06            |
| Hellum Capital Ltd                                          | Floating Rate CDO         |                    | 0.0000        |            |                   | 23-Jun-14            | \$0.00                |
|                                                             |                           |                    |               |            |                   |                      | <u>\$1,162.06</u>     |
|                                                             |                           |                    |               |            |                   |                      | <u>\$6,001,162.06</u> |
|                                                             |                           |                    |               |            |                   |                      | <u>\$2,107.30</u>     |
|                                                             |                           |                    |               |            |                   |                      | <u>\$6,003,269.36</u> |

Term Deposit Ledger Balance

24 hour Online Bank Account

Note that this is a separate interest bearing account linked with the Main Bank Account

Investment Report as at 31 May 2012

I hereby certify that the Investments shown herein have been invested in accordance with Section 625 of the Local Government Act 1993, associated regulations and in accordance with Council's Policies and Procedures.

Signed

*[Signature]* 4/6/12

Susie Jones

Finance Manager

Prepared and Reconciled by Julio McKeown

Finance Officer

*[Signature]* 4/6/12

### 13. WATER FUND RESERVES

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Susie Jones – Finance Manager  
**FILE NUMBER:** 12/136

---

#### Summary

Council has asked to see a breakdown of the water fund reserves into the individual town funds, including the amount loaned by the Lightning Ridge water fund to the other water funds. This report gives a breakdown of reserves to the 31 May 2012, and also discusses the issues surrounding the separation of the funds.

#### Background

During the 2008/2009 year Council moved (minute number 51/09 of the February 2009 Council Meeting) a motion to investigate the financial position of each Water Fund. The financial position of each water fund (being separated into Walgett, Lightning Ridge, and Collarenebri) was then reported in the 2008/09 Financial Statements, and showed the following cash reserves for each fund:

**Walgett:** \$395k Cash available

**Lightning Ridge:** \$3,441k Cash available

**Collarenebri:** \$517k Deficit

It is noted that these are only the cash reserves, and each fund has other financial assets and liabilities which slightly vary the overall reserves of the water funds. These however do not change the overall state of the water funds.

#### Current Position

The current position as at 31 May 2012 is as follows:

**Walgett:** \$708k Cash available

**Lightning Ridge:** \$2,805k Cash available

**Collarenebri:** \$1,047k Deficit

Comparing these latest cash figures to the figures reported in the 2008/09 financial statements we can see the following movements:

- Walgett has increased its cash, however it is noted that it does currently have a liability of around \$280k which when paid will reduce the cash balance to an estimated \$428k.
- Lightning Ridge has reduced its reserve from \$3,441k down to \$2,805k which is the result of the reduced water rate levied in the 2009/10 and 2010/11 years, and the expenditure on the new bore which cost around \$600k.
- Collarenebri was in a deficit situation of \$517k in the 2008/09 financial year, and this has increased to a deficit of \$1,047k in the position as at 31 May 2012. This is despite a 10% increase in water rate in the 2010/11 year. Therefore the Collarenebri water fund cannot support itself, and needs to be subsidised by the other water funds.

## WALGETT SHIRE COUNCIL AGENDA

It is also noted that when the internal water fund reserves were set up, the income and expenditure for the other villages where water is supplied, being Rowena, Carinda and Cumborah, was included in the Walgett Water fund. Council has attempted to split out these funds in the accounting system into a separate 'villages' fund, however for yearend financial reporting purposes they were still included within the Walgett water fund for the sake of consistency. Even now a complete administrative review needs to be conducted to ensure all the expenses for the villages water services are captured within the new villages water fund, and are not still being charged to the Walgett water fund.

Therefore Walgett Shire Council finds itself with the following issues with the separation of the water funds:

- The Walgett Water fund alone up to the 2011/2012 year supports the 'villages' water fund, which to 31 May 2012 have made a loss of: \$9,760, and are budgeted to make a loss of \$42k for the year, however it is noted that from next year these funds will be included with Lightning Ridge, as they are all Bore water services.
- The Collarenebri Water fund cannot support itself and would currently need an increase of water fee of 105% to cover its costs (the actual loss to 31 May 2012 is \$242k and it is budgeted to make a loss of \$317k).
- The new water pricing model sees the introduction of two water models, one for bore water and one for river water. Due to the pricing strategy change, Council have not dramatically increased the overall income into the water funds.
- The new strategy sees Walgett teaming up with Collarenebri to set a water price to cover both towns. This does not improve Collarenebri's position, and if prices were to increase to cover Collarenebri's deficit, Walgett alone would be subsidising them.
- Currently only Lightning Ridge has sufficient funds to loan to Collarenebri to cover their deficit. However this is not a solution to the problem, as Collarenebri does not have the capacity to repay any loan at present, or in the foreseeable future.
- There is no requirement from either State Government or the Local Government Act to separate out a Shire's water fund into individual town funds.
- Most importantly, funds held within a water fund **CANNOT** be used for any other purpose, other than the improvement of the water service. If the fund has a surplus at the end of the year, there was the provision in the act for the water fund to declare a dividend to the general fund. However now, the water fund needs to follow the best practice guidelines, and still be making a surplus in order to declare a dividend. The Lightning Ridge water fund does not follow these best practice guidelines, and is budgeted to make a small loss in the current financial year of \$47k.
- If Council did follow best practice guidelines, and with the introduction of the Asset Management Plans this process has been started, Council has in place a strategy to ensure that pricing is reviewed against the separate water funds each financial year, and the risk of residents not paying a fair price for the service they receive is reduced.

The following solutions need to be discussed

- a) Consolidate the water funds for reporting purposes. For pricing purposes, the individual funds need to be kept to ensure that the water tariff set for the towns is reflective of the costs incurred in providing the service. However for reporting purposes, there would be no internal loans, or separate reporting of individual water fund reserves.

## WALGETT SHIRE COUNCIL AGENDA

- b) Keep reporting the funds as they are in the knowledge that the Collarenebri water fund deficit will only continue to increase, and will have to be covered by internal loans from the other water funds. Please note that this option see's an increased administration, and audit load on Council, with no solution to the ever worsening position of the Collarenebri water fund.

### Relevant Reference Documents/Policies

Council Meeting minutes

Walgett Shire Council Financial statements year ended 30 June 2009

### Governance issues

The way Council presents the water fund is a governance issue. It is understood that water pricing has been not correctly undertaken in prior years, as neither has the management and depreciation of water assets.

Council is now rectifying these issues through legislated changes in the Local Government Act, which need to be overseen by Council to ensure they are actioned in a timely manner.

### Alternative Solutions/Options

Option b in the report is taken to be the alternative solution.

| Title of Report: Water Fund Reserves                                                                                                                                                                                                                                                                                                                     |  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Recommendation:</b>                                                                                                                                                                                                                                                                                                                                   |  |
| 1. That Council move option a.                                                                                                                                                                                                                                                                                                                           |  |
| Consolidate the water funds for reporting purposes. For pricing purposes, the individual funds need to be kept to ensure that the water tariff set for the towns is reflective of the costs incurred in providing the service. However for reporting purposes, there would be no internal loans, or separate reporting of individual water fund reserves |  |
| <b>Moved:</b>                                                                                                                                                                                                                                                                                                                                            |  |
| <b>Seconded:</b>                                                                                                                                                                                                                                                                                                                                         |  |

### Attachments

- Appendix 1      Average water charges by town since 2009
- Appendix 2      Break up of Reserves for each water fund as reported in the year end financial statements since 2009
- Appendix 3      Budgeted income and expenses for each water fund for the 2011/12 year, and the draft budget for the 2012/13 year



## WALGETT SHIRE COUNCIL AGENDA

### Appendix 1

#### Average Water Charge per Town since 2009

|                        | <b>2009</b> | <b>2010</b> | <b>2011</b> | <b>2012</b> | <b>2013<br/>(proposed)</b> |
|------------------------|-------------|-------------|-------------|-------------|----------------------------|
| <b>Walgett</b>         | 716.70      | 752.54      | 876.61      | 964.27      | 938.01                     |
| <b>Collarenebri</b>    | 744.20      | 781.41      | 820.48      | 902.53      | 938.01                     |
| <b>Lightning Ridge</b> | 637.35      | 669.22      | 351.34      | 375.93      | 330.07                     |
| <b>Rowena</b>          | 368.10      | 386.51      | 405.84      | 446.42      | 330.07                     |
| <b>Carinda</b>         | 313.10      | 328.76      | 345.20      | 379.72      | 330.07                     |

### Break up of Reserves as per the Financial Statements since 2009

26<sup>th</sup> June 2012

# WALGETT SHIRE COUNCIL AGENDA

## Appendix 3

Budgeted Income Statements per Water Fund for the 2011/12 financial year and the 2012/13 financial year.

| 2011/12 BUDGET                   | WALGETT     | CARINDA  | ROWENA   | CUMBORAH | LIGHTNING |  | COLLARENEBRI | TOTAL       |
|----------------------------------|-------------|----------|----------|----------|-----------|--|--------------|-------------|
|                                  |             |          |          |          | RIDGE     |  |              |             |
| INCOME                           | (1,037,266) | (19,626) | (7,419)  | 0        | (388,605) |  | (235,682)    | (1,688,598) |
| EXPENSE                          | 1,096,149   | 36,392   | 25,358   | 7,120    | 435,296   |  | 553,219      | 2,153,534   |
| (Profit) / Loss                  | 58,883      | 16,766   | 17,939   | 7,120    | 46,691    |  | 317,537      | 464,936     |
| <b>2012/13 BUDGET (proposed)</b> |             |          |          |          |           |  |              |             |
| INCOME                           | (1,130,619) | (13,965) | (11,265) | 0        | (294,393) |  | (278,606)    | (1,728,848) |
| EXPENSE                          | 1,022,599   | 21,129   | 13,598   | 2,434    | 325,454   |  | 483,395      | 1,868,609   |
| (Profit) / Loss                  | (108,020)   | 7,164    | 2,333    | 2,434    | 31,061    |  | 204,789      | 139,761     |

## **14. MAKING OF THE ORDINARY RATES**

**REPORTING SECTION:** Director Corporate and Community Services  
**AUTHOR:** Susie Jones – Finance Manager  
**FILE NUMBER:** 12/17

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### **Summary**

Council is required to make the rates for the 2012/2013 financial year pursuant to sections 535 and 500 of the *Local Government Act 1993 NSW*.

### **Background**

In council resolution number 5/2012/5 moved in the Extraordinary Council Meeting held in May 2012, Council resolved to place the Rates on public exhibition. The Rates were then exhibited for 28 days in accordance with section 532 of the Local Government Act (1993).

### **Current Position**

- Council now seeks to make the rates in for the 2012/2013 year as set out in the below table in accordance with section 534 and 535 of the Local Government Act (1993).
- The rate in the dollar will be applied on the land value for all rateable land within each category and sub-category specified
- The percentage for which each base amount makes up the total amount payable is in accordance with section 500 of the Local Government Act 1993.
- The base amount and percentage that the base amount makes up of the total amount payable are disclosed both within this report and within the resolution, in accordance with section 537 of the Local Government Act

# **WALGETT SHIRE COUNCIL AGENDA**

1993.

| <b>Ordinary Rates</b>               |                  |                   |             |                |                           |                     |                      |                       |                       |
|-------------------------------------|------------------|-------------------|-------------|----------------|---------------------------|---------------------|----------------------|-----------------------|-----------------------|
| <b>Description</b>                  | <b>No Assess</b> | <b>Rate in \$</b> | <b>Base</b> | <b>Minimum</b> | <b>2012/13 Ad Valorum</b> | <b>2012/13 Base</b> | <b>2012/13 Total</b> | <b>2012/13 Base %</b> | <b>Avg Per Assess</b> |
| Walgett Residential                 | 651              | 0.03201467        | 170.00      | 0              | 174,181.25                | 110,670.00          | 284,851.25           | 38.85%                | 437.56                |
| L/Ridge Residential                 | 653              | 0.01343905        | 136.38      | 0              | 215,440.02                | 89,056.14           | 304,496.16           | 29.25%                | 466.30                |
| Collarenebri Residential            | 202              | 0.10847271        | 141.64      | 0              | 48,529.60                 | 28,611.28           | 77,140.88            | 37.09%                | 381.89                |
| B/Junction Residential              | 96               | 0.03356278        | 130.99      | 0              | 21,637.92                 | 12,575.04           | 34,212.96            | 36.76%                | 356.39                |
| Carinda Residential                 | 68               | 0.06234594        | 74.02       | 0              | 6,315.64                  | 5,033.36            | 11,349.00            | 44.35%                | 166.90                |
| Cumborah Residential                | 56               | 0.00504852        | 68.88       | 0              | 4,695.12                  | 3,857.28            | 8,552.40             | 45.10%                | 152.72                |
| Rowena/CBC Residential              | 38               | 0.33320473        | 70.00       | 0              | 2,848.90                  | 2,660.00            | 5,508.90             | 48.29%                | 144.97                |
| Residential - Preserved Opal Fields | 1772             | 0.03918705        | 115.00      | 0              | 231,085.24                | 203,780.00          | 434,865.24           | 46.86%                | 245.41                |
| Residential - Other                 | 96               | 0.00623089        | 125.67      | 0              | 24,995.21                 | 12,064.32           | 37,059.53            | 32.55%                | 386.04                |
| Walgett Business                    | 123              | 0.03802968        | 239.63      | 0              | 72,399.38                 | 29,474.49           | 101,873.87           | 28.93%                | 828.24                |
| L/Ridge Business                    | 107              | 0.00806703        | 380.00      | 0              | 52,078.76                 | 40,660.00           | 92,738.76            | 43.84%                | 866.72                |
| Collarenebri Business               | 33               | 0.07611660        | 190.00      | 0              | 13,430.01                 | 6,270.00            | 19,700.01            | 31.83%                | 596.97                |
| B/Junction Business                 | 19               | 0.03230829        | 186.38      | 0              | 8,471.23                  | 3,541.22            | 12,012.45            | 29.48%                | 632.23                |
| Carinda Business                    | 18               | 0.01999218        | 100.00      | 0              | 2,818.90                  | 1,800.00            | 4,618.90             | 38.97%                | 256.61                |
| Rowena/CBC Business                 | 7                | 0.25338923        | 109.69      | 0              | 848.85                    | 767.83              | 1,616.68             | 47.49%                | 230.95                |
| Business - Preserved Opal Fields    | 55               | 0.04816141        | 186.38      | 0              | 15,026.36                 | 10,250.90           | 25,277.26            | 40.55%                | 459.59                |
| Business - Other                    | 112              | 0.00789246        | 148.03      | 0              | 19,624.76                 | 16,579.36           | 36,204.12            | 45.79%                | 323.25                |
| Rural (Farmland)                    | 726              | 0.00267249        | 0.00        | 181.65         | 2,502,485.23              | 0.00                | 2,504,579.00         | 0.00%                 | 3,449.83              |
| Rural Irrigable                     | 86               | 0.00267249        | 0.00        | 181.65         | 678,853.13                | 0.00                | 680,946.91           | 0.00%                 | 7,917.99              |
| <b>Total Ordinary Rates</b>         | <b>4918</b>      |                   |             |                | <b>4,095,765.53</b>       | <b>577,651.22</b>   | <b>4,677,604.30</b>  |                       | <b>963.19</b>         |
|                                     |                  |                   |             |                |                           |                     |                      |                       |                       |
|                                     |                  |                   |             |                | Notional Yield            |                     | 4,515,128.30         |                       |                       |
|                                     |                  |                   |             |                | Increase 3.6%             |                     | 162,544.62           |                       |                       |
|                                     |                  |                   |             |                | Allowable Yield           |                     | 4,677,672.92         |                       |                       |

Circular no 12-17 from the Division of Local Government has set the maximum interest on overdue rates for the 2012/13 rating year at 10%. It is recommended that Council adopt this rate of interest to be paid on overdue rates in the 2012/13 year.

## **Relevant Reference Documents/Policies**

Local Government Act (1993)

Circular no 12-17 Division of Local Government

| <b>Title of Report: Making of the Ordinary Rates for the 2012/2013 year</b> |                                                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Motion:</b>                                                              |                                                                                                                                                                                                                                                                                                                                     |
| That Council:                                                               |                                                                                                                                                                                                                                                                                                                                     |
| 1.                                                                          | Resolves in accordance with Section 566 of the Local Government Act 1993, to make the rate of interest to charge on overdue rates and charges be 10% for 2012/2013.                                                                                                                                                                 |
| 2.                                                                          | Resolves in accordance with Section 563 of the Local Government Act 1993, to make the discount 3.6% for payment in full of total rates and charges (less any rebates) for ratepayers whose payments are received in full on or before the 31 August 2012.                                                                           |
| 3.                                                                          | Resolves to make the Ordinary Rates for the 2012/2013 year as set out below on the land value for all ratable land within each category and sub-category specified, including each base amount and percentage of the total amount payable the base amount produces in conformity with section 500 of the Local Government Act 1993. |

# WALGETT SHIRE COUNCIL AGENDA

| Ordinary Rates                      |             |            |        |         |                        |                   |                     |                |                |
|-------------------------------------|-------------|------------|--------|---------|------------------------|-------------------|---------------------|----------------|----------------|
| Description                         | No Assess   | Rate in \$ | Base   | Minimum | 2012/13 Ad Valorum     | 2012/13 Base      | 2012/13 Total       | 2012/13 Base % | Avg Per Assess |
| Walgett Residential                 | 651         | 0.03201467 | 170.00 | 0       | 174,181.25             | 110,670.00        | 284,851.25          | 38.85%         | 437.56         |
| L/Ridge Residential                 | 653         | 0.01343905 | 136.38 | 0       | 215,440.02             | 89,056.14         | 304,496.16          | 29.25%         | 466.30         |
| Collarenebri Residential            | 202         | 0.10847271 | 141.64 | 0       | 48,529.60              | 28,611.28         | 77,140.88           | 37.09%         | 381.89         |
| B/Junction Residential              | 96          | 0.03356278 | 130.99 | 0       | 21,637.92              | 12,575.04         | 34,212.96           | 36.76%         | 356.39         |
| Carinda Residential                 | 68          | 0.06234594 | 74.02  | 0       | 6,315.64               | 5,033.36          | 11,349.00           | 44.35%         | 166.90         |
| Cumborah Residential                | 56          | 0.00504852 | 68.88  | 0       | 4,695.12               | 3,857.28          | 8,552.40            | 45.10%         | 152.72         |
| Rowena/CBC Residential              | 38          | 0.33320473 | 70.00  | 0       | 2,848.90               | 2,660.00          | 5,508.90            | 48.29%         | 144.97         |
| Residential - Preserved Opal Fields | 1772        | 0.03918705 | 115.00 | 0       | 231,085.24             | 203,780.00        | 434,865.24          | 46.86%         | 245.41         |
| Residential - Other                 | 96          | 0.00623089 | 125.67 | 0       | 24,995.21              | 12,064.32         | 37,059.53           | 32.55%         | 386.04         |
| Walgett Business                    | 123         | 0.03802968 | 239.63 | 0       | 72,399.38              | 29,474.49         | 101,873.87          | 28.93%         | 828.24         |
| L/Ridge Business                    | 107         | 0.00806703 | 380.00 | 0       | 52,078.76              | 40,660.00         | 92,738.76           | 43.84%         | 866.72         |
| Collarenebri Business               | 33          | 0.07611660 | 190.00 | 0       | 13,430.01              | 6,270.00          | 19,700.01           | 31.83%         | 596.97         |
| B/Junction Business                 | 19          | 0.03230829 | 186.38 | 0       | 8,471.23               | 3,541.22          | 12,012.45           | 29.48%         | 632.23         |
| Carinda Business                    | 18          | 0.01999218 | 100.00 | 0       | 2,818.90               | 1,800.00          | 4,618.90            | 38.97%         | 256.61         |
| Rowena/CBC Business                 | 7           | 0.25338923 | 109.69 | 0       | 848.85                 | 767.83            | 1,616.68            | 47.49%         | 230.95         |
| Business - Preserved Opal Fields    | 55          | 0.04816141 | 186.38 | 0       | 15,026.36              | 10,250.90         | 25,277.26           | 40.55%         | 459.59         |
| Business - Other                    | 112         | 0.00789246 | 148.03 | 0       | 19,624.76              | 16,579.36         | 36,204.12           | 45.79%         | 323.25         |
| Rural (Farmland)                    | 726         | 0.00267249 | 0.00   | 181.65  | 2,502,485.23           | 0.00              | 2,504,579.00        | 0.00%          | 3,449.83       |
| Rural Irrigable                     | 86          | 0.00267249 | 0.00   | 181.65  | 678,853.13             | 0.00              | 680,946.91          | 0.00%          | 7,917.99       |
| <b>Total Ordinary Rates</b>         | <b>4918</b> |            |        |         | <b>4,095,765.53</b>    | <b>577,651.22</b> | <b>4,677,604.30</b> |                | <b>963.19</b>  |
|                                     |             |            |        |         | Notional Yield         |                   | 4,515,128.30        |                |                |
|                                     |             |            |        |         | Increase 3.6%          |                   | 162,544.62          |                |                |
|                                     |             |            |        |         | <b>Allowable Yield</b> |                   | <b>4,677,672.92</b> |                |                |

Moved:  
Seconded:

## **15. SALE OF LAND FOR OVERDUE RATES**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Carmel Readford  
**FILE NUMBER:** 09/745-07

---

### **Summary**

The sale of land for overdue rates took place on 17<sup>th</sup> December 2011 . Council must write off the rates and charges that were not covered by the sale proceeds in accordance with s719 of the Local Government Act and the report recommends the writing off of rates and charges that were not able to be recovered from the sale proceeds

### **Background**

A sale of land for overdue rates was conducted on 17 December 2012 with all eight (8) properties being sold. Settlement of the properties was undertaken by Council's solicitor Nick Wilson. Council has already has received a report at the May Meeting and resolved to write off the amount of \$ 55,786.57. As stated in the May report there was still one property that had not been settled and this has been finally settled on Friday 15<sup>th</sup> June and an additional write off of \$20,910.76 is needed.

### **Current Position**

All properties are now settled and all final costs known.

The attachment details the financial outcome for all the properties. In accordance with s718 (a) the purchase money has been applied firstly to these expenses and then secondly to the rates and charges due to Council in accordance with s718(b)

The new owners will be responsible for the pro-rata rates and charges for the 2011/12 levy and these have been calculated as detailed on the attachment.

In accordance with s 719(b) if the purchase money is less than the amount owing the rates charges and debts are taken as fully satisfied.

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

May Report of Sale of Land for Overdue Rates

### **Governance issues**

The sale was conducted under the provisions of Sec 713 of the LGA 1993

### **Environmental issues**

Nil

## **WALGETT SHIRE COUNCIL AGENDA**

### **Stakeholders**

Walgett Shire Council  
Ratepayers and Residents

### **Financial Implications**

The final settlement of the property for overdue rates resulted in an additional write off of \$20,910.76 being the amount of rates and expenses not recoverable from the sale proceeds.

### **Alternative Solutions/Options**

Nil

### **Conclusion:**

| <b>Title of Report: Rates write off following Sale of Land for Overdue Rates</b> |                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Recommendation:</b>                                                           |                                                                                                                                                                                                                                                                            |
| 1.                                                                               | That Council authorise the write off of rates and charges totalling \$ 20,910.46 on Assessment 11684 Wilson Street, Collarenebri being the last property to be settled following the Sale of land for Overdue Rates that took place on the 17 <sup>th</sup> December 2011. |
| <b>Moved:</b>                                                                    |                                                                                                                                                                                                                                                                            |
| <b>Seconded:</b>                                                                 |                                                                                                                                                                                                                                                                            |

### **Attachments**

Sale of Land for Overdue Rates under s713 on 17<sup>th</sup> Dec 2011.



# WALGETT SHIRE COUNCIL AGENDA

| Finalised and settled<br>Ass No                                                                                                                         | Old Owners<br>Name | Address     | Sale Price | less Expenses of<br>Sale                    | less<br>Outstanding<br>Rates | plus Calculate<br>Rates to new<br>owner       | Write Off |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------------|------------|---------------------------------------------|------------------------------|-----------------------------------------------|-----------|
| 9191                                                                                                                                                    | Bressington        | Oliver St   | 6,000.00   | 1,412.63                                    | 7,621.13                     | 316.00                                        | 2,717.76  |
| 8029                                                                                                                                                    | Key                | Baladava st | 5,000.00   | 1,400.08                                    | 7,076.89                     | 104.00                                        | 3,372.97  |
| 53520                                                                                                                                                   | Bruin & Houlton    | Narran St   | 5,000.00   | 1,407.63                                    | 22,850.74                    | 509.00                                        | 18,749.37 |
| 11791                                                                                                                                                   | Adams              | Wilson st   | 9,700.00   | 1,414.63                                    | 30,284.76                    | 659.00                                        | 21,340.39 |
| 3269                                                                                                                                                    | Hobbs              | Fox St      | 6,000.00   | 1,400.08                                    | 11,273.18                    | 563.00                                        | 6,110.26  |
| 6692                                                                                                                                                    | Chapman            | 7Warrena    | 35,000.00  | 1,414.62                                    | 37,623.19                    | 542.00                                        | 3,495.81  |
| Write off to date                                                                                                                                       |                    |             |            |                                             |                              |                                               |           |
| 16808                                                                                                                                                   | Liu                | Morilla St  | 50,000.00  | 1,414.63                                    | 16,159.14                    | 32,824.23-                                    | Refund    |
| S/T                                                                                                                                                     | 116,700.00         | 9,864.31    |            | 132,889.03                                  | 3,091.00                     |                                               | 22,962.33 |
| Finally Settled on 15th June 2012                                                                                                                       |                    |             |            |                                             |                              |                                               |           |
| Sale Price- balance to be received \$13,500                                                                                                             |                    |             |            | Costs to date -Solicitor legal cost to come |                              | need settlement date to calculate rates owing |           |
| 11684                                                                                                                                                   | Cridge             | Wilson st   | 15,000.00  | 1,568.27                                    | 34,455.19                    | 113.00                                        | 20,910.46 |
| Total                                                                                                                                                   | 131,700.00         | 11,432.58   |            | 167,344.22                                  | 3,204.00                     |                                               | 43,872.79 |
| Assess 11684 write off can not be calculated until legal fees paid and settlement date is know to calculate the apportionment of Rates to the new owner |                    |             |            |                                             |                              |                                               |           |

## **16. MATTERS GENERALLY FOR BRIEF MENTION OR INFORMATION ONLY FROM DIRECTOR CORPORATE SERVICES – JUNE 2012**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Stephen Holland– Director Corporate Services  
**FILE NUMBER:** 12/14

---

### 1. September 2012 Local Government Election Update

The Electoral Commission has advised that Narrabri Shire Council rescinded its previous resolution that the council conduct the September 2012 Local Government election and has now engaged the NSW Electoral Commission to conduct its 2012 election.

As a result, Narrabri Shire has been included in the region with Moree Plains, Gwydir and Walgett councils and will share the returning officer and associated costs with those councils.

### 2. Returning Officer

Council has been advised that Ms Noelene Kiss has been appointed as Returning Officer for the conduct of the September 2012 Council election in Walgett. The Returning Officer is based in Moree and is proposing to visit Walgett in the last week of June or first week in July.

### 3. Non-Resident Roll

Advertisements have been placed in the Spectator and the Ridge News inviting applications from eligible persons for inclusion on the non-resident electoral roll. A copy of the eligibility criteria and claim for enrolment form have also been placed on council's web site.

### 4. Polling Places

The Council has previously confirmed the polling places for the September 2012 election as being the same as those for the 2008 election. With the decision by Narrabri to have the Electoral Commission conduct its election, Council has been advised that it is proposed to establish a Multi-Council Polling Place at Pilliga Public School, to be shared with Narrabri Shire Council. It is projected that this will take 40 votes from Walgett electors. The Electoral Commission has been asked to provide details of the cost of the Pilliga Polling Booth and the basis on which it proposes to apportion costs between Narrabri and Walgett.

### 5. Key Dates

|                                      |                                                           |
|--------------------------------------|-----------------------------------------------------------|
| Monday 30 <sup>th</sup> July –       | Close of Rolls                                            |
|                                      | Last day for claim to be included on Non-Residential Roll |
|                                      | Nominations open                                          |
| Wednesday 8 <sup>th</sup> August -   | 12.00 Noon Close of Nominations                           |
| Saturday 8 <sup>th</sup> September - | Polling Day                                               |

## WALGETT SHIRE COUNCIL AGENDA

|                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------|
| <b>Title of Report: Matters Generally for Brief Mention or Information only from Director Corporate Services – June 2012</b> |
|------------------------------------------------------------------------------------------------------------------------------|

**Recommendation:**

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

**Moved:**

**Seconded:**

**Attachments**

Nil

## **17. FRIDAY NIGHT ENGAGEMENT PROGRAM FUNDING**

**REPORTING SECTION:** Community Development  
**AUTHOR:** George McCormick – Acting Manager Community Development  
**FILE NUMBER:** 10/390/0000

---

### **Summary**

The success of the recent Walgett Friday night youth engagement program, funded under the Indigenous Remote Service Delivery (FaHCSIA) has gained positive outcomes for youth and young people of Walgett. Due to the success Council is to receive further funding to continue a similar model of the program. The Department of Families, Housing, Community Services and Aboriginal Affairs funding agreement is required to be signed (two copies) and this report recommends the execution of the agreement under the seal of Council.

### **Background**

The program model incorporates (4), four Council youth workers, facilitating and engaging with youth and young people of Walgett every second Friday night and (1) one Saturday a month. Funding will cover the costs of (4) youth workers, food and refreshments and bus hire fees to implement project, targeting youth and young people engaging in healthy, social activities. and events being run at the Walgett activity park and occasionally at the youth centre as required.

### **Current Position**

The program will be implemented in (2) two stages, start date is set for June 6<sup>th</sup> 2012 and end date 21<sup>st</sup> December. The amount of \$23,630 has been directed to this period with a review and confirmation to take place at end date of Stage 1. Another sum of \$23,630 will then fund the project into Stage 2 to end date June 2013. (Total funds \$47,260)

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

Walgett Youth Strategy

### **Governance issues**

N/A

### **Environmental issues**

N/A

### **Stakeholders**

Walgett Community  
Walgett Youth  
Council

**Financial Implications**

The program is Grant Funded.

**Alternative Solutions/Options**

N/A

**Conclusion**

With further funding available, and facilitation by the Youth Development Team, this project will continue to prove an important and effective tool of engagement with the youth and young people of the Walgett community.

| <b>Title of Report: Friday Night Engagement Program Funding</b>                                                                                                                                                                               |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>1. That the funding agreement for the Friday night youth activities under the Remote Service Delivery Program be executed under the Common Seal of Council.</p> <p><b>Moved:</b></p> <p><b>Seconded:</b></p> |



**Attachments**

## **18. FAMILY & COMMUNITY SERVICE AGREEMENT**

**REPORTING SECTION:** Community Development  
**AUTHOR:** George McCormick – Acting Manager Community Development  
**FILE NUMBER:** 11/172/0015

---

### **Summary**

The Department of Families and Community Services has approved renewable funding for the 2012/2013 financial year for services listed below. Two copies of the service agreement are to be signed and sealed and returned to Department.

### **Background**

The Department of Families and Community Service currently fund Council to auspice the following:

Community Development Position

Youth Development Officer

Vacation Care Services at Walgett, Lightning Ridge, Collarenebri and Grawin

### **Current Position**

Service listed and amounts:

|                                                                         |                      |
|-------------------------------------------------------------------------|----------------------|
| Community Development (Strengthening Communities)                       | : \$51,094 renewable |
| Youth Development Officer (Early Intervention / Placement & Prevention) | : \$50,029 renewable |
| Walgett Vacation Care Service (Children's Services Program)             | : \$15,464 renewable |
| Collarenebri Vacation Care (Children's Services Program)                | : \$ 3 632 renewable |
| Lightning Ridge Vacation Care (Children's Services Program)             | : \$ 8 543 renewable |
| Grawin Vacation Care (Children's Services Program)                      | : \$ 3 931 renewable |

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

Walgett Shire Youth Strategy 2009- 2014

### **Governance issues**

N/A

### **Environmental issues**

N/A

### **Stakeholders**

Communities of the Walgett Shire

Youth & Young people of the Walgett Shire

Walgett Shire Council

### **Financial Implications**

The programs are grant funded.

## WALGETT SHIRE COUNCIL AGENDA

### Alternative Solutions/Options

N/A

### Conclusion

Council signs and seals (2) two copies of service agreements to continue to deliver quality services to the communities of the Walgett Shire.

| Title of Report: Family & Community Services Agreement                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>1. That the funding agreement for services auspice by Council under the <i>Department of Families and Community</i> be executed under the Common Seal of Council.</p> <p><b>Moved:</b></p> <p><b>Seconded:</b></p> |



### Attachments

## **19. VARIATION TO EXTEND STRONG COLLIE PROJECT**

**REPORTING SECTION:** Community Development  
**AUTHOR:** George McCormick – Acting Manager Community Development  
**FILE NUMBER:** 10/415/000

---

### **Summary**

The Friday night youth engagement program is funded under the Indigenous Remote Service delivery program. The Department's funding agreement is required to be signed and this report recommends the execution of the agreement under the seal of Council.

### **Background**

The current program is an extension of the very successful 'street walk' program

### **Current Position**

The remaining funds have been re-directed to the Friday night activities program which will run over an eight week period. This program involves activities and events being run at the Walgett activity park and occasionally at the youth centre as required.

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

Walgett Youth Strategy

### **Governance issues**

N/A

### **Environmental issues**

N/A

### **Stakeholders**

Walgett Community  
Walgett Youth  
Council

### **Financial Implications**

The program is Grant Funded.

### **Alternative Solutions/Options**

N/A



## WALGETT SHIRE COUNCIL AGENDA

### Conclusion

This is another successful youth program by Council's award winning youth team and is an important part of effectively engaging with the Walgett youth community.

| <b>Title of Report: Variation to extend Strong Collie Project</b>                                                                                                                                                                             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>1. That the funding agreement for the Friday night youth activities under the Remote Service Delivery Program be executed under the Common Seal of Council.</p> <p><b>Moved:</b></p> <p><b>Seconded:</b></p> |



### Attachments

## **20. DEVELOPMENT AND COMPLYING DEVELOPMENT CERTIFICATE APPLICATIONS**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin – Director Planning and Regulatory Services  
**FILE NUMBER:** 09/1367-02

---

### **1. Summary**

This report provides a summary of the Development and Complying Development Certificate applications recently processed by Council staff under delegated authority.

### **2. Background**

Most Development Applications (DA) lodged with Walgett Shire Council are assessed by Council's Town Planner and/or Director of Planning & Regulatory Services. If appropriate, they are then approved by the Director or General Manager under delegated authority. Only applications recommended for refusal, or where objections have been received from the public, are referred to Council for determination.

Complying Development Certificate (CDC) applications which are compliant with relevant building and development standards, are assessed and approved by Council's Senior Health and Building Surveyor, Andrew Wilson, who is a NSW Building Professionals Board Accredited Certifier.

### **3. Current position**

The table following this report provides details of Development Applications (DA) and Complying Development Certificate (CDC) applications recently dealt with under delegated authority by Council staff. Document type 20 represents Development Applications, while document type 24 represents Complying Development Certificates.

### **4. Relevant Reference Documents**

- \* Respective DA and CDC files.
- \* Environmental Planning & Assessment Act 1979.
- \* Environmental Planning and Assessment Regulation 2000.
- \* State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- \* State Environmental Planning Policy No 60—Exempt and Complying Development, etc.

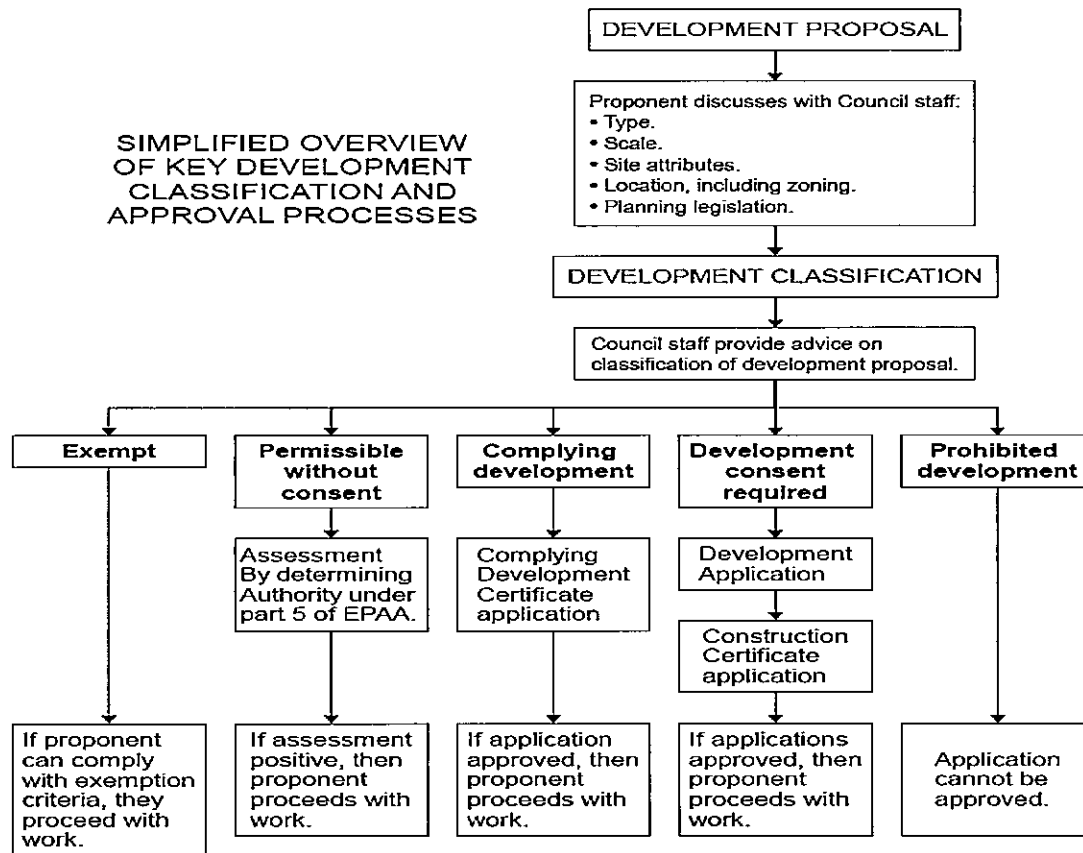
### **5. Governance issues**

DAs: DAs are assessed under against a series of "matters for consideration" specified under section 79C of the Environmental Planning and Assessment Act 1979 and any relevant statutory requirements (such as regulations, Interim Development Order No 1 – Shire of Walgett and State Environmental Planning Policies). Section 80A of the Act provides that Council may impose conditions of development consent. It is appropriate and normal practice to impose conditions that are related to the nature and scale of the development, as well as the environment in which it will occur.

## WALGETT SHIRE COUNCIL AGENDA

**CDCs:** Standards for complying development are defined by the relevant State Environmental Planning Policy (SEPP). Sub-section 85A(7) of the Environmental Planning and Assessment Act 1979 provides that Council cannot refuse a CDC application which complies with the relevant development standards and regulatory requirements (eg plans and specifications demonstrate compliance with the Building Code of Australia). Conditions that apply to a CDC are specified by the SEPP under which the application is approved.

A simplified overview of development classification and approval processes is provided in the diagram below.



## 6. Environmental issues

**DAs:** A Statement of Environmental Effects is required to be lodged with a DA that contains environmental information appropriate for the nature and scale of the development, as well as the setting in which it is proposed to occur. Under statutory requirements, some developments of a large scale and/or proposed for a sensitive area may require significant additional supporting environmental information.

**CDCs:** Complying development is restricted to certain types of land use, particular zones and may be excluded from environmentally sensitive areas, bush fire prone land, etc.

## 7. Stakeholders

Public, applicants, Council, Department of Planning.

## 8. Financial implications

Part of the costs incurred assessing and inspecting respective developments is recovered from application and inspection fees.

**9. Alternative solutions/options**

Nil.

**10. Conclusion**

|                                                                                        |
|----------------------------------------------------------------------------------------|
| <b>Title of Report: Development and Complying Development Certificate Applications</b> |
|----------------------------------------------------------------------------------------|

**Recommendation:**

1. Note the report on Development and Complying Development Certificate applications dealt with by Council staff under delegated authority from April to May 2012.

**Moved:**

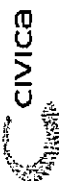
**Seconded:**

**Attachments:**

ATTACHMENT A - DAs & CDCs approved April to May 2012

## AUTHORITY

## Determined Applications



Page:1

06/05/2012 Parameters: Date Range:Y  
Start Date:1/04/2012  
End Date:31/05/2012  
As At Date:

Document Type:  
Officer:ALL  
Number of Days:0  
Stop The Clock:Yes

| Document                               | Applicant Name / Address                                                                                 | Development Type            | Determination | Determined | Received   |
|----------------------------------------|----------------------------------------------------------------------------------------------------------|-----------------------------|---------------|------------|------------|
| <b>Document Type: 20</b>               |                                                                                                          |                             |               |            |            |
| <b>Stop the Clock</b>                  |                                                                                                          |                             |               |            |            |
| <b>Total Elapsed Calendar Days: 30</b> |                                                                                                          |                             |               |            |            |
| <b>Calendar Stop Days: 0</b>           |                                                                                                          |                             |               |            |            |
| <b>Adjusted Calendar Days: 30</b>      |                                                                                                          |                             |               |            |            |
| 020/2012/000000011/001                 | 10 Class 1a -Single Dwelling/Dual Occupancy<br>Keepit ST WALGETT<br>LOT: 37 DP: 603269<br>Mr K V Wilding | Approved - Staff Delegation | 11/05/2012    |            | 12/04/2012 |

Officer: Mr D G McLennan  
Number of Applications: 1

**Total Elapsed Calendar Days: 30.00**  
**Average Calendar Stop Days: 0.00**  
**Average Adjusted Calendar Days: 30.00**

|                                         |                                                                                                     |          |            |  |            |
|-----------------------------------------|-----------------------------------------------------------------------------------------------------|----------|------------|--|------------|
| <b>Document Type: 20</b>                |                                                                                                     |          |            |  |            |
| <b>Stop the Clock</b>                   |                                                                                                     |          |            |  |            |
| <b>Total Elapsed Calendar Days: 350</b> |                                                                                                     |          |            |  |            |
| <b>Calendar Stop Days: 208</b>          |                                                                                                     |          |            |  |            |
| <b>Adjusted Calendar Days: 142</b>      |                                                                                                     |          |            |  |            |
| 020/2011/000000017/001                  | 60 Class 5 - Office Building<br>Wee Waa ST WALGETT<br>LOT: 4 SEC: 15 DP: 759036<br>NSW Police Force | Approved | 30/05/2012 |  | 16/06/2011 |

*There are Multiple Parcels on this application*

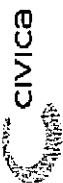
|                                         |                                                                                                       |                             |            |  |            |
|-----------------------------------------|-------------------------------------------------------------------------------------------------------|-----------------------------|------------|--|------------|
| <b>Document Type: 20</b>                |                                                                                                       |                             |            |  |            |
| <b>Stop the Clock</b>                   |                                                                                                       |                             |            |  |            |
| <b>Total Elapsed Calendar Days: 244</b> |                                                                                                       |                             |            |  |            |
| <b>Calendar Stop Days: 226</b>          |                                                                                                       |                             |            |  |            |
| <b>Adjusted Calendar Days: 18</b>       |                                                                                                       |                             |            |  |            |
| 020/2011/000000029/001                  | 160 Subdivision/Consolidation<br>Farmland<br>LOT: 2 DP: 754196<br>Messers G P Lambous & M C Balderson | Approved - Staff Delegation | 30/04/2012 |  | 31/08/2011 |

*There are Multiple Parcels on this application*

## AUTHORITY

AUTHORITY

## Determined Applications



|            |             |                                                                               |                                                                            |         |
|------------|-------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------|
| 06/05/2012 | Parameters: | Date Range: Y<br>Start Date: 1/04/2012<br>End Date: 31/05/2012<br>As At Date: | Document Type:<br>Officer: ALL<br>Number of Days: 0<br>Stop The Clock: Yes | Page: 2 |
|------------|-------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------|

| Document | Applicant Name / Address | Development Type | Determination | Determined | Received |
|----------|--------------------------|------------------|---------------|------------|----------|
|          | Property Address         | Title Owner      |               |            |          |

Document Type: 20

|                         |                |                                                                                        |                             |            |            |
|-------------------------|----------------|----------------------------------------------------------------------------------------|-----------------------------|------------|------------|
| 020/2012/0000000004/001 | Stop the Clock | Total Elapsed Calendar Days: 61<br>Calendar Stop Days: 0<br>Adjusted Calendar Days: 61 | Approved - Staff Delegation | 23/04/2012 | 23/02/2012 |
|-------------------------|----------------|----------------------------------------------------------------------------------------|-----------------------------|------------|------------|

70 Class 6 - Shop  
27 Fox ST WALGETT  
LOT: A DP: 344823  
The Trustees of the Society of St Vincent De Paul

|                         |                |                                                                                        |                             |            |            |
|-------------------------|----------------|----------------------------------------------------------------------------------------|-----------------------------|------------|------------|
| 020/2012/0000000005/001 | Stop the Clock | Total Elapsed Calendar Days: 35<br>Calendar Stop Days: 0<br>Adjusted Calendar Days: 35 | Approved - Staff Delegation | 02/04/2012 | 28/02/2012 |
|-------------------------|----------------|----------------------------------------------------------------------------------------|-----------------------------|------------|------------|

110 Class 9a - Healthcare Building  
29 Wee Waa ST WALGETT  
LOT: 11 DP: 1126416  
Walgett Aboriginal Medical Service  
Co-operative Ltd

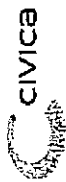
|                         |                |                                                                                        |                             |            |            |
|-------------------------|----------------|----------------------------------------------------------------------------------------|-----------------------------|------------|------------|
| 020/2012/0000000008/001 | Stop the Clock | Total Elapsed Calendar Days: 28<br>Calendar Stop Days: 0<br>Adjusted Calendar Days: 28 | Approved - Staff Delegation | 24/04/2012 | 28/03/2012 |
|-------------------------|----------------|----------------------------------------------------------------------------------------|-----------------------------|------------|------------|

10 Class 1a - Single Dwelling/Dual  
Occupancy  
Herbert ST WALGETT  
LOT: 16 DP: 752673  
Mr W E & Mrs B E Lambert

AUTHORITY

## AUTHORITY

## Determined Applications



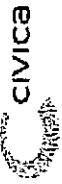
|            |             |                                                                               |                                                                            |         |
|------------|-------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------|
| 06/05/2012 | Parameters: | Date Range: Y<br>Start Date: 1/04/2012<br>End Date: 31/05/2012<br>As At Date: | Document Type:<br>Officer: ALL<br>Number of Days: 0<br>Stop The Clock: Yes | Page: 3 |
|------------|-------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------|

| Document              | Applicant Name / Address | Development Type<br>Property Address<br>Title Owner                                                                                    | Determination               | Determined | Received   |
|-----------------------|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------|------------|
| Document Type: 20     |                          |                                                                                                                                        |                             |            |            |
| Stop the Clock        |                          | Total Elapsed Calendar Days: 51<br>Calendar Stop Days: 0<br>Adjusted Calendar Days: 51                                                 |                             |            |            |
| 020/2012/00000009/001 |                          | 100 Class 8 - Bldg/Lab for Retail<br>Hope ST WALGETT<br>LOT: 201 DP: 1085161<br>The State of New South Wales                           | Approved - Staff Delegation | 24/05/2012 | 04/04/2012 |
| Document Type: 20     |                          |                                                                                                                                        |                             |            |            |
| Stop the Clock        |                          | Total Elapsed Calendar Days: 7<br>Calendar Stop Days: 0<br>Adjusted Calendar Days: 7                                                   |                             |            |            |
| 020/2012/00000010/001 |                          | 1001 Install manu/move home or ass. structure<br>Bellara RD COLLARENEBRI<br>LOT: 21 DP: 1112824<br>K.B. & M.A. Harris Pty Ltd & others | Approved - Staff Delegation | 18/04/2012 | 12/04/2012 |
| Document Type: 20     |                          |                                                                                                                                        |                             |            |            |
| Stop the Clock        |                          | Total Elapsed Calendar Days: 19<br>Calendar Stop Days: 0<br>Adjusted Calendar Days: 19                                                 |                             |            |            |
| 020/2012/00000015/001 |                          | 142 Class 10a - Shed<br>Residential WLL<br>LOT: 48 DP: 1065215 WLL: 16348<br>Mr D Hooper                                               | Approved - Staff Delegation | 29/05/2012 | 11/05/2012 |
| Document Type: 20     |                          |                                                                                                                                        |                             |            |            |
| Stop the Clock        |                          | Total Elapsed Calendar Days: 45.13<br>Average Calendar Stop Days: 54.25<br>Average Adjusted Calendar Days: 45.13                       |                             |            |            |
| 020/2012/00000015/001 |                          | 142 Class 10a - Shed<br>Residential WLL<br>LOT: 48 DP: 1065215 WLL: 16348<br>Mr D Hooper                                               | Approved - Staff Delegation | 29/05/2012 | 11/05/2012 |
| Document Type: 20     |                          |                                                                                                                                        |                             |            |            |
| Stop the Clock        |                          | Total Elapsed Calendar Days: 795.00<br>Total Calendar Stop Days: 434.00<br>Total Adjusted Calendar Days: 361.00                        |                             |            |            |
| 020/2012/00000015/001 |                          | 142 Class 10a - Shed<br>Residential WLL<br>LOT: 48 DP: 1065215 WLL: 16348<br>Mr D Hooper                                               | Approved - Staff Delegation | 29/05/2012 | 11/05/2012 |

## AUTHORITY

## AUTHORITY

## Determined Applications



|            |             |                                                                               |                                                                            |         |
|------------|-------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------|
| 06/05/2012 | Parameters: | Date Range: Y<br>Start Date: 1/04/2012<br>End Date: 31/05/2012<br>As At Date: | Document Type:<br>Officer: ALL<br>Number of Days: 0<br>Stop The Clock: Yes | Page: 4 |
|------------|-------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------|

| Document | Applicant Name / Address | Development Type | Determination | Determined | Received |
|----------|--------------------------|------------------|---------------|------------|----------|
|          | Property Address         | Title            | Owner         |            |          |

Document Type: 20

Stop the Clock

Total Elapsed Calendar Days: 15

Calendar Stop Days: 0

Adjusted Calendar Days: 15

020/2012/000000007/001

10 Class 1a - Single Dwelling/Dual  
Occupancy  
746 Come By Chance RD WALGETT  
LOT: 17 DP: 750311  
Mr C N & Mrs K P Troy

Approved - Staff Delegation

22/03/2012

Officer: Mr M P Goodwin  
Number of Applications: 1

Average Elapsed Calendar Days: 15.00

Average Calendar Stop Days: 0.00

Average Adjusted Calendar Days: 15.00

Total Elapsed Calendar Days: 15.00

Total Calendar Stop Days: 0.00

Total Adjusted Calendar Days: 15.00

| Document | Applicant Name / Address | Development Type | Determination | Determined | Received |
|----------|--------------------------|------------------|---------------|------------|----------|
|          | Property Address         | Title            | Owner         |            |          |

Document Type: 24

Stop the Clock

Total Elapsed Calendar Days: 15

Calendar Stop Days: 0

Adjusted Calendar Days: 15

024/2012/000000004/001

140 Class  
10a - Garage/Carport/Shed/Verandah  
48 Keepit St WALGETT  
LOT: 37 DP: 230851  
Ms K L Rutterman

Approved - Staff Delegation

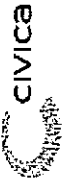
12/04/2012

## AUTHORITY



## AUTHORITY

## Determined Applications



06/05/2012 Parameters: Date Range: Y Document Type: Officer: ALL  
 Start Date: 1/04/2012 Number of Days: 0  
 End Date: 31/05/2012 Stop The Clock: Yes  
 As At Date:

Page: 5

| Document | Applicant Name / Address | Development Type | Determination | Determined | Received |
|----------|--------------------------|------------------|---------------|------------|----------|
|          | Property Address         | Title Owner      |               |            |          |

Document Type: 24

## Stop the Clock

Total Elapsed Calendar Days: 14

Calendar Stop Days: 0

Adjusted Calendar Days: 14

024/2012/000000005/001

10 Class 1a - Single Dwelling/Dual  
 Occupancy  
 4099 Come By Chance RD COME BY  
 KOPANENG: 750265  
 Mr M J O'Brien

Approved - Staff Delegation 29/05/2012

16/05/2012

Officer: Mr A R Wilson  
 Number of Applications: 2

Average Elapsed Calendar Days: 14.50  
 Average Calendar Stop Days: 0.00  
 Average Adjusted Calendar Days: 14.50

Total Elapsed Calendar Days: 29.00  
 Total Calendar Stop Days: 0.00  
 Total Adjusted Calendar Days: 29.00

## Report Totals &amp; Averages

Total Number of Applications : 12

Average Elapsed Calendar Days: 72.42  
 Average Calendar Stop Days: 36.17  
 Average Adjusted Calendar Days: 36.25

Total Elapsed Calendar Days: 869.00  
 Total Calendar Stop Days: 434.00  
 Total Adjusted Calendar Days: 435.00

## AUTHORITY

## **21. DRAFT WALGETT LOCAL ENVIRONMENTAL PLAN 2012**

**REPORTING SECTION:** Planning & Regulatory Services  
**AUTHOR:** Director Planning & Regulatory Services, Matthew Goodwin  
**FILE NUMBER:** 09/1109

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### **Summary**

Recently the NSW Department of Planning & Infrastructure issued a revised conditional approval for Council to publicly exhibit the draft Walgett Local Environmental Plan 2012. This report recommends that Council proceed with the public exhibition of the plan once associated issues have been addressed.

### **Background**

At a meeting held on 22 May 2012 the Regional Manager of the Western Region office of the Department of Planning & Infrastructure, Ashley Albury, addressed Council regarding the draft Walgett Local Environmental Plan 2012 (draft LEP) and issues raised at the 9 May 2012 Council meeting. Council also considered a detailed report on the current status of draft LEP development at that meeting. Council then resolved that:

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

## WALGETT SHIRE COUNCIL AGENDA

### Current Position

In conjunction with a letter dated 12 June 2012, the Department of Planning & Infrastructure has issued a new (revised) section 65 certificate which authorises the public exhibition of the draft Walgett Local Environmental Plan 2012 (draft LEP) subject to seven conditions being met (see Attachment A). Some of these conditions require changes to the draft LEP maps. Currently (18 June 2012) Council staff are seeking the Department of Planning & Infrastructure's approval for map changes intended to address issues associated with condition 2.

Draft explanatory notes have also been prepared which are intended to address item 4 in the Council resolution of 22 May 2012 (see Attachment B).

Once the Department of Planning & Infrastructure has approved the amended draft LEP maps, it is proposed that public consultation will be undertaken in the manner outlined in the report submitted to the 22 May 2012 Council meeting. This will include circulation of the explanatory notes provided at that meeting, after they have been updated.

### Relevant Reference Documents/Policies

LEP preparation is regulated by:

- \* Environmental Planning & Assessment Act 1979.
- \* Environmental Planning & Assessment Regulation 2000.
- \* Standard Instrument (Local Environmental Plans) Order 2006.
- \* Local Government Act 1993.
- \* Directions for LEP preparation issued by the Minister for Planning (Section 117 directions).

Other relevant documents include:

- \* Walgett Shire Growth Management Study and Strategy, prepared by Edge Land Planning, dated June 2010.
- \* Numerous Department of Planning circulars and guidelines regarding LEP development.
- \* Report on the Section 430 Investigation into Walgett Shire Council, by the Department of Local Government, dated 29 January 2004.

### Governance issues

Council's charter:- Section 8 of the Local Government Act 1993 establishes Council's charter, which includes:

- \* to exercise community leadership
- \* to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development
- \* to have regard to the long term and cumulative effects of its decisions
- \* to engage in long-term strategic planning on behalf of the local community
- \* to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights

Section 430 investigation:- Substantial problems arise for Council and the public from a planning instrument (the Interim Development Order No 1 – Shire of Walgett 1968) that is outdated and inconsistent with the current planning legislation framework. It is also important to note that this deficiency was the subject of recommendation 29 within the Report on the Section 430 Investigation into Walgett Shire Council, by the Department of Local Government, dated 29 January 2004 (page 55). The recommendation was:

## WALGETT SHIRE COUNCIL AGENDA

- 286 Recommendation 29:** *That council undertakes to develop a local environmental plan (LEP) as a matter of urgency. If existing staffing levels are insufficient to develop the LEP, council should utilise the services of an experienced consultant.*

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**

An LEP is an important tool to facilitate particular land uses within appropriate settings, while restricting or prohibiting them in inappropriate settings.

### **Stakeholders**

The public, Walgett Shire Council, Department of Planning & Infrastructure, State government agencies.

### **Financial Implications**

In 2004 Council committed \$140,000 (GST excluded) for the Walgett Shire land use strategy and Local Environmental Plan project. This budget was based on a \$70,000 grant from the Department of Planning's planning reform fund, matched dollar for dollar by Council.

At the 26 July 2011 meeting Walgett Shire Council resolved to carry forward a budget of \$40,000 for Local Environmental Plan and Development Control Plan development from 2010-2011 to 2011-2012. This amount is adequate to maintain the funding required from Council under the memorandum of understanding (MOU) for the planning reform fund grant.

In a letter dated 23-3-2011 the Department of Planning has extended the time for completion of the LEP project under the MOU until 31 October 2011.

### **Alternative Solutions/Options**

Do nothing:- This would stall the development of a LEP.

## WALGETT SHIRE COUNCIL AGENDA

### Conclusion

#### **Title of Report: Draft Walgett Local Environment Plan 2012**

##### **Recommendation:**

1. Note the letter dated 12 June 2012 from the Department of Planning & Infrastructure conditionally certifying the draft Walgett Local Environmental Plan 2012 for public exhibition under section 65 of the Environmental Planning and Assessment Act 1979.
2. Request that the General Manager make arrangements to address the requirements of the Department of Planning & Infrastructure regarding mapping associated with the draft Walgett Local Environmental Plan 2012 as soon as possible.
3. Once the Department of Planning & Infrastructure's requirements have been addressed, place the draft Walgett Local Environmental Plan 2012 on public exhibition for a minimum period of six weeks.
4. Request the General Manager to arrange community information sessions regarding the draft Walgett Local Environmental Plan 2012 at Carinda, Collarenebri, Cumborah, Grawin, Lightning Ridge and Walgett early in the public exhibition period.

**Moved:**

**Seconded:**

### Attachments

A – NEW SECTION 65 CERTIFICATE TO EXHIBIT - DATED 12-6-2012

B – DRAFT LEP EXPLANATORY NOTES – DWELLINGS ON PRESERVED OPAL FIELDS

## WALGETT SHIRE COUNCIL AGENDA

### ATTACHMENT A – NEW SECTION 65 CERTIFICATE TO EXHIBIT – DATED 12-6-2012



## Planning & Infrastructure

Contact: Wayne Garnsey  
Phone: 02 68412180  
Fax: 02 6884 8483  
Email: [wayne.garnsey@planning.nsw.gov.au](mailto:wayne.garnsey@planning.nsw.gov.au)

Our ref: 12/09285  
Your ref:

Mr Don Ramsland  
General Manager  
Walgett Shire Council  
PO Box 31  
Walgett NSW 2832

**Attention:**  
Matthew Goodwin, Director of Planning and Regulatory  
Services

Dear Mr Ramsland

#### **Draft Walgett Local Environmental Plan 2012 – New Section 65 Certificate to exhibit**

I am writing in relation to the attendance at a Council meeting on 22 May 2012 by Departmental officers Ashley Albury and Wayne Garnsey and respond to the issues raised by your Council. These issues related to dwellings on the opal fields near Lightning Ridge as well as opportunities for living on large lots.

#### **Dwellings on the opal fields near Lightning Ridge.**

Further to your representations in relation to allowing additional dwellings on the opal fields over and above the existing opportunities I wish to advise the Department has redrafted Schedule 1 of the certified draft LEP to:-

- o acknowledge the existing living opportunities as identified and mapped as Item 1 of Schedule 1. The related lot size map will only relate to the existing camps.
- o insert Item 1A for exhibition purposes only to provide for additional dwellings on current and future mineral claims on land that is proposed to be zone SP1 – Special Activities marked as Mining. For this option the lot size map relating to zone SP1 will identify a 2500m2 lot size. This will allow for both public and agency consultation during exhibition.

It is to be noted by Council that option 1A is inconsistent with section 117 Direction 1.5 – Rural Lands. Should Council pursue this option post exhibition thorough justification for the inconsistency with the approved strategy and section 117 Direction 1.5 – Rural Lands will be required.

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney  
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website [planning.nsw.gov.au](http://planning.nsw.gov.au)

## WALGETT SHIRE COUNCIL AGENDA

For exhibition Council will need to produce clear explanatory notes and separate maps as to what is being proposed and the outcome for Item 1 and Item 1A of Schedule 1.

It is to be clearly noted that the options contained in Schedule 1 are for exhibition purposes only and that Council will need to make justified recommendations when the draft LEP is submitted for finalisation.

### **New section 65 Certificate to exhibit.**

The change in Schedule 1 of the draft Walgett Local Environmental Plan 2012 (draft LEP) has required the issue of a new certificate under section 65 of the Environmental Planning and Assessment Act 1979 (the Act) to allow the draft LEP to be publicly exhibited.

I am pleased to advise that I have conditionally certified the draft LEP for exhibition. The new section 65 certificate and a copy of the certified draft Plan (Instrument, Maps and Matrix) are enclosed.

Schedule 2 of the section 65 certificate includes conditions requiring amendments to be made to the draft maps prior to exhibition taking place. It is requested that you provide the Western Region office with a copy of the draft LEP prior to exhibition that satisfies the conditions of the section 65 Certificate.

As an opinion has not been issued by Parliamentary Counsel that the draft LEP may be legally made, the Department has issued this certificate on the understanding that Council, when exhibiting the draft LEP, makes it clear to the public that the draft LEP may be changed to satisfy legal drafting requirements. Council may also provide Explanatory Notes / Fact Sheets for exhibition explaining what the draft LEP does.

Please note that references to the particular sections of the Act in this letter relate to the previous plan making provisions repealed on 1 July 2009.

Council is reminded to place on exhibition with the certified draft LEP the relevant State Environmental Planning Policies, any Regional Environmental Plans (deemed SEPPs) and section 117 Directions that apply.

It has been identified that the draft Plan is inconsistent with the section 117 Directions 1.2 – Rural Zones, 1.5 – Rural Lands (except for Item 1A of Schedule 1) and 6.3 Site Specific Provisions. As the delegate of the Director-General, I am satisfied that the inconsistencies are justified by the approved Walgett Shire Growth Management Study and Strategy 2010 or are of minor significance. Council is required to place this letter on exhibition to demonstrate that these inconsistencies have been addressed and are of minor significance.

At this time the draft LEP is considered to be inconsistent with Section 117 Direction 3.5 – Development near Licensed Airports. Consultation with the Civil Aviation Safety Authority is required during the section 66 exhibition period and any inconsistency is to be reviewed and included in Council's section 68 submission.

It is to be further noted that as delegate of the Director-General I have approved the proposed changes made to the provision of land identified for public purposes including open space thus satisfying section 117 Direction 6.2 – Reserving Land for Public Purposes.

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney  
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website [planning.nsw.gov.au](http://planning.nsw.gov.au)

## WALGETT SHIRE COUNCIL AGENDA

It is important that community consultation on the draft LEP engages key stakeholders including the following government agencies:

NSW Department of Primary Industries  
Office of Environment and Heritage  
Roads and Maritime Services  
Crown Lands  
NSW Rural Fire Service  
Civil Aviation Safety Authority  
Catchment Management Authorities (Border Rivers/ Gwydir, Central West, Namoi and Western).

Council should ensure that any final draft plan and maps submitted to the Department following community consultation are consistent with the Act and Regulations. Council should also note that the Department and Parliamentary Counsel may modify some local model clauses and your plan may need to be amended accordingly. The Department's Regional office can assist Council to review the final plan before submission to the Minister.

### Large Lot Living opportunities

Council has made representations requesting that the Department consider opportunities for large lot residential living opportunities near the settlements of Walgett, Lightning Ridge and Collarenebri. It is to be clearly noted that the Department supports a variety of living opportunities in suitable locations. Council's Growth Management Study and Strategy 2010 did not identify large lot living opportunities and therefore was not provided for in the draft LEP.

I wish to advise that the Department will assist and support Council in identifying suitable sites for large lot living opportunities and will assist in consultation with agencies in relation to this matter. This matter can be progressed as a separate Planning Proposal so as not to unduly delay the draft LEP.

I look forward to Council now placing the draft LEP on exhibition as a matter of urgency so that the new planning instrument for Walgett Shire Council can be finalised.

If you have any questions in relation to this matter, please contact, Wayne Garnsey, Acting Team Leader Western Region of the Department of Planning and Infrastructure. Mr Garnsey can be contacted on telephone number 02 68412180.

Yours sincerely

  
Neil McGaffin  
Executive Director  
Planning Operations

12.6.12

Enc:  
S65(2) Certificate, Tag 1 Certified draft Walgett LEP 2012 (Instrument), Tag 2 Certified draft Walgett LEP 2012 – maps, Tag 3 Certified draft Land Use Matrix, Tag 4 Technical mapping comments

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney  
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website [planning.nsw.gov.au](http://planning.nsw.gov.au)





## Planning & Infrastructure

### ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

#### SECTION 65(2) CERTIFICATE

As a delegate of the Director-General of the Department of Planning and Infrastructure, I, Neil McGaffin, under section 65(2) of the *Environmental Planning and Assessment Act, 1979*, certify that the draft plan named in Schedule 1 may be publicly exhibited under section 66 of the Act subject to the condition that the draft LEP be amended as set out in Schedule 2.

Signed

A handwritten signature in black ink, appearing to read 'Neil McGaffin', written over a horizontal line.

Neil McGaffin  
Executive Director  
Planning Operations

Dated

12 June 2012

As a delegate of the Director-General for the Department of Planning and Infrastructure, I certify that I have no notice of the revocation of my delegation.

#### Schedule 1

Draft Walgett Local Environmental Plan 2012 attached to this certificate and marked 'Certified for Public Exhibition May 2012'

#### Schedule 2 conditions

Prior to public exhibition Walgett Shire Council is required to amend the draft LEP identified in Schedule 1 to:

##### Maps

1. To comply with the Department's *Standard Technical Requirements for LEP Maps* as identified in detail provided in **Tag 4**.
2. Relevant to Item 1 of Schedule 1- Additional Permitted Use - the lot size maps relative to zone SP1 - Special Activities – marked as Mining being amended to indicate 2500 m2 on the residential mineral claims where dwellings are to be permitted and not to cover the full extent of zone SP1. The remainder of zone SP1 land is to have a large lot size so as to prevent further dwellings being permitted. For the purpose of exhibition Council may annotate this area with "No subdivision permitted for dwellings"
3. Relevant to Item 1A of Schedule 1 – Additional Permitted Use – the lot size maps relative to zone SP1 –Special Activities - marked as Mining should indicate 2500m2 throughout.
4. Maps relating to Groundwater, Biodiversity, Wetlands and Urban Release Areas being omitted.
5. Amend LZN maps that relate to the settlements of Walli, Ginging and Namoi to indicate the zone for each settlement as being E4 – Environmental living and amend the related LSZ maps accordingly.
6. Create maps that identify Item 2 of Schedule 1 - Additional permitted uses.
7. Amend Map cover sheet to reflect the changes to the new map set.

## WALGETT SHIRE COUNCIL AGENDA

### ATTACHMENT B – EXPLANATORY NOTES – DWELLINGS ON PRESERVED OPAL FIELDS

#### **DRAFT WALGETT LOCAL ENVIRONMENTAL PLAN 2012 EXPLANATORY NOTES - DWELLINGS ON THE PRESERVED OPAL FIELDS**



77 Fox St. (P.O. Box 31)  
WALGETT, N.S.W. 2832

Telephone: (02) 6828 1399  
Facsimile: (02) 6828 1608  
E-mail: [admin@walgett.nsw.gov.au](mailto:admin@walgett.nsw.gov.au)

#### **Introduction**

These explanatory notes regarding dwellings on the 'preserved' opal fields are intended to:

1. Provide a simplified overview of provisions which the draft Walgett Local Environmental Plan 2012 (Draft LEP 2012) that affect mining camps on the 'preserved' (older) opal fields.
2. Draw the public's attention to the fact that the draft LEP 2012 contains provisions that can be used to either:
  - a) Enable only existing mining camps to be rebuilt and maintained.
  - b) Enable existing and new mining camps to be built, rebuilt and maintained.
3. Inform the community of their opportunity to make submissions regarding the content of the draft LEP 2012 during the public exhibition period.

It is recommended that the notes are read in conjunction with the:

- Document titled 'Draft Walgett Local Environmental Plan 2012 Explanatory Notes'.
- Draft Walgett Local Environmental Plan 2012 documents and maps.

#### **Affected lands – the proposed 'SP1 Special Activities – Mining' zone**

The draft LEP 2012 proposes to establish a 'SP1 Special Activities – Mining' zone over the areas commonly known as the 'preserved' or older opal fields. The zone boundary generally covers potentially opal bearing ridge landforms within the areas previously mapped by the Mineral Resources division of the NSW Department of Primary Industries as 'preserved' opal fields. The SP1 Special Activities – Mining zone will include the areas noted in the table below.

| AREA            | OPAL FIELDS                                                                                                       | RURAL PROPERTIES                                                               | LEP MAP SHEETS                  |
|-----------------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|---------------------------------|
| Lightning Ridge | Majority of older opal fields in the vicinity of Lightning Ridge                                                  | 'Opal Ridge', 'Weetalibah Run', 'Weetalibah', 'Wybara' & Crown Reserve 1024168 | LZN_004A, LZN_004AA & LZN_004AB |
| Old Cocoran     | Old Cocoran (Cocoran A) opal field                                                                                | 'Rexeen'                                                                       | LZN_001A                        |
| Carter's        | Parts of the Carter's rush opal fields                                                                            | 'Summer Hill'                                                                  | LZN_002A                        |
| Grawin          | Including Hammond's Hill, Richard's Hill, Czinner's & Grawin C opal fields                                        | 'Combadery' & 'Mundaroo'                                                       | LZN_002A                        |
| Glengarry       | Including Glengarry and Millionaire's Gully opal fields                                                           | 'Mundaroo' & Crown Reserve 1024168                                             | LZN_002B                        |
| Sheepyard       | Including Sheepyard, Central Station, Chinaman's Gully, New Glengarry, Wild Cat & Williamson's Corner opal fields | Crown Reserve 1024168                                                          | LZN_002B                        |

## WALGETT SHIRE COUNCIL AGENDA

Draft Walgett Local Environmental Plan (LEP) 2012 – Explanatory Notes

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### Land ownership and titles within the proposed 'SP1 Special Activities – Mining' zone

The 'SP1 Special Activities – Mining' zone will affect land that is predominantly owned by the Crown (ie. NSW Government), with some small areas of freehold land involved. There is a wide range of interests in land within the proposed zone, including:

- Western Lands Leases for grazing.
- Crown Reserve 1024168 opal mining, exploration and public access.
- Western Lands Leases for residences.
- Western Lands Leases for businesses.
- Mineral Claims used primarily as residences.
- Mineral Claims used solely for mining opal.
- Mining Purposes Leases and Mining Leases used for opal puddling.
- Permissive occupancies for gravel extraction

### Mining camps within the proposed 'SP1 Special Activities – Mining' zone

The draft LEP 2012 proposes two alternatives for mining camp dwellings within the proposed 'SP1 Special Activities – Mining' zones, as follows:

- Option 1 – Enable dwellings to be built and rebuilt only on existing 'mineral claim' sites (item 1 in Schedule 1) that have been mapped and identified by green shading on the six draft LEP 2012 maps labelled APU\_001A, APU\_002A, APU\_002B, APU\_004A, APU\_004AA and APU\_004AB. The mapped areas include all current residential Mineral Claims, Western Lands Leases for residential purposes and Mining Leases [also Mining Purposes Leases].

OR,

- Option 1A – Enable dwellings to be built and rebuilt on existing and new 'mineral claim' sites within the proposed SP1 Special Activities – Mining zone. The zone is shown on the six draft LEP 2012 maps labelled LZN\_001A, LZN\_002A, LZN\_002B, LZN\_004A, LZN\_004AA and LZN\_004AB.

Option 1 and 1A are contained in Schedule 1 of the draft LEP 2012 document.

Walgett Shire Council encourages the public to make submissions regarding the draft LEP 2012 including whether option 1 or 1A is the appropriate method for dealing with dwellings in the proposed 'SP1 Special Activities – mining' zones. It will be helpful for Council if people making submissions include reasons why one option is regarded as better than the other.

### Where can I find further information regarding the Draft LEP 2012?

For further information, go to the Council's website at [www.walgett.nsw.gov.au](http://www.walgett.nsw.gov.au) to find the Draft LEP 2012, supporting maps and other relevant information.

Hard copies of the Draft LEP 2012 and supporting information will be available for public inspection at:

- Walgett – Council Office at 77 Fox Street.
- Lightning Ridge – Library at 51 Pandora St.
- Collarenebri – Council office at Wilson St.
- Burren Junction – service station at 22 Alma St.
- Carinda – store at 17 Colin St.
- Rowena – store at 7 Rowena St.
- Grawin, Glengarry Sheeppark – GGSMA office, Glengarry opal field.

You can also speak directly to Council's Town Planner, Matt Clarkson, by telephoning (02) 6828 6129.

## **22. DEVELOPMENT APPLICATION, RURAL SUBDIVISION**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Director of Planning & Regulatory Services, Matthew Goodwin  
**FILE NUMBER:** DA2011/034

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### **Summary**

Council deferred making a determination on Development Application 2011/034 at a meeting held on 27 March 2012, pending the receipt of legal advice. That advice has been received and recommended conditions of development consent prepared in the event that Council wishes to approve the application. It is recommended that the application be refused for various reasons.

### **Background**

This report contains legal advice that would be privileged from production in legal proceedings on the grounds of legal professional privilege. In that context it is recommended that the report be considered by Council in the closed portion of the Council meeting under subsection 10A(2)(g) of the Local Government Act 1993.

Walgett Shire Council has received a Development Application from Graham Lees for the subdivision of lot 2470, DP 764433 at the end of Borehead Road (Shire Road 45) Lightning Ridge. The application proposes that three rural lots be created.

The Development Application was previously considered by Walgett Shire Council at a meeting held on 6 March 2012 where it resolved to defer consideration of the matter until the meeting schedule for 27 March 2012. The decision to defer the matter was based on a verbal request from the applicant who had indicated they wanted to speak in support of their application at the public forum preceding the Council meeting, but had been prevented from doing so due to medical commitments in Mudgee.

The applicant made representation to Council in relation to his application at a Council Meeting on 27 March 2012. Council then resolved to defer the application pending receipt of legal advice on legal access and conditions that would be recommended if the application were approved.

### **Current position**

A development assessment report has been prepared and is included as Attachment A.

Legal advice from Marsdens Law Group has been prepared and is included as Attachment B. Recommended conditions of development consent have been prepared are included as Attachment C.

The conclusion of the legal advice (page 5) indicates that Council would not need to refuse the development application if the applicant can demonstrate three things, as follows:

- \* Practical & physical vehicular access – All the tracks on adjoining WLL are located on ridge landforms, hence this has been effectively demonstrated already.
- \* Satisfactory legal arrangements will be made for vehicular and pedestrian access when the public road adjoining the lots is flooded – Currently the secondary access to the land is through adjoining Western Lands Leases. This access is permitted via a Western Lands Lease condition which requires the lease holder to permit access through their lease by a third party via a "track in use". It is questionable whether relying on a Western Lands Lease

## WALGETT SHIRE COUNCIL AGENDA

condition, which could be revoked at any time, could be called a “satisfactory legal arrangement”.

- \* A covenant in favour of the Council will be registered on the title to the new lots – If Council wishes to approve the application, then recommended condition of development consent Gen 11 will address this matter.

### Relevant reference documents/policies

- \* Application documents for DA2011/034.
- \* Environmental Planning & Assessment Act 1979.
- \* Environmental Planning & Assessment Regulation 2000.
- \* Interim Development Order Shire of Walgett 1968.
- \* State Environmental Planning Policy (Rural Lands) 2008.
- \* Report from Marsdens Law Group 13 June 2012.
- \* Consent conditions for DA2011/034.

### Governance issues

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

Conditional approval:- As requested by Council at its meeting held on 27 March 2012, draft conditions of development consent have been provided. Conditional approval is not recommended because the application lacks merit from a land use planning perspective. Approving applications without merit is also likely to create expectations within the community that Council will approve similar applications in the future.

Unconditional approval:- Council could give unconditional approval for the Development Application. This approach is not recommended for the above reasons and because it could also result in ambiguity about what Council has approved.

**Conclusion**

**Title of Report: Development Application, Rural Subdivision**

**Recommendation:**

1. Refuse Development Application 2011/034 by Graham Lees on lot 2470 DP 764433 on the basis that the proposal:
  - (a) Involves rural land fragmentation which is likely to have an adverse impact on agriculture by reducing the availability of land for agricultural use.
  - (b) Involves rural land fragmentation which would facilitate conflict between proponents of residential and agricultural land use.
  - (c) Includes access arrangements which are inadequate, because only one of the proposed lots will have direct access to a public road.
  - (d) Includes access arrangements which are inadequate, because the closest public road is periodically inundated by flood water for periods up to a year, or more.
  - (e) Includes a 40 hectare flood prone lot with two dwellings, which could only be used for residential purposes. The land is not suitable for a predominantly residential land use due to flooding and potential land use conflict issues.

**Moved:**

**Seconded:**

**Attachments**

- A – Development Assessment Report – DA2011/034
- B – Report on legal implications of Subdivision from Marsdens Law Group 13 June 2012.
- C – Recommended consent conditions for DA2011/034.

## WALGETT SHIRE COUNCIL AGENDA

### ATTACHMENT A – DEVELOPMENT APPLICATION ASSESSMENT REPORT

#### DEVELOPMENT APPLICATION ASSESSMENT REPORT

##### APPLICATION DETAILS

|                          |                                                                                           |                      |              |
|--------------------------|-------------------------------------------------------------------------------------------|----------------------|--------------|
| Application number       | 2011/034                                                                                  | Lodgement date       | 7/11/2011    |
| Application is for       | Rural subdivision                                                                         | Value of development | N/A          |
| Land address             | Borehead Rd.                                                                              | Lot/sec/DP           | 2470//764433 |
| Applicant name           | Graham Lees                                                                               | Ass                  | 28373        |
| Owner name               | Graham John Lees & Peter John Brusaschi.                                                  |                      |              |
| Land zoning              | 1. Non-Urban (a)                                                                          |                      |              |
| Current use /development | Dwelling, grazing, cropping.                                                              |                      |              |
| Assessment report author | Town Planner, Matt Clarkson, and Director Planning & Regulatory Services, Matthew Goodwin |                      |              |
| Statutory days           | Deemed refusal after 40 days (Cl. 113 EPAR2000)                                           |                      |              |

##### PROPOSAL

Subdivision to create three lots with areas of 40, 80 and 1110 hectares.

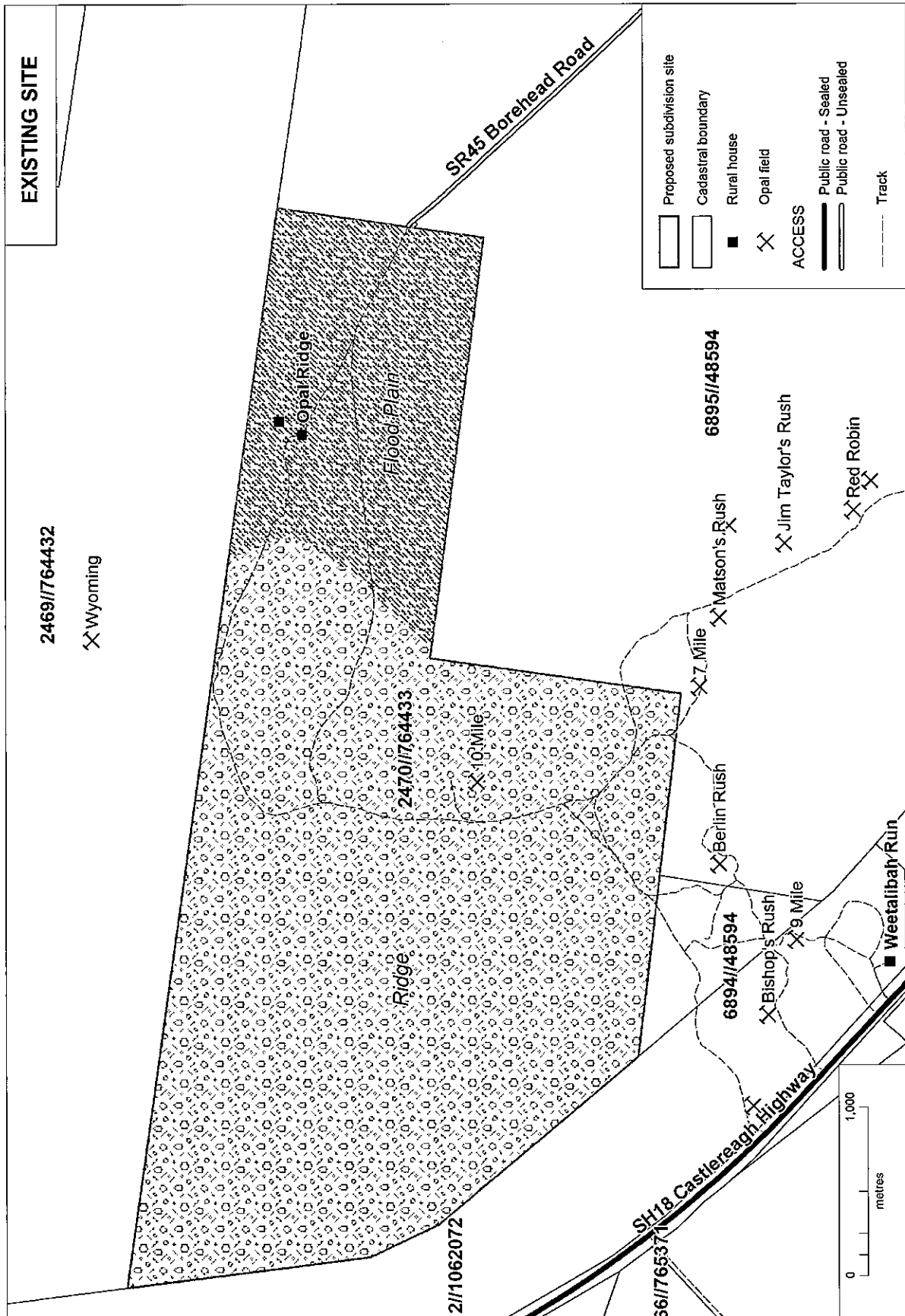
##### SUBJECT SITE AND LOCALITY

An inspection of the site and surrounding area was undertaken on 15/11/2011 by Matt Clarkson.

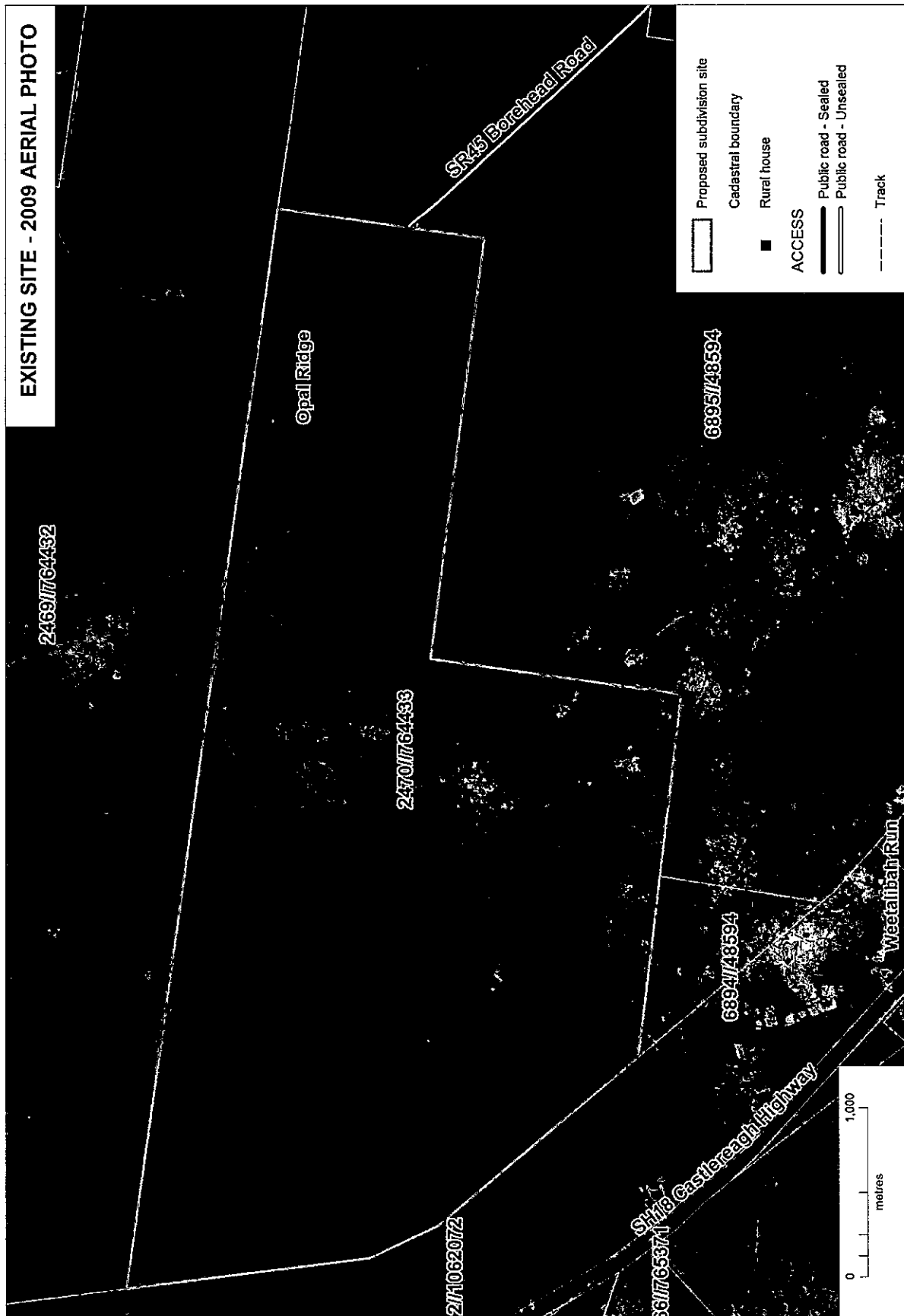
The site has a total area of 1230 hectares and is used for grazing and cropping. It has two completed dwellings and various sheds associated with agricultural production.

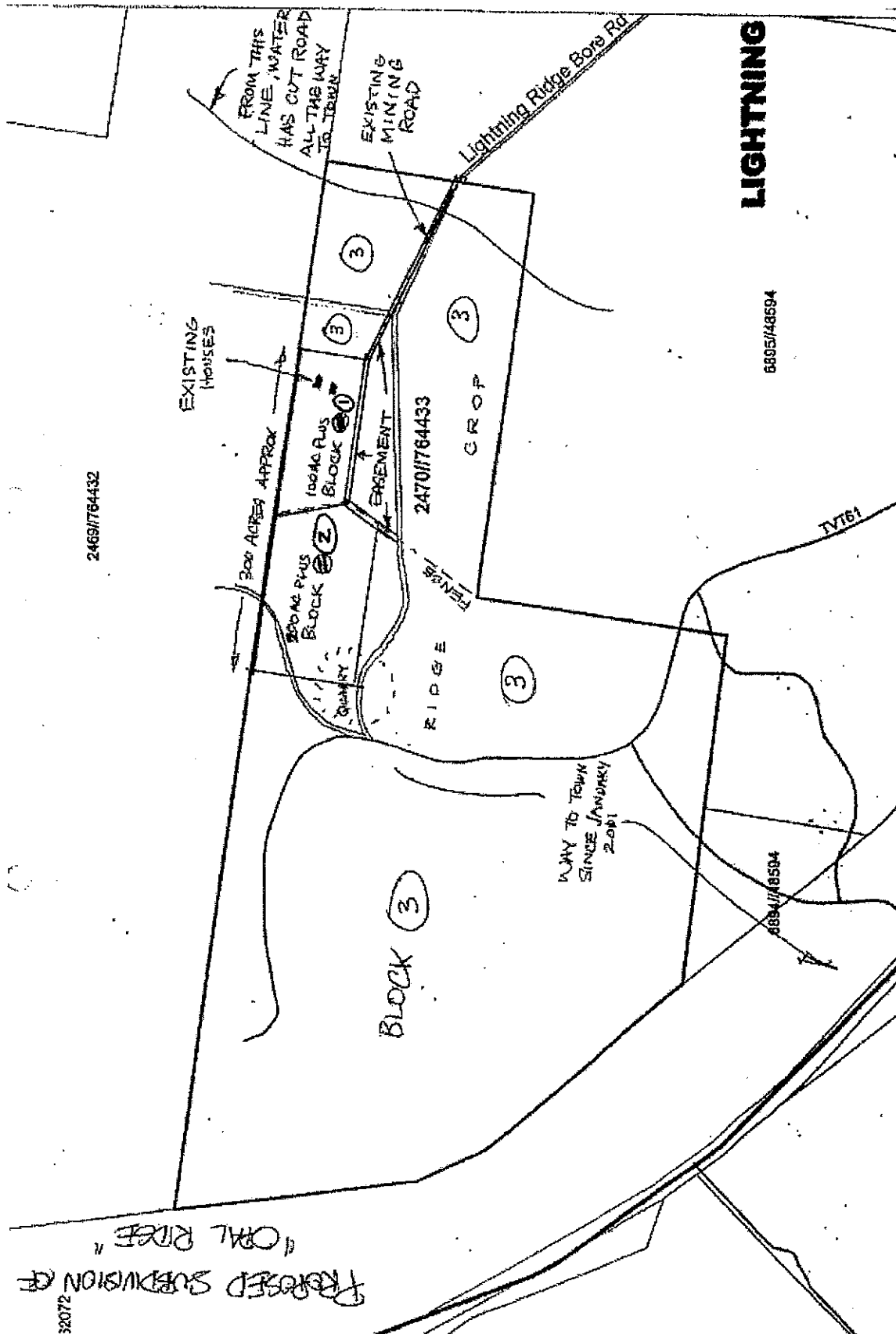
Opal mining and gravel extraction is also undertaken on the land by third parties. Similar uses occur on surrounding land, as shown in the aerial photograph below.

The dwellings are located on a flood plain as shown in the site plan and aerial photograph below.









**LIGHTNING**

6895/148594

6895/148594

TV761

32072

## WALGETT SHIRE COUNCIL AGENDA

### DEVELOPMENT APPLICATION AND SITE HISTORY

**Previous consents:**

None found.

**Previous use/development:**

Grazing, cropping, mining, gravel extraction for more than 20 years.

**Previous enforcement action:**

None known.

### REFERRALS

| REFERRALS/NOTICE                     | ADVICE / RESPONSE / CONDITIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NSW Department of Primary Industries | <p>Flood water periodically cuts off vehicle access to the land via Shire Road 45 Borehead Road for up to a year, or more. In that context a query was raised by Council staff with DPI (Catchment &amp; Lands) regarding whether legal access was possible via the Castlereagh Highway through adjoining lot 6894, DP 48594 and lot 2, DP 1062072 which are also held under a Western Lands Lease (WLL).</p> <p>In a response e-mail dated 10-11-2011 (Trim record DA2011/034/0011) the DPI advised that the only legal access to the property or a subsequent subdivision would remain Borehead Rd Lightning Ridge. Also that the "access currently being used by the lessees" "is a "Track In Use" which allows the leaseholders to use the track by virtue of a condition within the lease".</p> |

### SECTION 79C EVALUATION

Consideration of the matters prescribed by section 79C are summarised below.

**79C(1)(a)(i) the provisions of any environmental planning instrument**

| Applicable Clauses                                     |                                                                                                                         | Compliance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| State Environmental Planning Policies (SEPPs)          |                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| State Environmental Planning Policy (Rural Lands) 2008 | 8(a) the minimisation of rural land fragmentation.                                                                      | Non-compliant. The proposed subdivision would result in the fragmentation of rural land with no significant positive agricultural outcomes.                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                        | 8(b) the minimisation of rural land use conflicts, particularly between residential land uses and other rural land uses | <p>Non-compliant. The proposed subdivision includes a 40 and 80 hectare lot which will not be viable for any significant agricultural activity, hence the primary use of those lots is likely be residential. Both lots will include and adjoin areas that have a history of broad acre cereal cropping and grazing.</p> <p>Cropping can generate dust, herbicide drift and noise for significant periods, hence there is significant potential for conflict between future proponents of residential and agricultural land use in this context where there will be minimal separation between uses.</p> |

# **WALGETT SHIRE COUNCIL AGENDA**

|                                                                       | Applicable Clauses                                                                                                                                                                                                                                                | Compliance                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                       | 8(d) the consideration of the natural and physical constraints and opportunities of land                                                                                                                                                                          | Non-compliant. Virtually all of the proposed 40 hectare lot is located on flood plain. Flood water can remain on parts of this flood plain for more than a year at a time.                                                                                                                                         |
|                                                                       | 8(e) ensuring that planning for dwelling opportunities takes account of those constraints                                                                                                                                                                         | Non-compliant. Approval of the subdivision would create new dwelling opportunities in a context where: <ul style="list-style-type: none"> <li>• Cropping and grazing land would be fragmented.</li> <li>• There is a significant risk of land use conflict.</li> <li>• Some of the land is flood prone.</li> </ul> |
| <b>Regional Environmental Planning Policies (deemed SEPPs)</b>        |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                    |
| Nil                                                                   | Nil                                                                                                                                                                                                                                                               | N/A                                                                                                                                                                                                                                                                                                                |
| <b>Local Environmental Plans (LEPs)</b>                               |                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                    |
| Interim Development Order No 1 – Shire of Walgett 1968 (a deemed LEP) | Clause 3 and the zoning table.                                                                                                                                                                                                                                    | The proposed land use requires development consent.                                                                                                                                                                                                                                                                |
|                                                                       | Clause 5 of the Model Provisions for the IDO require Council to consider: <ul style="list-style-type: none"> <li>• Character of the development &amp; locality.</li> <li>• Size &amp; shape of land, siting &amp; area of development.</li> <li>• Etc.</li> </ul> | These matters are effectively addressed under the assessment under section 79C of the Act below.                                                                                                                                                                                                                   |
|                                                                       | Clause 11 of the IDO requires that land within Zone No.1(a) or 1(b) not be subdivided where: each separate allotment to be created thereby has an area of not less than 40 hectares.                                                                              | This clause does not apply to land under the management and control of the Western Lands Commissioner.                                                                                                                                                                                                             |

## **79C(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.       |

## **79C(1)(a)(iii) any development control plan**

Not applicable. There are no current Development Control Plans in Walgett Shire.

## WALGETT SHIRE COUNCIL AGENDA

### 79C(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                 | N/A - No rebuilding, alteration, enlargement or extension of an existing building proposed. |
| 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 a residential development.                                                        |

### 79C(1)(b) the likely impacts of that development

| Likely impacts                                  | Acceptable impact or steps taken to mitigate impact discussed in the "Assessment – Key Issues" section of the report |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| Fragmentation of rural land & land use conflict | See analysis in the 'Assessment – key issues' section.                                                               |
| Vehicle access                                  | See analysis in the 'Assessment – key issues' section.                                                               |
| Mineral resource sterilisation                  | See analysis in the 'Assessment – key issues' section.                                                               |

### 79C(1)(c) the suitability of the site for the development

|                                                       | Summary of site suitability issues                                                                                                                                                                                           |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Does the development fit into the locality            | No. Proposed use is effectively likely to be residential, which is inconsistent with the dominant existing agricultural land use.                                                                                            |
| Are the site attributes conducive for the development | No. The proposed lots will not have ongoing direct access to a public road and there are significant potentially adverse impacts on rural land use, as noted previously. Significant parts of the land are also flood prone. |

### 79C(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.

## WALGETT SHIRE COUNCIL AGENDA

### 79C(1)(e) the public interest

|                                              | Summary of any detrimental impacts                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Federal, state or local government interests | None known or expected.                                                                                                                                                                                                                                                                                                                  |
| Community interests                          | Creation of additional lots in this location may require additional utilisation of emergency services during flood events, especially the SES which is predominantly staffed by volunteers. Any action which exacerbates demands on these resources during crisis periods presents as an unreasonable opportunity cost to the community. |

### **SECTION 79BA EVALUATION**

Development consent cannot be granted for the carrying out of development for any purpose (other than a subdivision of land that could lawfully be used for residential or rural residential purposes or development for a special fire protection purpose) on bush fire prone land unless the consent authority is satisfied that the development conforms to the specifications and requirements of the document entitled Planning for Bush Fire Protection published in 2006 by the NSW Rural Fire Service.

Parts of the land have been mapped as bush fire prone by the NSW Rural Fire Service but the existing two dwellings are located more than 1.5km away from bush fire prone vegetation. In that context the current proposal complies with the requirements of 'Planning for Bush Fire Protection'.

### **PUBLIC PARTICIPATION**

Public notification was undertaken via letters dated 7 November 2011 to:

- The Lightning Ridge Working Party.
- The Lightning Ridge Precinct Committee.
- Four nearby land owners.

As of 4 January 2012 no submissions have been received regarding the Development Application.

### **ASSESSMENT – KEY ISSUES**

#### **Fragmentation of rural land & land use conflict**

As noted previously, the proposed subdivision does not comply with several of the Rural Subdivision Principles in clause 8 of State Environmental Planning Policy (Rural Lands) 2008.

In summary, the subdivision would create new dwelling opportunities in a context where:

- Cropping and grazing land would be fragmented without significant positive benefits.
- There is a significant risk of land use conflict between proponents of agricultural and residential land use.

In summary, the proposed 40 and 80 hectare lots are quite small, hence they can only be used primarily for residential land use. Fragmentation and land use conflict in this context will have adverse impacts on the existing predominant agricultural land use in the vicinity.

#### **Vehicle access**

Two out of three proposed lots will not have direct access to a public road. The applicant proposed access is via:

- Borehead Road and a new right of way (marked as easement on the proposed plan).

## WALGETT SHIRE COUNCIL AGENDA

- The Castlereagh Highway through adjoining lot 6894, DP 48594 and lot 2, DP 1062072 which are also held under a Western Lands Lease (WLL). This access route would be required during flood events that prevent access via the Borehead Road for 12 months or more.

It is poor planning practice in this context to permit new lots that do not have direct access to a public road.

### Flooding

The two existing dwellings are located on the flood plain were surrounded by flood water and became isolated during the Lightning Ridge record flood event early in 2011. Approval of the subdivision would create:

- One lot that is exclusively composed of flood prone land and has two existing houses.
- Two lots that include significant areas of flood prone land which will have dwelling entitlements.

Given that the proposed lot with two dwellings will be isolated on flood prone land, the primary use of the land could only be described as residential. Permitting subdivision for residential land use on flood prone land would not be in the public interest because it would be likely to compound the demand on emergency services during flood events and the site is not suitable for that land use as the dominant use.

### Mineral resource sterilisation

The ridge country within the development site has been subject to opal mining and exploration, as well as gravel extraction. Although proposed lots 2 and 3 do not currently have any dwellings, the act of subdividing the lots will create a dwelling entitlement for each lot under the provisions of the Interim Development Order No 1 – Shire of Walgett. New dwellings within the ridge country would inevitably reduce future opportunities for exploration and development of any mineral resources in those areas.

### Conclusion

Ultimately the proposed subdivision would create lots with an area of 40, 80 and 1110 hectares in a context where it would be inappropriate.

### RECOMMENDATION

It is recommended that Council refuse the application on the basis that the proposal:

- Involves rural land fragmentation which is likely to have an adverse impact by reducing the availability of land for agricultural use.
- Involves rural land fragmentation which would facilitate conflict between proponents of residential and agricultural land use.
- The site is not suitable because the lots will not have ongoing direct access to a public road in a context where such access is warranted.
- Includes a 40 hectare flood prone lot with two dwellings, which could only be used for residential purposes. The land is not suitable for a predominantly residential land use.

X

 Town Planner

Date 4.1.2012.

## WALGETT SHIRE COUNCIL AGENDA

### INTERNAL REFERRALS

Summary of responses from Council staff referrals, where applicable.

#### SENIOR HEALTH AND BUILDING SURVEYOR

Comments Agree with Planners recommendations

Recommendation Refuse

Signature [Signature] Date 05/01/2012

#### DIRECTOR ENGINEERING SERVICES

Comments NO ACCESS DURING FLOOD

Recommendation Refuse

Signature [Signature] Date 05/01/2012

### REFERRAL

This application is referred to Walgett Shire Council for determination because it is outside of my delegations to refuse an application. It is recommended that Council refuse the application for the reasons stated above.

X [Signature] Director Planning & Regulatory Services Date 9.1.2012



# WALGETT SHIRE COUNCIL AGENDA

## ATTACHMENT B –REPORT FROM MARSDENS LAW GROUP 13 JUNE 2012.



**Our Ref:** 58 35 8844:tb  
**Contact:** Adam Seton  
**Contact Tel:** 4626 5077  
**Contact Email:** aseton@marsdens.net.au

**Your Ref:** Matt Goodwin

The General Manager  
Walgett Shire Council  
PO Box 31  
WALGETT NSW 2832

13 June 2012

Dear General Manager,

**Re: Development Application for rural subdivision and vehicle access**

We refer to the emails received from Matt Goodwin of Council dated 20 April and 1 May 2012 concerning a development application that has been made for subdivision of land in circumstances where vehicular access is via a public road which may be inundated by flood water for extended periods and alternative vehicular access is via a track through an adjoining western land lease held by a third party.

Council seeks our advice on the following question:

1. *Would Council be exposed to any significant risk of legal action from current or future land holders of the development site if it was to approve the development application for the subdivision of land when it knows that:*

- *Direct public road access for vehicles is intermittent, and;*
- *The alternative road access is not assured via a public road or an easement?*

**Background**

We are instructed that Walgett Shire Council is currently considering a development application that has been made to subdivide land that is within a Non – Urban Zone under the provisions of Interim Development Order No.1 – Shire of Walgett ("IDO 1") in circumstances where:

- Primary vehicle access is via a public road which is intermittently inundated by flood water for periods up to a year or more and the flood water renders the road completely impassable by vehicles whilst it is flooded because it is an unsealed road with a clay surface.

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AGENTS IN VICTORIA, QUEENSLAND AND AUSTRALIAN CAPITAL TERRITORY

ABN 59 874 202 316

All correspondence to  
PO Box 291  
Campbelltown NSW 2560  
DX 5107 Campbelltown

[www.marsdens.net.au](http://www.marsdens.net.au)  
[email@marsdens.net.au](mailto:email@marsdens.net.au)

**Partners**  
J H Marsden  
J B Adam  
K J Searle  
A I Percival  
A J Seton  
D R Baird  
P J Crittenden  
T C Reave  
G P Butterfield  
J Bonura  
E M White  
J T Henshaw  
J J Tunks  
N M Youssef  
J R Thornton  
**Consultant**  
R H Norwood  
**Senior Associates**  
P D Hudson  
**Associates**  
D A Vardy  
T M Danjoux  
E Macfarlane  
U Parente  
A L Johnson  
R Lachman  
J A McCullin  
L McGookin

**Campbelltown**  
T: 02 4626 5077  
F: 02 4626 4826

**Camden**  
T: 02 4655 7121  
F: 02 4626 4826

**Sydney**  
T: 02 9233 1133  
F: 02 4626 4826

**Liverpool**  
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F: 02 4626 4826

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## WALGETT SHIRE COUNCIL AGENDA

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Re: Development Application for rural subdivision and vehicle access

13 June 2012

- Secondary vehicle access is via a track (not a public road) through an adjoining Western Lands Lease (WLL) held by a third party where the lease includes a condition which enables other parties to travel through the WLL.

### Advice

There is nothing in the Environmental Planning and Assessment Act 1979 ("EP&A Act") or IDO 1 that prohibits a development application from being made for the subdivision of land into lots which would have no lawful physical means of vehicular access to and from an adjoining public road for extended periods during certain flood events.

However, if the lots are intended to be created and used for purposes that would involve a need to be accessed by vehicles it is usually necessary to demonstrate that practical and lawful access is or will be made available before any approval is granted. In the context of access to a site during flood events the NSW Government Floodplain Development Manual (April 2005) relevantly states:

In section J2.1.2:

#### *"(a) Access to the Site During Flood Events*

*This issue needs to be addressed in the assessment of suitability of or the capacity of the site for development, as part of the management study, and later in sub-division and building design. It relies on the ability to predict flooding and warn residents of the need to evacuate during a flood event. Local topography and flood behaviour must be considered in developing requirements and controls. A requirement might be that vehicular access is available from some or all of the floodplain until the flood waters reach a particular level, and that pedestrian access is available until the flood waters reach some other particular level."*

In section J2.5 under the heading Flood Access:

*"In the more usual situation, in which complete isolation during a flood is not acceptable, an access route which is closed in small or large floods may be acceptable, if there is an alternative route available. The alternative route may have significantly lower traffic capacity, but should allow large vehicles through. Hence it should not have extremely steep gradients, tight bends or bridges with load limits.*

*Access during flood events is not only by roads. In dealing with existing areas of development consideration should be given to where boats can be launched or berthed in quiet floodwaters. Planning should consider where helicopters can safely land and what rail services are likely to*

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**Re: Development Application for rural subdivision and vehicle access**

**13 June 2012**

*be available or unavailable in flood time. Such forms of assisted evacuation should not be relied on as a means of facilitating new development where alternative land is available."*

In section L6.8 under the heading "Effective Flood Access":

*"The availability of effective access routes from flood prone areas and developments can directly influence personal danger and potential damage reduction measures. Effective access means an exit route that remains trafficable for sufficient time to evacuate people and possessions, or any other appropriate boat-based or air-based means of evacuation.*

*Access is generally divided into two categories, pedestrian and vehicular. The provision of road access that is trafficable in all weathers will assist in reducing the flood hazard and enhance the effectiveness of emergency services. Pedestrian access is far less effective due to problems with moving the aged, children and disabled.*

*It is essential that the consideration of access routes extend beyond the FPL. For example, in potentially hazardous developments, (such as isolated high spots of land and canal subdivisions which can become inundated in floods larger than the event used to derive the FPL), provision should at least be made for access routes in extreme flood events. Access routes do not have to be above the PMF level but be at a level of flood protection that, in combination with effective warning time, development type and flood duration, provides adequate time for evacuation and reduces risk to acceptable levels. Without such access, the risk to personal safety of the entrapped and their rescuers may be unacceptable.*

*Further, care should be taken to evaluate the suitability of proposed evacuation routes and measures under a rare flood event, possibly the probable maximum flood (PMF) event."*

In the case of *Huntington & Macgillivray v Hurstville City Council & Ors [No 2] [2005] NSWLEC 155* (20 May 2005) a development application had been lodged with the Council seeking development consent for the demolition of existing buildings and the erection of two new buildings, consisting of 24 two bedroom units and three shops. Part of the land proposed to be developed had no legal access. Justice Pain of the Land and Environment Court relevantly said:

*"22. This case highlights however the potential problem for an applicant in doing so when the matter comes before the Court for a merit determination if the development does not have legal access to neighbouring land, as is the case with Lot 31 in relation to Lot A. While the development application is legally made it may well be doomed to fail on the merits if there is no legal access. Nor am I convinced that such a matter is appropriate for a deferred commencement condition. In *Hillpalm Lloyd J* considered that there was a means of gaining legal access by way of a right of way across the neighbouring land not included in the*

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## WALGETT SHIRE COUNCIL AGENDA

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**Re: Development Application for rural subdivision and vehicle access**

**13 June 2012**

*application. He did not consider directly the issue of whether and how development consent for the work on the right of way would relate to the development application before him. Nor was he considering the matter on its merits, rather he was dealing with the preliminary issue of whether the development application was valid.*

*23. Where the land not included in a development application relates to the legal access for a development however, the Court, or a council, is arguably unable to grant development consent unless satisfied that legal access can be secured and is satisfactory. In this case I have found that development consent is necessary for the use of Lot A by Lots 31 and 32, albeit for different reasons. The Court cannot be satisfied at present that there is legal access for Lot 31 across Lot A in particular as there is no existing easement which can form the basis for legal access."*

In the present circumstances it is noted that there is a track (not a public road) through an adjoining WLL that would be capable of providing practical and physical vehicular access between the land and a public road at times when the public road immediately adjoining the proposed lots is flooded.

The fact that the public road providing the primary vehicular access to the proposed lots may not be available due to inundation by flood water for periods up to a year does not require the Council to refuse the development application if:

- the track through the adjoining WLL provides or is capable of providing practical and physical vehicular access between the land and a public road at all times when the primary vehicular access to the proposed lots is not be available due to inundation by flood water; and
- satisfactory legal arrangements are made to permit and authorise vehicular and pedestrian access to and from the proposed lots over the track on the adjoining WLL at all times when the public road immediately adjoining the proposed lots is flooded (including arrangements to maintain the track to a suitable standard for vehicular and pedestrian access); and
- a covenant in favour of the Council is registered on the title to the new lots requiring occupation of the lots to cease if the right to such vehicular and pedestrian access ceases.

In another case, *John Hebden v Great Lakes Council NSWLEC No 11274 of 2006* (23 July 2007), there was an appeal to the Land and Environment Court against conditions of consent, relating to access, imposed on a development consent for a dwelling situated on a rural allotment at Coolongolook. The allotment was remote and did not have the benefit of access to a public road. Instead, its access was via an unsealed rural road then via an unnamed trail through the Bachelor State Forest. The deferred commencement consent granted by Council included the following conditions:

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## WALGETT SHIRE COUNCIL AGENDA

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**Re: Development Application for rural subdivision and vehicle access**

**13 June 2012**

*"2a. Submission of documentary evidence of dedication and creation of legal access via the existing formed road known as Mitchells Road to Lot 158 DP 753141, Coolongolook subject to the formed road being upgraded to Council and Rural Fire Service requirements.*

*b. All costs with the construction, upgrading and road opening process are to be borne by the developer at no cost to Council.*

*c. Ongoing maintenance of the road be the responsibility of the landowners."*

Because of the uncertainty in achieving the dedication discussions were undertaken by the parties, which resulted in an agreed condition to cover the access arrangements. The agreed condition of consent required the imposition of an 88E covenant to restrict use of the dwelling unless satisfactory vehicle access to the property was maintained to cover any future contingency that the access trails were no longer available. Commissioner Hussey said:

*"15 I understand that this process has been used satisfactorily in the past for other developments, where legal access was not directly available to the subject property. Under these circumstances, I am satisfied that the agreed conditions of consent are appropriate to make the following consent orders, which includes conditions requiring the internal access roads being maintained to a suitable standard for service vehicles."*

### CONCLUSION

The fact that the public road providing the primary vehicular access to the proposed lots may not be available due to inundation by flood water for periods up to a year would not require the Council to refuse to grant consent to the development application for subdivision if the Applicant can demonstrate that:

- the track through the adjoining WLL provides or is capable of providing practical and physical vehicular access between the land and a public road at all times when the primary vehicular access to the proposed lots is not be available due to inundation by flood water; and
- satisfactory legal arrangements will be made to permit and authorise vehicular and pedestrian access to and from the proposed lots over the track on the adjoining WLL at all times when the public road immediately adjoining the proposed lots is flooded (including arrangements to maintain the track to a suitable standard for vehicular and pedestrian access); and
- a covenant in favour of the Council will be registered on the title to the new lots requiring occupation of the lots to cease if the right to such vehicular and pedestrian access ceases.

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## WALGETT SHIRE COUNCIL AGENDA

6

**Re: Development Application for rural subdivision and vehicle access**

**13 June 2012**

If the Council is satisfied that the provision of the alternate access is practical and reasonably feasible it could impose a deferred commencement condition on the subdivision to the above effect.

It would also be prudent in our view to include a notation on planning certificates issued for the relevant lots under section 149(5) of the EP&A Act to the effect that:

- vehicular access to and from the lot via the adjoining public road may not be available due to inundation of the public road by flood water for periods of up to a year (and possibly longer); and
- any occupation of the lot must cease if the owner of the lot and persons authorised by the owner do not have a legal right to go, pass and repass at all times when the adjoining public road is flooded, with or without animals or vehicles or both, to and from the said lot over the track on the adjoining WLL to and from the public road that adjoins the track.

We trust that the above advice is of assistance and remain available to discuss the advice with you or to provide further advice should the need arise and in that regard, please do not hesitate to contact Adam Seton at our Campbelltown Office.

Yours faithfully

**MARSDENS LAW GROUP**



**A.J. SETON**

**Partner**

***Accredited Specialist Local Govt. & Planning***

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|                                      |
|--------------------------------------|
| <b>CONDITIONS IMPOSED BY COUNCIL</b> |
|--------------------------------------|

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

**CONDITIONS THAT ARE ONGOING REQUIREMENTS**

**GENERAL**

**Gen 10**

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,

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

**Gen 11**

A covenant in favour of the Council must be registered on the titles to the new lots requiring occupation of the lots to cease if the rights to vehicular and pedestrian access through adjoining Western Lands Leases ceases.

*Reason: To formalise on certificate of title the consent condition restrictions applying to the proposed lots.*

**Gen 12**

Any residential occupation of the proposed lots must cease if an owner of a lot and persons authorised by the owner do not have a legal right to go, pass, and repass at all times when Borehead Road is flooded, with or without animals or vehicles or both, to and from the said lot over the track on the adjoining Western Lands Leases to and from the public road that adjoins the track.

*Reason: To ensure that there is no occupation of lots unless there is a legal right of access.*

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

**SUBDIVISION**

**Sub 31**

That three lots are created by the subdivision of Lot 2470, DP 764433, one of about 40 hectares, a second of about 80 hectares, and the third about 1110 hectares.

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

## WALGETT SHIRE COUNCIL AGENDA

### Sub 38

A surveyor's plan must be submitted to Walgett Shire Council prior to the expiry date of this development consent so that the subdivision certificate on the plan can be signed by an authorised officer.

*Reason: The subdivision cannot be registered with the Land Titles Office, and be finalised, until the subdivision certificate on the surveyors plan is signed by an authorised officer of Walgett Shire Council.*

### Sub 39

The subdivision certificate will not be released until development consent conditions under this section (titled "subdivision") have been complied with.

*Reason: To ensure compliance with the terms of the development consent.*

## ADVISORY NOTES – General

### 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.

END.



## **23. MATTERS FOR BRIEF MENTION, PLANNING & REGULATORY SERVICES**

**REPORTING SECTION:** Planning & Regulatory Services  
**AUTHOR:** Matthew Goodwin, Director Planning & Regulatory Services  
**FILE NUMBER:** 10/434

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This report provides notes on items for brief mention, or information only, on more significant matters arising in the Planning & Regulatory Services Division from April to early June 2012.

### **a) DEVELOPMENT APPLICATION FOR WALGETT POLICE STATION – DA2011/017**

The Western Region Joint Regional Panel made a determination to approve Development Application 2011/017 for the Walgett Police station redevelopment on 29 May 2012. A condition of development consent has been imposed with the agreement of the applicant (as is required for any proposed condition on a Crown development application), as follows:

#### **Acc 305.**

That the developer undertakes an upgrade of Dundas St so that the following outcomes are achieved:

- (a) Kerbing and guttering is established along both sides of Dundas St, from Pitt St to the south eastern corner of lot 17, section 15, deposited plan 759036.
- (b) A footpath is established along the northern side of the street to the south eastern corner of lot 17, section 15, deposited plan 759036.
- (c) Three concrete vehicle crossovers are created to the Police Station site, as per the plans submitted with the Development Application.
- (d) Concrete works are to comply with:
  - Walgett Shire Council Specification, WSC 271 Minor Concrete Works.
  - Standard Drawings – Domestic Driveways – S271-001 and S271-00.
  - Australian Standard 3600 – Concrete structures.
- (e) Any damage to Council infrastructure in the course of undertaking the Dundas St upgrade is repaired at the developer's expense.

*Reason: To ensure that costs associated with the development are born by the proponent and minimise the potential for increased traffic associated with the development to adversely affect Dundas St.*

In the course of negotiating for the applicant's agreement for the imposition of the condition, the General Manager entered into an agreement for Walgett Shire Council to contribute 25% of the cost of upgrading Dundas St, capped at \$25,000 (letter dated 16 May 2012, Trim record DA2011/017/0095).

### **b) DRAFT WALGETT LOCAL ENVIRONMENTAL PLAN 2011**

In accordance with Council's resolution on 22 May 2012, the draft Walgett Local Environmental Plan 2011 (LEP) has been amended to include two options for mining camps within the SP1 Special activities – mining zone, one option permitting mining camps only on existing mining camp sites and the other permitting mining camps anywhere within the zone.

At the time this report was written (13-6-2012), the Department of Planning and Infrastructure indicated that it was on the verge of issuing a revised section 65 certificate to enable the LEP to be publicly exhibited.

### **c) DRAFT DEVELOPMENT CONTROL PLAN**

## WALGETT SHIRE COUNCIL AGENDA

Quotes have been sought from Edge Land Planning and GHD for the preparation of a draft Development Control Plan (DCP) for the Walgett Shire, in conjunction with the LEP development process. These firms have prepared practical DCPs for rural Councils within a similar development context to Walgett Shire.

A DCP is a detailed guideline that illustrates the controls that apply to development in a particular zone. The DCP refines or supplements an LEP and is established under Part 3, Division 6 of the Environmental Planning and Assessment Act 1979.

### d) DISTRICT COURT APPEAL

Council's Director Planning & Regulatory Services appeared as a witness on behalf of Walgett Shire Council in a matter where an individual had appealed to the District Court at Coonamble against an infringement issued for undertaking development without consent. The individual had sold fruit and vegetables from private land without approval in a situation where development consent was required. They had effectively ignored a verbal warning to cease their activities, prior to being issued with the fine. The District Court determined that the offence had occurred but chose not to record a conviction or to impose a fine.

### e) GIS COORDINATOR

Council's GIS Coordinator is currently working on a project to digitally map all Council's stormwater assets. Existing hard copy mapping appears to be at least 20 years out of date. The revised digital data will be used by Urban Infrastructure staff to prepare a stormwater asset management plan.

### f) REGULATORY OFFICER

Council's Regulatory Officer has been on leave since 13-12-2011. Ned Kovac has been appointed as a casual regulatory officer. In his first four days of work he has impounded 14 dogs that were seized or surrendered.

### g) SENIOR ENVIRONMENTAL HEALTH & BUILDING SURVEYOR

Council's Senior Environmental Health and Building Surveyor, Andrew Wilson, recently received A2 accreditation with the NSW Building Professionals Board.

| CATEGORY                               | AUTHORITIES                                                                                                                                                                                                                    |
|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1<br>Building Surveying<br>Grade 1    | Issue CDCs, CCs and OCs for all classes and sizes of buildings.<br>Undertake all critical stage inspections.                                                                                                                   |
| A2<br>Building<br>Surveying Grade<br>2 | Issue CDCs, CCs and OCs for:<br>(a) Class 1 & 10 buildings.<br>(b) Class 2 to 9 buildings, maximum 3 storeys and maximum floor area 2,000m <sup>2</sup> .<br>Undertake critical stage inspections associated with (a) and (b). |
| A3<br>Building Surveying<br>Grade 3    | Issue CDCs, CCs and OCs for class 1 & 10 buildings and undertake critical stage inspections for those classes of buildings.                                                                                                    |
| A4<br>Building Inspector               | Inspections, apart from last critical stage inspection, of:<br>(a) Class 1 & 10 buildings.<br>(b) Class 2 to 9 buildings, maximum 2 storeys and maximum floor area 500m <sup>2</sup> .                                         |

Note: CDC – Complying Development Certificate  
CC – Construction Certificate  
OC – Occupation Certificate

## WALGETT SHIRE COUNCIL AGENDA

|                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------|
| <b>Title of Report: Matters Generally for Brief Mention or Information only from<br/>Director of Planning &amp; Regulatory Services</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------|

**Recommendation:**

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

**Moved:**

**Seconded:**

Attachments:

Nil

**24. MATTERS GENERALLY FOR BRIEF MENTION OR INFORMATION  
FROM DIRECTOR URBAN INFRASTRUCTURE SERVICES**

**REPORTING SECTION:** Urban Infrastructure Services  
**AUTHOR:** Siegfredo Coralde – Director Urban Infrastructure Services  
**FILE NUMBER:** 10/585

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1. **Round 3 Regional Infrastructure Projects.** Reported as complete to Federal Government on 24 May 2012. The exception being a revised project "Lightning Ridge Netball Courts Resurfacing".
2. **Water and Sewerage Valuation.** Valuation Report will be completed before the 30 June 2012 deadline in accordance with the DLG Circular 12-09 dated 24 April 2012 reminding all Councils to complete their Fair Valuations on Water and Sewer Asset Class. This report will be ready for Council Auditors in July 2012.
3. **Walgett Swimming Leakage Problem.** The repair was completed last month. Assessment of providing proof sealing is currently being carried out. Assessment of Carinda and Collarenebri Swimming Pools is also in progress.
4. **Water Readings.** Two pre-determined readings completed. Data are now being used in water pricing models.
5. **Collarenebri Water Treatment Plant.** This plant is currently under examination due to its old age where the provision of adequate and quality water for the community is necessary. A report will be provided to Council regarding this investigation.

|                                                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------|
| <b>Title of Report: Matters Generally for Brief Mention or Information only from<br/>Director Urban Infrastructure Services</b> |
|---------------------------------------------------------------------------------------------------------------------------------|

|                        |
|------------------------|
| <b>Recommendation:</b> |
|------------------------|

- |                                                                                                                                                                                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"><li>1. That the matters listed by the Director Urban Infrastructure Services for brief mention or information only be received and noted.</li></ol> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|               |
|---------------|
| <b>Moved:</b> |
|---------------|

|                  |
|------------------|
| <b>Seconded:</b> |
|------------------|

## 25. MONTHLY FLOOD WORKS REPORT FROM DIRECTOR ENGINEERING SERVICES – JUNE 2012

REPORTING SECTION: Engineering Services

AUTHOR: Raju Ranjit – Director Engineering Services

FILE NUMBER: 11/211

### Summary

The purpose of this report is to inform Council of progress relating to the December 2010 flood works in the period since the last report was prepared in late May 2012.

### Background

RTA – Flood work programs

#### A. Shire Roads

| Item No | Description of Works | Amount to be contributed by RTA | Amount to be contributed by Council | Total to date 4-11-2011 | % Budget used | Completed Y/N |
|---------|----------------------|---------------------------------|-------------------------------------|-------------------------|---------------|---------------|
| SR5     | Croyon Rd            | \$40,956                        | \$9,700                             | \$40,881.57             | 105.43        | Y             |
| SR7     | Pampas Rd            | \$21,696                        |                                     | \$21,696                | 100           | Y             |
| SR17    | Tareela Lane         | \$27,050                        |                                     | \$27,050.00             | 100           | Y             |
| SR19    | Springs Rd           | \$6,149                         |                                     | \$6,149.00              | 100           | Y             |
| SR21    | Meadow Plains Rd     | \$69,216                        |                                     | \$72,070.54             | 104           | Y             |
| SR24    | Marlbone Rd          | \$23,134                        |                                     | \$23,134.00             | 100           | Y             |
| SR25    | Wombo Lane           | \$23,462                        |                                     | \$3,640.00              | 100           | Y             |
| SR26    | Hardies Lease Rd     | \$7,313                         |                                     | \$7,313.00              | 100           | N             |
| SR27    | Colrose Road         | \$17,217                        |                                     | \$17,217.00             | 100           | N             |
| SR28    | Wingadee Rd          | \$3,850                         |                                     | \$7,350.00              | 190           | Y             |
| SR30    | Nilma Rd             | \$3,041                         |                                     | \$3,041.00              | 67.89         | Y             |
| SR31    | Gungalman Rd         | \$48,888                        | \$9,700                             | \$32,020.33             | 100           | Y             |
| SR38    | Wanourie Ck Rd       | \$3,663                         |                                     | \$3,663.00              | 100           | Y             |
| SR40    | Ginghet Rd           | \$57,936                        |                                     | \$53,305.48             | 92.01         | Y             |
| SR43    | Bushs Rd             | \$25,434                        |                                     | \$27,124.17             | 106.65        | Y             |
| SR45    | Borehead Rd          | \$4,620                         |                                     | \$4,620.00              | 100           | Y             |
| SR46    | Bonanza Rd           | \$14,971                        |                                     | \$14,971.00             | 100           | Y             |
| SR48    | Boorooma Rd          | \$18,787                        |                                     | \$18,787.00             | 100           | Y             |
| SR51    | Millencowban Rd      | \$17,110                        |                                     | \$17,110.00             | 100           | Y             |
| SR53    | Koomalah Rd          | \$38,175                        |                                     | \$38,175.00             | 100           | Y             |
| SR55    | Burranbaa Rd         | \$8,236                         |                                     | \$8,236.00              | 100           | Y             |
|         |                      |                                 |                                     |                         |               |               |
|         |                      |                                 |                                     |                         |               |               |

**WALGETT SHIRE COUNCIL AGENDA**

| Item No | Description of Works            | Amount to be contributed by RTA | Amount to be contributed by Council | Total to date 4-11-2011 | % Budget used | Completed Y/N |
|---------|---------------------------------|---------------------------------|-------------------------------------|-------------------------|---------------|---------------|
| SR57    | Epping Rd                       | \$12,900                        |                                     | \$12,900.00             | 100           | Y             |
| SR58    | Regans Rd                       | \$7,222                         |                                     | \$7,222.00              | 100           | Y             |
| SR60    | Marra Ck Road                   | \$12,404                        |                                     | \$12,404.00             | 100           | Y             |
| SR64    | Wimbledon Rd                    | \$2,139                         |                                     | \$2,139.00              | 100.00        | Y             |
| SR66    | Perrottets Lane                 | \$27,821                        |                                     | \$27,821.00             | 100           | Y             |
| SR70    | Lone Pine Rd                    | \$27,214                        |                                     | \$27,214.00             | 100           | Y             |
| SR71    | Rossmore Lane                   | \$7,509                         |                                     | \$8,031.80              | 106.96        | Y             |
| SR72    | Middle Route Rd                 | \$2,633                         |                                     | \$2,633.00              | 100           | Y             |
| SR73    | Miralwyn Rd                     | \$28,616                        |                                     | \$28,814.75             | 100.70        | Y             |
| SR75    | Gidginbilla Rd                  | \$31,804                        |                                     | \$31,804.00             | 100           | Y             |
| SR76    | Maroubra Rd                     | \$30,982                        |                                     | \$30,982.00             | 100           | Y             |
| SR77    | Nedgera Rd                      | \$34,522                        |                                     | \$34,522.00             | 100           | Y             |
| SR81    | Mac Masman Rd                   | \$23,818                        |                                     | \$23,818.00             | 100           | Y             |
| SR82    | Prctors Rd                      | \$9,768                         |                                     | \$9,768.00              | 100           | Y             |
| SR83    | Drilool Rd                      | \$15,986                        |                                     | \$15,986.00             | 100           | Y             |
| SR88    | Fabians Rd                      | \$7,913                         |                                     | \$7,913.00              | 100.3         | Y             |
| SR95    | Banarway Crossing Rd            | \$14,497                        |                                     | \$14,497.00             | 100           | Y             |
| SR98    | Lorne Rd                        | \$25,772                        |                                     | \$25,772.00             | 52.90         | Y             |
| SR101   | Wilby Wilby Rd - To Be Assessed | \$500,000                       |                                     | \$104,488.64            | 20.89         | Y             |
| SR102   | Angledool Rd                    | \$35,467                        |                                     | \$13,140.91             | 37.05         | Y             |
| SR103   | Bugilbone Rd                    | \$59,547                        |                                     | \$60,680.17             | 101.91        | Y             |
| SR112   | Brewon Rd                       | \$19,317                        |                                     | \$20,556.31             | 106.42        | Y             |
| SR113   | Binghi Road                     | \$12,296                        |                                     | \$12,296.00             | 100           | Y             |
| SR114   | Bogewong Rd                     | \$31,086                        |                                     | \$31,086.00             | 100           | Y             |
| SR115   | Aberfoyle Rd                    | \$34,542                        |                                     | \$34,542.00             | 100           | Y             |
| SR116   | Goangra Rd                      | \$65,198                        | \$9,600                             | \$66,308.69             | 101.70        | Y             |
| SR117   | Beanbri Rd                      | \$224,562                       |                                     | \$12,125.62             | 5.40          | N             |
| SR118   | Yarralool Rd                    | \$16,007                        |                                     | \$2,857.48              | 1.79          | N             |
| SR119   | Hollywood Lane                  | \$5,454                         |                                     | \$5,454.00              | 100           | Y             |
| SR121   | Pian Ck Road                    | \$92,689                        |                                     | \$92,689.00             | 100           | Y             |
| SR122   | Old Burren Rd                   | \$11,549                        |                                     | \$11,549.00             | 100           | Y             |
| SR124   | Dundee Rd                       | \$16,146                        |                                     | \$1,634.48              | 10.12         | N             |
| SR125   | Glen Eden Rd                    | \$24,651                        |                                     | \$24,459.37             | 100           | Y             |
| SR126   | Purtles Rd                      | \$34,344                        |                                     | \$34,344.00             | 100           | Y             |
| SR128   | Camerons Lane                   | \$21,301                        |                                     | \$21,301.00             | 100           | Y             |
| SR131   | O'neils Rd                      | \$24,515                        |                                     | \$24,515.00             | 100           | Y             |
|         | Emergency Works                 | \$276,717                       | -                                   | \$277,670.87            | 100.34        | Y             |
|         | Council's Contribution          | -\$29,000                       | \$29,000                            | \$0.00                  | 100.00        | Y             |
|         | <b>TOTALS</b>                   | <b>\$2,280,812</b>              | <b>\$29,000</b>                     | <b>\$1,621,549.42</b>   |               |               |

# WALGETT SHIRE COUNCIL AGENDA

## B. Regional Roads

| Item No | Description of Works           | Amount to be contributed by RTA | Total to date 4-11-2011 | % Budget used | Completed Y/N |
|---------|--------------------------------|---------------------------------|-------------------------|---------------|---------------|
| MR329   | Burren - Collarenebri          | \$75,254                        | \$80,364.25             | 107           | Y             |
| MR333   | Walgett - Carinda Road         | \$138,154                       | \$137,910.22            | 100           | Y             |
| MR383   | Pilliga - Coonamble Road       | \$153,139                       | \$176,902.20            | 115.52        | Y             |
| MR402   | Walgett- Cumborah-Lightning Rd | \$33,938                        | \$0.00                  | 0.00          | N             |
| MR426   | Collarenebri To Lightning Road | \$62,023                        | \$17,560.65             | 2831          | N             |
| MR457   | Collarenebri To Mungindi Road  | \$191,180                       | \$165,425.29            | 86.53         | N             |
| MR7716  | Walgett - Pilliga Road         | \$317,780                       | \$298,667.47            | 93.98         | N             |
|         | Emergency Works                | \$82,947                        | \$83,149.54             | 100           | Y             |
|         |                                |                                 |                         |               |               |
|         | <b>TOTALS</b>                  | <b>\$1,054,415</b>              | <b>\$959,979.62</b>     |               |               |

### Current Position

SR101 (Rotten Plain) and SR45 Bore head Road are still under water .Regarding the flood assessment, Council has completed the assessments. Evaluation from RMS is in progress.

### Relevant Reference Documents/Policies

Nil

### Governance issues

Nil

### Environmental issues

Flood water

### Stakeholders

Council and Users

### Financial Implications

WSC Management plan 2011/2012

### Alternative Solutions/Options

Nil

### Conclusion

The December 2010 floor work program will be active until the Feb 2012 flood work program received.

## WALGETT SHIRE COUNCIL AGENDA

|                                                                                                       |
|-------------------------------------------------------------------------------------------------------|
| <b>Title of Report: Monthly flood works Report from Director Engineering Services<br/>– June 2012</b> |
|-------------------------------------------------------------------------------------------------------|

**Recommendation:**

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

**Moved:**

**Seconded:**

**Attachments:**

Nil



## **26. ASSET MANAGEMENT STRATEGY – JUNE 2012**

**REPORTING SECTION:** Engineering Services

**AUTHOR:** Raju Ranjit – Director Engineering Services

**FILE NUMBER:** 09/1724

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### **Summary**

The purpose of this report is to provide the background of the Council Asset Management Strategy and consider its adoption.

### **Background**

The Department of Local Government has introduced a new planning and reporting framework for NSW Local Government. This framework replaces the former Management Plan and Social Plan with an integrated framework. It also includes a requirement to prepare a long term Community Strategic Plan, Delivery Program and Operating Plan.

Underpinning these plans and programs is a resourcing Strategy, which consist of three components:

- A Long Term Financial Plan;
- A workforce Management Strategy; and
- An Asset Management Strategy

An Asset Management Strategy enables Council to demonstrate how our asset portfolio supports the service delivery needs of the community into the future.

### **Current Position:**

An Asset Management Plan has now been drafted with the exception of the Storm Water functional area.

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

I.P & R Legislation

### **Governance issues**

Preparation of Asset Management Plans and Policies are now legislative requirements

### **Environmental issues**

Nil

### **Stakeholders**

Council  
Staff  
State Agencies

## WALGETT SHIRE COUNCIL AGENDA

### Financial Implications

WSC Management plans rely on Asset Management financial data being reliable

### Alternative Solutions/Options

Nil

### Conclusion

The Asset Management Strategy outlines Walgett Shire's current asset management position identifies the desired improvement to asset management practices and will guide Council in achieving and reporting these improvements against identified action plans

| Title of Report: Asset Management Strategy June 2012                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>1. That Council adopt the Asset Management Strategy, as outlined in this report</p> <p><b>Moved:</b></p> <p><b>Seconded:</b></p> |



### Attachments

Draft Walgett Shire Council Asset Management Strategy 2012 (*Circulated under separate cover*)

## 27. MONTHLY REPORT FROM DIRECTOR ENGINEERING SERVICES –JUNE 2012

**REPORTING SECTION:** Engineering Services  
**AUTHOR:** Raju Ranjit – Director Engineering Services  
**FILE NUMBER:** 11/211

### Summary

The purpose of this report is to inform Council of progress and issues relating to Roads and Bridges in the period since the last report was prepared in May 2012.

### Background

1.RMCC – Road Maintenance Council Contract

#### A. State Highways

| Road no. | Road Name                                       | Activities                                                                                                       |                                                                                   |
|----------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| SH12     | Gwydir (Walgett – Collarenebri-Moree)           | Shoulder Grading,<br>Routine patching works<br>routine inspections,<br>signs,<br>guideposts,<br>litters & debris | Continuation of Regular Inspections                                               |
| SH18     | Castlereagh (Coonamble-Walgett-Lightning Ridge) | Shoulder Grading,<br>Routine patching works<br>routine inspections,<br>signs,<br>guideposts<br>litters & debris  | Some Resealing work has been carried out by RMS and regular inspection is ongoing |
| SH29     | Kamilaroi (Narrabri-Walgett-Brewarrina)         | Shoulder Grading,<br>Routine patching works<br>routine inspections,<br>signs,<br>guideposts<br>litters & debris  | Emergency works are on progress                                                   |

## WALGETT SHIRE COUNCIL AGENDA

### B. Regional and Shire Roads

| Road no. | Road Name          | Activities                                    | Comments                                                                                                                 |
|----------|--------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| RR329    | Merrywinebone Road | Flood assessment                              | RMS assessment completed and new work has been scheduled from 25 June 2012                                               |
| RR7716   | Come By Chance     | 5 km sealing work<br>Grading of unsealed road | Works are in progress<br><br>Grading completed<br>Sealing for two km is completed on Wednesday 16 <sup>th</sup> May 2012 |
| SR12     | Millie Road        | Gravelling and grading work                   | Emergency work has been completed                                                                                        |
| SR13     | Clarkes Lane       | Gravelling and grading work                   | Emergency work has been completed                                                                                        |
| SR31     | Gungalman Road     | Grading                                       | In progress                                                                                                              |
| SR64     | Wimbledon Road     | Grading                                       | Grading work has been scheduled                                                                                          |
| SR61     | Cambo Road         | Gravelling in causeway and grading work       | Emergency work has been completed                                                                                        |
| SR5      | Cryon Road         | Sealing work                                  | Flood assessment has been completed and 3 km sealing work is in progress                                                 |
| SR59     | Moomin Road        | Grading                                       | Partly completed (still wet some portion)                                                                                |
| SR115    | Aberfoyle Road     | Grading                                       | Completed / Needed another grading after last rain                                                                       |
| SR116    | Goangra Road       | Grading                                       | Feb 2012 Flood works are in progress                                                                                     |

### **28. FLOOD WORK ASSESSMENT**

The February 2012 Flood assessment by council staff initially and then joint inspection with RMS have been completed. The RMS has approved the schedule of works for Regional and Shire roads as given below.

# WALGETT SHIRE COUNCIL AGENDA

## A. Regional Roads

| S.No | Road no. | Road Name                     | Amount to be contributed by RMS | Comments                          |
|------|----------|-------------------------------|---------------------------------|-----------------------------------|
| 1    | RR329    | Merrywinebone Road            | \$3,822,345                     | Time frame is 18 months           |
| 2    | RR333    | Carinda Road                  | \$552,750                       | For completion                    |
| 3    | RR402    | Gingie / Lianillo Road        | \$495,000                       | Works are in progress- Contractor |
| 4    | RR426    | Shermans Way                  | \$29,000                        |                                   |
| 5    | RR426    | Ridge Road                    | \$55,228                        |                                   |
| 6    | RR457    | Collarenebri To Mungindi Road | \$348,161                       |                                   |
| 7    | RR7716   | Come By Chance                | \$168,578                       |                                   |
|      |          | Emergency Works               | \$173,474                       |                                   |
|      |          | Council's Contribution        | Nil                             |                                   |
|      |          | Sub Total                     | \$5,645,016                     |                                   |

## B. Shire Roads

| S.No | Road no. | Road Name           | Amount to be contributed by RMS | Comments                |
|------|----------|---------------------|---------------------------------|-------------------------|
| 1    | SR1      | Franxton Road       | \$36,769                        | Time frame is 18 months |
| 2    | SR2      | Belarra Lane        | \$106,061                       | for completion          |
| 3    | SR3      | Clarkes Lane        | \$9,885                         |                         |
| 4    | SR5      | Cryon Road          | \$190,907                       |                         |
| 5    | SR12     | Millie Road         | \$143,025                       |                         |
| 6    | SR13     | Woodvale Road       | \$111,256                       |                         |
| 7    | SR14     | Baroona Road        | \$91,346                        |                         |
| 8    | SR15     | Pokataroo Road      | \$50,030                        |                         |
| 9    | SR16     | Mercadool Road      | \$145,698                       |                         |
| 10   | SR19     | Springs Road        | \$3,630                         |                         |
| 11   | SR21     | Meadow Plains Road  | \$17,000                        |                         |
| 12   | SR24     | Marlbone Road       | \$20,716                        |                         |
| 13   | SR27     | Colrose Road        | \$19,456                        |                         |
| 14   | SR28     | Wingadee Road       | \$10,140                        |                         |
| 15   | SR31     | Gungalman Road      | \$39,781                        |                         |
| 16   | SR38     | Wanourie Creek Road | \$18,120                        |                         |
| 17   | SR40     | Ginghet Road        | \$7,061                         |                         |
| 18   | SR43     | Bushs Road          | \$9,846                         |                         |
| 19   | SR45     | Borehead Road       | \$7,914                         |                         |
| 20   | SR48     | Boorooma Creek Road | \$25,252                        |                         |

**WALGETT SHIRE COUNCIL AGENDA**

| S.No | Road no. | Road Name                 | Amount to be contributed by RMS | Comments          |
|------|----------|---------------------------|---------------------------------|-------------------|
| 21   | SR51     | Millencowbah Road         | \$23,400                        |                   |
| 22   | SR52     | Willis Road               | \$6,570                         |                   |
| 23   | SR53     | Koomalah Road             | \$124,044                       |                   |
| 24   | SR57     | Epping Road               | \$50,889                        |                   |
| 25   | SR59     | Moomin Road               | \$60,342                        |                   |
| 26   | SR60     | Marra Creek Road          | \$7,512                         |                   |
| 27   | SR61     | Cambo Road                | \$34,365                        |                   |
| 28   | SR64     | Wimbledon Road            | \$26,028                        |                   |
| 29   | SR67     | Collarenebri Mission Road | \$13,000                        |                   |
| 30   | SR70     | Lone Pine Road            | \$13,980                        |                   |
| 31   | SR71     | Rossmore Lane             | \$8,100                         |                   |
| 32   | SR72     | Middle Route Road         | \$17,496                        |                   |
| 33   | SR73     | Miralwyn Road             | \$10,554                        |                   |
| 34   | SR77     | Nedgera Road              | \$11,009                        |                   |
| 35   | SR79     | Pagan Creek Road          | \$5,916                         |                   |
| 36   | SR85     | Tungra Road               | \$47,510                        |                   |
| 37   | SR88     | Fabians Road              | \$24,990                        |                   |
| 38   | SR89     | Belaba Road               | \$17,007                        |                   |
| 39   | SR90     | Fairview Road             | \$26,436                        |                   |
| 40   | SR95     | Banarway Crossing Road    | \$22,360                        |                   |
| 41   | SR98     | Lorne Road                | \$72,913                        |                   |
| 42   | SR101    | Wilby Wilby Road          | \$530,135                       |                   |
| 43   | SR102    | Angledool Road            | \$244,548                       |                   |
| 44   | SR103    | Bugilbone Road            | \$130,824                       |                   |
| 45   | SR110    | Kurrajong Road            | \$5,040                         |                   |
| 46   | SR111    | Narran Lake Road          | \$20,170                        |                   |
| 47   | SR112    | Brewon Road               | \$72,024                        |                   |
| 48   | SR113    | Binghi Road               | \$13,168                        |                   |
| 49   | SR114    | Bogewong Road             | \$24,378                        |                   |
| 50   | SR115    | Aberfoyle Road            | \$18,266                        |                   |
| 51   | SR116    | Goangra Road              | \$185,711                       | Works in progress |
| 52   | SR117    | Beanbri Road              | \$499,530                       |                   |
| 53   | SR118    | Yarraldool Road           | \$140,365                       |                   |
| 54   | SR121    | Pian Creek Road           | \$156,948                       |                   |
| 55   | SR122    | Old Burren Road           | \$54,015                        |                   |
| 56   | SR123    | Rowena Road               | \$131,288                       |                   |
| 57   | SR124    | Dundee Road               | \$52,470                        |                   |
| 58   | SR125    | Glen Eden Road            | \$145,997                       |                   |
| 59   | SR127    | Boora Road                | \$21,870                        |                   |
| 60   | SR128    | Camerons Lane             | \$36,389                        |                   |
| 61   | SR129    | George Sands Way          | \$131,640                       |                   |
| 62   | SR131    | O'Neils Road              | \$59,754                        |                   |

## WALGETT SHIRE COUNCIL AGENDA

| S.No | Road no. | Road Name                     | Amount to be contributed by RMS | Comments |
|------|----------|-------------------------------|---------------------------------|----------|
| 63   |          | Tip Road                      | \$70,200                        |          |
|      |          | Emergency Works               | \$476,727                       |          |
|      |          | Council's Contribution        | -\$29,000                       |          |
|      |          | Sub Total                     | \$4,880,770                     |          |
|      |          | Total amount for flood damage | \$10,525,786                    |          |

### Current Position

Council has completed all the February 2012 emergency flood works and new work programs have been developed for all remaining flood damage works for 2012/2013 and 2013/2014

### Relevant Reference Documents/Policies

Nil

### Governance issues

Standard Governance / Financial controls will apply to all flood damage programmes.

### Environmental issues

Some environmental issues may need to be assessed where "Betterment Works" may be involved.

### Stakeholders

Council staff, local residents and road users

### Financial Implications

WSC 2012/2013 Management Plan will include provision for works programmes to complete all flood damaged works as soon as practicable.

### Alternative Solutions/Options

Nil

### Conclusion

Council has received an approved schedule of works from RMS for November 2011 and February 2012 Flood events.

**Title of Report: Monthly Report from Director Engineering Services – May 2012**

**Recommendation:**

1. That Council receive and note the monthly road and bridge report which includes as to date information with regards flood damage estimates and RMS funding approvals.

**Moved:**

**Seconded:**

**Attachments**

Nil



***CONFIDENTIAL REPORTS/CLOSED COUNCIL MEETING***

**Questions for the next Meeting**

Councillors are reminded of the need for all questions for the next meeting to be provided in writing at the meeting.