



AGENDA FOR ORDINARY COUNCIL MEETING

TUESDAY, 22 March 2011

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 **Legends room at the Lightning Ridge Bowling Club** on **Tuesday 22 March 2011**, commencing at 10.00am to discuss the items listed in the Agenda.

NOTE: A bus will depart the back of the Council Chambers at 8.30am

Don Ramsland
GENERAL MANAGER

CONFLICT OF INTERESTS

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

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

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

Remoteness

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

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

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

Relatives, Partners

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

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

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

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

No Interest in the Matter

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

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

Disclosure and participation in meetings

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

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

Participation in Meetings despite Pecuniary Interest (S452 Act)

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

Non-Pecuniary Interest – Must be disclosed in meetings.

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

- It may be appropriate that no action be taken where the potential for conflict is minimal. However, Councillors should consider providing an explanation of why they consider a conflict does not exist.
- Limit involvement if practical (eg. Participate in discussion but not in decision making or vice versa). Care needs to be taken when exercising this option.
- Remove the source of the conflict (eg. Relinquishing or divesting the personal interest that creates the conflict)
- Have no involvement by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in S451 of the Local Government Act apply (particularly if you have a significant non-pecuniary interest)

Disclosure to be Recorded (S453 Act)

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

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**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**

*(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**

**8. Reserve Trust Management Committee Reports**

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**11. Presentation of Petitions**

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**13. Reports of Delegates and Representatives**

**14. Reservation of items for Debate**

**15. Reports of Officers**

**GENERAL MANAGER**

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**16. Reports of Committees**

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**19. Close of Meeting**

Apologies

Welcome to Visitors

Declaration of Pecuniary/Non Pecuniary Interests

Confirmation of Minutes



**DRAFT MINUTES FOR  
ORDINARY COUNCIL MEETING**

**TUESDAY, 22 February 2011**

Don Ramsland  
GENERAL MANAGER

WALGETT SHIRE COUNCIL MINUTES

**MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD AT WALGETT COUNCIL CHAMBERS ON TUESDAY 22 FEBRUARY 2011 COMMENCING AT 10:10 AM**

**PRESENT**

Clr I Woodcock (Mayor)  
Clr B Murray (Deputy Mayor)  
Clr L Walford  
Clr R Greenaway  
Clr G Colless  
Clr K Smith  
Clr M Martinez  
Clr D Lane  
Don Ramsland (General Manager)  
Mr M Goodwin (Director, Planning & Regulatory Services)  
Mr F Coralde (Director, Urban Infrastructure Services)  
Mrs J Campbell (Minute Secretary)  
Ms J Brooks (Minute Secretary)

**Welcome to Visitors**

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

**Apologies**

**2/2011/1 Acceptance of Apologies**

**Recommendation:**

1. That apology from Clr Keir be accepted and that a leave of absence be granted for the 22 February Council meeting.

**Moved:** Clr Smith  
**Seconded:** Clr Walford

**CARRIED**

**Public Forum Presentation**

**Megan Duncan – Anglican Church**

Ms Duncan spoke to Council about the Carols by Candlelight event that was scheduled to occur December 2010. She advised that there were many problems that arose of the coordination of this event. Ms Duncan asked if Council could consider holding the event themselves and cover the insurances and the combined churches can still organise the program and the running of the event.

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**Colin McKenzie – President of Walgett Swimming Club**

Mr McKenzie spoke about the loan they received from Council some years ago to build a club house. He also advised that because of not being able to pay the loan back they have been carried over as a bad debtor and would like to rectify that.

He also asked if Council could look into Insurances. He advised that members of the Walgett Swimming club have been advised that they cannot train with ropes in the pool without their trainer present. He also advised that the pool manager said that his insurance does not cover the children training.

**Garry Mattou – Spencer Steer**

Mr Mattou presented a powerpoint presentation on Council 's Audited financial Statements.

**Declaration of Pecuniary/Non Pecuniary Interests**

Clr Smith declared a non pecuniary interest in item 1 - Industrial Relations Commission Hearing, of the closed reports as he is the husband of the staff member involved.

Clr Woodcock declared a non pecuniary interest in item 1 - Industrial Relations Commission Hearing, of the closed reports as he was involved in hearing and is a friend of the staff member involved.

Clr Greenaway declared a non pecuniary interest in item 16 - Community Assistance Scheme Donation as he is a member of Historical Society who have asked for a donation.

**Confirmation of Minutes**

10:41am Clr Lane left the meeting

| 2/2011/2 Confirmation of Minutes of Council Meeting 21 December 2010 |                                                                             |
|----------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <b>Resolution:</b>                                                   |                                                                             |
|                                                                      | That the Minutes of the Council meeting held 21 December 2010 be confirmed. |
| <b>Moved:</b>                                                        | Clr Walford                                                                 |
| <b>Seconded:</b>                                                     | Clr Murray                                                                  |
| <b>CARRIED</b>                                                       |                                                                             |

10:42am Clr Lane returned to the meeting

10:44am Clr Lane left the meeting

10:44am Clr Lane returned to the meeting

WALGETT SHIRE COUNCIL MINUTES

**Reserve Trust Management Committee Reports**

| <b>2/2011/3 Lightning Ridge Reservoir (R89414) Reserve Trust – Licence Fee</b>                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolution:</b></p> <ol style="list-style-type: none"><li>1. That Council authorise the General Manager and Mayor execute the Head License Agreement for the Telecommunications Antennae on the top of the Lightning Ridge Water Tower under the common seal of Council.</li><li>2. That the license fee of \$767.00 per annum be paid from Council's radio and television transmitters' budget.</li></ol> <p><b>Moved:</b> Clr Murray<br/><b>Seconded:</b> Clr Smith</p> <p><b>CARRIED</b></p> |

| <b>2/2011/4 Lightning Ridge Reservoir (R89414) Reserve Trust Management Grant</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <ol style="list-style-type: none"><li>1. That Council accepts the funding of \$2000 per annum from Land and Property Management Authority for the purpose of maintenance of the Water tower ladder and cleaning around the antennae.</li><li>2. That Council authorise the General Manager and Mayor to execute documentation required for the Land &amp; Property Management Grant under the common seal of Council.</li><li>3. That the expenses be paid from the Lightning Ridge Reservoir reserve budget.</li></ol> <p><b>Moved:</b> Clr Colless<br/><b>Seconded:</b> Clr Martinez</p> <p><b>CARRIED</b></p> |

**Mayoral Minutes**

Nil

**Motions of which Notice has been given**

Nil

**Presentation of Petitions**

Nil

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**Councillors Questions with Notice**

**Councillor Smith**

**Question 1:**

1. What are the requirements of patrons when using a public pool with regard to clothing/bathers? Do they need to wear bathers when entering? Do they need to shower before entering

**Response:**

The Director Planning & Regulatory Services advised that Section 5.7 of the 'Public Swimming Pool and Spa Pool Guidelines' published by NSW Health state that:

*An adequate number of showers should be located in the dressing room in positions where patrons have to pass by them before entry to the pool area to encourage pre-showering. Soap should also be provided when possible. Signs should be erected to encourage showering before swimming. Cleaning should be performed daily with disinfection of shower floors and weekly scrubbing to remove soap accumulation.*

Effectively there are no legal requirements for pre-showering or the use of swimmers unless Council has erected signs under section 633 of the Local Government Act 1993 which require people to do these things. Prior to erecting such signs, it would be appropriate for Council to consider the practical issues associated with enforcing the signs.

**Question 2:**

2. How often is the water tested and cleaned as it has been reported that the pool has insects that are affecting swimmers?

**Response:**

The Director Planning & Regulatory Services advised that in addition to any testing done by the pool operator, Planning & Regulatory Services staff submit a microbiological sample each month from the public pools in the Shire to check that effective disinfection practices are being applied.

**Question 3:**

3. What are the rules regarding members of the public using the pool for fitness or competitive training?

**Response:**

The Director Urban Infrastructure services advised that the swimming pool is open to the general public and other approved patrons, including swimming and other clubs. The pool management is under contract and therefore, arrangements can be made through them.

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**Question 4:**

4. Can we have a better program in place for the watering of trees in Collarenebri as we have 12 new trees to go in and they will need lots of water?

**Response:**

The Director Urban Infrastructure services advised that they are currently preparing/amending the 'level of service' provision/s for a shire-wide watering activity . Once completed, will provide a report to Council for information. For the meantime, watering shall be done at least 2 times a week to reduce to once a week after a month.

**Reports of Delegates and Representatives**

Nil

**Reservation of items for Debate**

Nil

**Reports of Officers**

**2/2011/5 Circulars received from the Division of Local Government – February 2011**

**Resolution:**

1. That the information contained in the Departmental circulars 10-32 to 10-34 from the Local Government Division Department of Premier and Cabinet be received and noted.

**Moved:** Clr Lane  
**Seconded:** Clr Colless

**CARRIED**

11.11am Clr Smith left the meeting

**2/2011/6 Circulars received from the NSW Local Government and Shires Association of NSW – February 2011**

**Resolution:**

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

**Moved:** Clr Martinez  
**Seconded:** Clr Murray

**CARRIED**

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**2/2011/7 Council decisions Action Report – 21.12.10**

**Resolution:**

1. That the report be received.

**Moved:** Clr Lane

**Seconded:** Clr Colless

**CARRIED**

11.13am Clr Smith returned to the meeting

**2/2011/8 Monthly Calendar – February 2011**

**Resolution:**

1. That Council receive and note the regular monthly calendar for the period February to April 2011.

**Moved:** Clr Lane

**Seconded:** Clr Smith

**CARRIED**

**2/2011/9 Ordinary Council meetings – Dates and Venues for 2011**

**Resolution:**

1. That the Ordinary Council Meeting scheduled for Tuesday, 26th April, 2011 be moved back to Tuesday 3rd May, 2011 because of the additional public holiday declared for the original date, and the location remain unchanged at Collarenebri.

**Moved:** Clr Smith

**Seconded:** Clr Walford

**CARRIED**

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**2/2011/10 Code of Conduct Committee**

**Resolution:**

1. That Walgett Shire Council resolve to invite expressions of interest for membership of the Conduct Review Committee and/or the persons acting as Sole Conduct Reviewers from appropriately qualified persons of high standing in the community.
2. The initial appointment be for a 12 month period.
3. Council ensure Code of Conduct training is provided at the earliest opportunity to all Reviewers unfamiliar with Council's Code of Conduct.

**Moved:** Clr Lane

**Seconded:** Clr Martinez

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

2/2011/11 Review of Code of Conduct – Personal Benefit

**Resolution:**

1. That, in accordance with the requirements of the Local Government Act 1993 (as amended) Council's Code of Conduct be amended by inserting the following words shown in bold type:

**8 PERSONAL BENEFIT**

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation.

Token gifts, **Gift cards** and benefits

- 8.1 Generally speaking, token gifts, **gift cards** and benefits include:
  - a. free or subsidised meals, beverages or refreshments provided in conjunction with:
    - i) the discussion of official business
    - ii) council work related events such as training, education sessions, workshops
    - iii) conferences
    - iv) council functions or events
    - v) social functions organised by groups, such as council committees and community organisations.
  - b) invitations to and attendance at local social, cultural or sporting events
  - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
  - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.
  - e) Goods, products or services provided to all attendees at a conference/meeting where attendance by an official has been authorised.

Gifts and benefits of value

- 8.2 Notwithstanding clause 8.1, gifts, **gift cards** and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of

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facilities such as gyms, use of holiday homes, free or discounted travel, social tipping contests and the like.

**Gifts and benefits**

8.3 You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts, gift cards or benefits of any kind
- c) accept any gift, gift cards or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift, gift cards or benefit of more than token value
- e) accept an offer of money, regardless of the amount.

8.4 Where you receive a gift, gift cards or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts, gift cards or benefits of more than token value that are received are recorded in a Gifts Register. The gift, gift cards or benefit must be surrendered to council, unless the nature of the gift, gift cards or benefit makes this impractical.

8.5 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, gift cards benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

8.5 (a) "No council official shall accept a gift, gift cards or benefit of any kind, regardless of value, from persons seeking the exercise of a council's decision making discretion or who have sought the exercise of the council's decision making discretion within the previous 12 months".

8.6 No Council official shall accept a gift, gift cards or benefit of any kind, regardless of value, from persons seeking the exercise of a council's decision making discretion or who have sought the exercise of the council's decision making discretion within the previous 12 months.

- 2. That the proposed amendments be placed on public exhibition for 28 Days and public submissions be invited within 42 days.
- 3. That following reviewing any submissions received, Council consider adopting the amended Code of Conduct.

**Moved:** Clr Smith

**Seconded:** Clr Lane

**CARRIED**

**2/2011/12 Matters Generally for Brief Mention or Information only from General Manager – February 2011**

**Resolution:**

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

**Moved:** Clr Murray

**Seconded:** Clr Smith

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

**2/2011/13 Financial recognition of Local Government in the Australian Constitution**

**Resolution:**

Walgett Shire Council declares its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed, and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.

**Moved:** Clr Lane

**Seconded:** Clr Murray

**CARRIED**

**2/2011/13a Old Walgett Medical Centre**

**Resolution:**

That the Mayor and General Manager be authorised to negotiate the lease of the Old Walgett Medical Centre premises on the most favourable terms possible for Council with this to include an option for purchase if appropriate.

**Moved:** Clr Lane

**Seconded:** Clr Murray

**CARRIED**

**2/2011/14 Aboriginal Legal Service – Conflict of Interest Policy: Serious Disruption**

**Resolution:**

1. That Walgett Shire Council resolves to endorse the Aboriginal Legal Service (NSW/ACT) Ltd *Conflict of Interest Policy: Serious Disruption* and a letter offering that support be written to the ALS.

**Moved:** Clr Lane

**Seconded:** Clr Walford

**CARRIED**

**NOTE:** Clr Greenaway requested that it be recorded that he had voted against this motion

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| 2/2011/15 Report on Youth Development and Services – October – December 2010                                                                                                                                                                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolution:</b></p> <p>1. That the quarterly report on Youth Development and Services for the period October 2010 – December 2010 be received and noted.</p> <p><b>Moved:</b> Clr Martinez<br/><b>Seconded:</b> Clr Lane</p> <p><b>CARRIED</b></p> |

| 2/2011/16 Community Development and Tourism Quarterly Report (October – December 2010)                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolution:</b></p> <p>1. That the Community Development and Tourism quarterly report (October– December 2010) be received and noted</p> <p><b>Moved:</b> Clr Lane<br/><b>Seconded:</b> Clr Colless</p> <p><b>CARRIED</b></p> |

| 2/2011/17 Collarenebri Skate Park Shade Shelter – Council Seal Required for Variation to Agreement                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolution:</b></p> <p>That Walgett Shire Council resolve to:</p> <p>1. Authorise the Mayor and General Manager to sign and affix the Council seal to two copies of the Department of Families, Housing, Community Services and Indigenous Affairs <i>Deed of Variation to Standard Funding Agreement</i> for the variation of completion date of the construction of a shade shelter at Collarenebri Skate Park.</p> <p><b>Moved:</b> Clr Smith<br/><b>Seconded:</b> Clr Martinez</p> <p><b>CARRIED</b></p> |

| 2/2011/18 Cash on Hand and Investment Report as at 31 January 2011                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolution:</b></p> <p>1. That the cash on hand and investment report as at 31 January 2011 be received.</p> <p><b>Moved:</b> Clr Colless<br/><b>Seconded:</b> Clr Murray</p> <p><b>CARRIED</b></p> |

WALGETT SHIRE COUNCIL AGENDA

WALGETT SHIRE COUNCIL MINUTES

11.51am Clr Greenaway declared a Non Pecuniary Interest in the following item as he is a member of the Walgett Historical Society who have applied for a donation, and left the meeting

**2/2011/19 Community Assistance Scheme Donations – 2010/2011 Budget**

**Resolution:**

- That Council applies funds for financial assistance under section 356 of the Local Government Act 1993 for the second round of 2010/2011 as follows:

|    | Organisation                                                 | Project                                                                                                          | Request            | Cost of Project / Activity | Recommended        | Beneficiaries                                                                        |
|----|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------|--------------------|--------------------------------------------------------------------------------------|
| 1  | Lightning Ridge & Region Transcultural Community Council Inc | "New Friends" Volunteer Visiting Project Volunteers Week Picnic Day                                              | \$600.00           | \$1,340.00                 | \$600.00           | Local Lightning Ridge Community and other attenders of the Picnic Day                |
| 2  | Lightning Ridge Gymnastics Club                              | Purchase 30 New Team Leotards for clothing pool for competitions in 2011                                         | \$500.00           | \$750.00                   | \$500.00           | Lightning Ridge Gymnastics Club members and low income families                      |
| 3  | Walgett District Historical Society                          | Honour Board Project                                                                                             | \$2,000.00         | \$4,000.00                 | \$1,000.00         | Walgett District Historical Society and the Walgett District Community               |
| 4  | Carinda Diggers Memorial Hall                                | Purchase new crockery for Carinda Hall to replace and upgrade that which has deteriorated over the last 50 years | \$500.00           | \$750.00                   | \$500.00           | Community members who wish to use hall and the Catering facility which they provide. |
| 5  | Lightning Ridge Opal & Fossil Centre                         | Construct Shelves for Gem and Fossil display                                                                     | \$500.00           | \$985.00                   | \$500.00           | Lightning Ridge Opal & Fossil Centre and visitors                                    |
| 6  | Lightning Ridge Arts & Crafts Council Inc                    | Prize Monies for Spring Exhibition                                                                               | \$500.00           | \$500.00                   | \$500.00           | Local Artists and Lightning Ridge Community members                                  |
| 7  | Anglicare - Northern Inland, Moree                           | Monthly Counselling Service at Lightning Ridge to provide for 5 of 12 visits                                     | \$4,500.00         | \$10,800.00                | \$1,000.00         | Lightning Ridge Community members                                                    |
| 8  | St Peter's Anglican Church                                   | Install new Sound System for Service's, Funeral's, Weddings etc. Old system is unreliable                        | \$2,390.94         | \$2,390.94                 | \$1,000.00         | Walgett Anglican Church and Walgett District Community                               |
| 9  | Lightning Ridge Community Radio                              | 15th Birthday Celebrations of Radio Station, Picnic in the Park Event                                            | \$1,000.00         | \$3,000.00                 | \$1,000.00         | Lightning Ridge Community                                                            |
| 10 | Nancy Ghobrial & Daryl Mills - Wildlife Carers               | Rescue and rehabilitate orphaned and injured wildlife                                                            | \$500.00           | \$3,950.00                 | \$500.00           | Walgett Shire Community                                                              |
| 11 | Walgett Community School                                     | Walgett Community College Band to attend MMAD Youth Conference                                                   | \$4,000.00         | \$4,000.00                 | \$200.00           | Walgett Community College Students and the Walgett Shire Community                   |
|    |                                                              | <b>TOTAL:</b>                                                                                                    | <b>\$12,990.94</b> | <b>\$28,465.94</b>         | <b>\$7,300.00</b>  |                                                                                      |
|    | Round 1 Paid and Committed                                   |                                                                                                                  |                    |                            | <b>\$3,490.91</b>  |                                                                                      |
|    | 2010/2011 Budget                                             |                                                                                                                  |                    |                            | <b>\$15,300.00</b> |                                                                                      |
|    | Budget Remaining                                             |                                                                                                                  |                    |                            | <b>\$4,509.09</b>  |                                                                                      |

**Moved:** Clr Colless

**Seconded:** Clr Lane

**CARRIED**

11.51am Clr Greenaway returned to the meeting

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- 11.56am Clr Colless left the meeting  
 11.58am Clr Colless returned to the meeting  
 12.06pm Clr Lane and Clr Smith left the meeting  
 12.09pm Clr Lane returned to the meeting  
 12.10pm Clr Smith returned to the meeting
- 12.11pm Clr Walford left the meeting  
 12.11pm Clr Walford returned to the meeting

**2/2011/20 Quarterly Budget Review as at 31 December 2010**

**Resolution:**

1. That Council note the quarterly budget review for the period to 31 December 2010 and adopt the changes as follows:

Amendments in the General Operational budget:

**Income**

|                                                                        |                         |
|------------------------------------------------------------------------|-------------------------|
| • Reimbursable income for fire protection                              | \$20,000                |
| • Lightning Ridge Reservoir Trust grant                                | \$2,000                 |
| • Fire Hazard Private income                                           | \$15,000                |
| • Admin on-costs to align cost in Waste fund to income in General fund | \$140,680               |
|                                                                        | <b>Total: \$177,680</b> |

**Expense**

|                                                                                         |                       |
|-----------------------------------------------------------------------------------------|-----------------------|
| • Rural salaries and Wages for 2 new engineering staff advertised                       | \$70,000              |
| • Expense for fire protection                                                           | \$20,000              |
| • Radio and Television transmitters (to complete Lightning Ridge Reservoir Trust Grant) | \$2,000               |
| • Saleyard maintenance increase in expense                                              | \$3,000               |
| • Parking expenses reduction in expense                                                 | (\$3000)              |
| • Fire Hazard private income expense                                                    | \$15,000              |
| • Gross Pollutant Trap Maintenance (granted money to be carried forward)                | (\$20,000)            |
| • Community Projects expense reduction                                                  | (\$5,000)             |
| • Community Development Action                                                          | (\$4,557)             |
| • Arts Development reduction in expense                                                 | (\$5,000)             |
| • Walgett Festival project (not carried forward at start of year)                       | \$14,557              |
| • Burren Junction Bore Baths increase in expense                                        | \$20,000              |
| • Parks and Reserves reduction in expense                                               | (\$10,000)            |
| • Sporting fields reduction in expense                                                  | (\$10,000)            |
|                                                                                         | <b>Total \$87,000</b> |

Amendments in the Water, Sewer and Waste funds Operational budget:

**Expense**

|                                                                |                        |
|----------------------------------------------------------------|------------------------|
| • Walgett Sewer administration on-cost re-alignment            | \$104,517              |
| • Lightning Ridge Sewer administration on-cost re-alignment    | \$103,862              |
| • Collarenebri Sewer administration on-cost re-alignment       | \$27,606               |
| • Walgett Water administration on-cost re-alignment            | \$77,776               |
| • Lightning Ridge Water administration on-cost re-alignment    | \$275,355              |
| • Collarenebri administration on-cost re-alignment             | \$39,347               |
| • Walgett charge for water meter software installation         | \$4,950                |
| • Carinda charge for water meter software installation         | \$450                  |
| • Rowena charge for water meter software installation          | \$450                  |
| • Lightning Ridge charge for water meter software installation | \$6,750                |
| • Collarenebri charge for water meter software installation    | \$2,400                |
| • Hazard Waste operations reduction in expense in Waste fund   | (\$16,000)             |
| • Tyre Shredding Operations in Waste fund                      | \$16,000               |
| • Pump station Walgett repairs and maintenance                 | \$10,000               |
| • Treatment works – repairs and maintenance Walgett            | (\$10,000)             |
|                                                                | <b>Total \$643,463</b> |

WALGETT SHIRE COUNCIL MINUTES

|                                                                                       |                         |
|---------------------------------------------------------------------------------------|-------------------------|
| Amendments in the General Fund Capital budget                                         |                         |
| <b>Expense</b>                                                                        |                         |
| • Cubaroo Campdraft electrical box                                                    | (\$1,200)               |
| • Resurface of Lightning Ridge Netball courts                                         | (\$20,000)              |
| • Heating of Lightning Ridge diving pool                                              | (\$16,000)              |
| • Pavers in Wilson Street Collarenebri                                                | (\$15,000)              |
|                                                                                       | <b>Total (\$52,200)</b> |
| Amendments in the Water, Sewer and Waste funds Capital budget                         |                         |
| <b>Expense</b>                                                                        |                         |
| • Water mains replacement program                                                     | \$16,000                |
|                                                                                       | <b>Total \$16,000</b>   |
| 2. And that further information be provided with regards the following expense items: |                         |
| • Regional Roads improvement reduction in expense                                     | (\$70,000)              |
| • Meeting room at Cumborah                                                            | (\$90,000)              |
| • Carinda Tennis courts update                                                        | (\$25,000)              |
| • Collarenebri Tennis courts development of sports area                               | (\$7,000)               |
| • Relocation of play equipment from Lions to Len Cram park                            | (\$2,000)               |
| • Footpath replacement program                                                        | (\$195,000)             |
| <b>Moved:</b> Clr Lane                                                                |                         |
| <b>Seconded:</b> Clr Murray                                                           |                         |
| <b>CARRIED</b>                                                                        |                         |

| 2/2011/21 Delegation of Responsibility to Accept best Quote for Financial Loans                                                                                                                                                                                    |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Resolution:</b>                                                                                                                                                                                                                                                 |  |
| 1. That the Walgett Shire Council resolves to delegate to the General Manager the authority to accept the best quote for the financial loans worth \$600,000 secured, and \$2,000,000 from the Plant Capital Purchase Program to be secured over the General Fund. |  |
| <b>Moved:</b> Clr Colless                                                                                                                                                                                                                                          |  |
| <b>Seconded:</b> Clr Lane                                                                                                                                                                                                                                          |  |
| <b>CARRIED</b>                                                                                                                                                                                                                                                     |  |

12:30pm Council made a presentation to Les Greene for 50 years of service to the Walgett Shire Council.

WALGETT SHIRE COUNCIL MINUTES

**2/2011/22 Development and Complying Development Certificate Applications**

**Resolution:**

1. Note the report on:
  - (a) Development Applications approved under delegated authority by the Director Planning and Regulatory Services, Matthew Goodwin, during December 2010 and January 2011.
  - (b) Complying Development Certificate applications approved by Council's Senior Health and Building Surveyor, Len Smyth, as a Building Professionals Board Accredited Certifier during December 2010 and January 2011.

**Moved:** Clr Martinez

**Seconded:** Clr Walford

**CARRIED**

**2/2011/23 Request for Pet Cemetery, Lightning Ridge**

**Resolution:**

1. Note the letter dated 7-11-2010 from the Lightning Ridge Funeral Advisory Committee which inquired whether Walgett Shire Council is prepared to establish "a pet cemetery for small animals at the Lightning Ridge Cemetery":
2. Respond with a letter which indicates that:
  - (a) Walgett Shire Council has considered the Committee's inquiry regarding the possibility of Council establishing a pet cemetery for small animals at the Lightning Ridge Cemetery.
  - (b) Unfortunately the provision of a pet cemetery is not part of Council's core responsibilities and Council believes that it would be inappropriate to divert resources toward the implementation of such a project.
3. Council would not object to considering the establishment of a commercial undertaking for this purpose.

**Moved:** Clr Colless

**Seconded:** Clr Murray

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

**2/2011/24 Matters Generally for Brief Mention or Information only from Director of Planning & Regulatory Services**

**Resolution:**

1. That the matters listed by the Director of Planning & Regulatory Services for brief mention, or information only, be received and noted.

**Moved:** Clr Lane

**Seconded:** Clr Walford

**CARRIED**

**2/2011/25 Matters Generally for Brief Mention or Information only from Director Urban Infrastructure Services**

**Resolution:**

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

**Moved:** Clr Murray

**Seconded:** Clr Smith

**CARRIED**

1.05pm Adjourned for lunch

1.36 pm Returned from Lunch

**2/2011/26 Higher Mass Limits on Local Roads**

**Resolution:**

1. That Council approve Higher Mass Limits on Cryon Road for a distance of 500 metres from the intersection with the Kamilaroi Highway; and
2. That approval is not granted for Higher Limits on Beanbri Road.
3. That Council consult with the new owners Cargill, with regards an upgrade of the road.

**Moved:** Clr Murray

**Seconded:** Clr Colless

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

| 2/2011/27 Regional Procurement Contracts - Renewal                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolution:</b></p> <ol style="list-style-type: none"><li>1. That Council note the Regional Procurement Contracts.</li></ol> <p><b>Moved:</b> Clr Lane<br/><b>Seconded:</b> Clr Smith</p> <p><b>CARRIED</b></p> |

| 2/2011/28 Rural Road Group and ALGA Local Roads Funding Study                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolution:</b></p> <ol style="list-style-type: none"><li>1. That Council note recent reports on road funding issued by ALGA and the Australian Rural Road Group Inc. and apply this information to its asset management strategies; and</li><li>2. That Council maintain its support for informed lobbying to reform road funding arrangements in Australia.</li></ol> <p><b>Moved:</b> Clr Lane<br/><b>Seconded:</b> Clr Murray</p> <p><b>CARRIED</b></p> |

| 2/2011/29 Matters Generally for Brief Mention or Information only from Director Rural Infrastructure & Support Services                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Resolution:</b></p> <ol style="list-style-type: none"><li>1. That the matters listed by the Director Rural Infrastructure &amp; Support Services for brief mention or information only be received and noted.</li></ol> <p><b>Moved:</b> Clr Colless<br/><b>Seconded:</b> Clr Murray</p> <p><b>CARRIED</b></p> |

**Questions for Next Meeting**

The General Manager reminded Councillors that the new procedure for dealing with Councillors Questions was now in place and that a memo detailing the new process will be forwarded to all Councillors shortly. For this month only Councillors should be allowed to follow the old procedure.

**Clr Murray**

**Question 1:**

In relation to the Carols by candlelight event, is Council going to do something with that?

**Response:**

The General Manager advised that he will bring a report back to Council.

WALGETT SHIRE COUNCIL MINUTES

**Question 2:**

Are the Walgett Bore baths currently in use, or have they been shut down?

**Response:**

The Director Urban Infrastructure Services advised that during this weather they are not opened. He further advised that they are usually opened during winter. He also advised that he will bring a report back to Council.

**Clr Greenaway**

**Question 1:**

What is happening with the Pedestrian crossing at Burren Junction? Last year it was promised to have it fixed before the start of the new school term?

**Response:**

A response will be provided at the next Council Meeting.

**Clr Colless**

**Question 1:**

In relation to the new playground at Apex Park, Is council looking at adding in a new toilet block? At this stage users would have to go into the club or the public toilets on the other side of the Tennis Courts in Montkeila Street.

**Response:**

A response will be provided at the next Council Meeting.

**Question 2:**

In relation to the Goangra Road, it has never been reformed and put back to its height since the 1974 floods. Can we reform it back to the height it was originally at?

**Response:**

The Director Rural Infrastructure and Support Services advised that he understand what the issue was and will provide a response at the next Council meeting.

**Clr Smith**

**Question 1:**

In relation to the Bus stop near the agency at Collarenebri where the school bus pulls up, the signs have faded, are we able to get these updated?

**Response:**

The Director Rural Infrastructure and Support Services advised that a response will be provided at the next Council meeting.

**Question 2:**

Are we able to get the bad pothole fixed on the Gwydir highway leading out of Collarenebri, just past the football ovals?

**Response:**

A response will be provided at the next Council Meeting.

WALGETT SHIRE COUNCIL MINUTES

Clr Woodcock

Can something be done about the dogs that roam in fantasia street, aswell as the bad potholes?

**Response:**

A response will be provided at the next Council Meeting.

Clr Smith

Just wanted to comment on the Mungindi road, how the bitumen has held up in the latest flooding. Well done.

**2/2011/30 Move into Closed Session at 2.05pm**

**Resolution:**

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

- (a) personnel matters concerning particular individuals (other than councillors)

**Moved:** Clr Murray

**Seconded:** Clr Colless

**CARRIED**

**2/2011/31 Staff Issues - Organisational Structure Review**

**Resolution:**

That Council endorse the recommendation of the General Manager for the following changes to its organisational structure:

1. Transfer of the functional areas of Human Resources, Occupational health & Safety, Tourism and Community Services to the General Manager.
2. Creation of a part time position of "Executive Engineer" (10 hours/week)
3. Renaming of the position of "Director of Rural Infrastructure & Support Services" to "Director of Engineering Services" with the gradual transfer of appropriate functions into this division to minimise duplication and ensure more effective use of resources.
4. Funding would be covered from existing Budget allocations.
5. The proposals be referred to the next Award Consultative Committee for comment and appropriate action be taken following receipt of those comments.

**Moved:** Clr Greenaway

**Seconded:** Clr Martinez

**CARRIED**

3.10pm Clr Woodcock declared a Non Pecuniary Interest in the following item as he was involved in the hearing, and left the meeting.

Clr Murray as deputy Mayor assumed the role of chairperson.

3.10pm Clr Smith declared Non Pecuniary Interest in the following item as he is the husband of the staff member involved and left the meeting.

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

### 2/2011/32 Industrial Relations Commission Hearing

**Resolution:**

1. That Council receive and note the General Manager's report and endorse the General Manager's decision not to appeal the judgement and give effect to the Commission's findings at the earliest opportunity.

**Moved:** Clr Lane  
**Seconded:** Clr Greenaway

**CARRIED**

3.14pm Clr Woodcock and Clr Smith returned to the meeting.

Clr Woodcock assumed the role of chairperson.

### 2/2011/33 Return to Open Session at 3.14pm

**Resolution:**

That Council return to Open Session.

**Moved:** Clr Walford  
**Seconded:** Clr Colless

**CARRIED**

### 2/2011/34 Adoption of Closed Session Reports

**Resolution:**

That Council adopt the following resolutions of the Closed Committee:

- Staff Issues - Organisational Structure Review
- Industrial Relations Commission Hearing

**Moved:** Clr Lane  
**Seconded:** Clr Murray

**CARRIED**

The meeting closed at 3:15pm

To be confirmed at the meeting of Council to be held on Tuesday March 2011

\_\_\_\_\_  
Mayor

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

22 February 2011

Page 21 of 21

### Confirmation of Minutes of Council Meeting 21 December 2010

**Recommendation:**

That the Minutes of the Council meeting held 22 February 2011 be confirmed.

**Moved:**  
**Seconded:**

## **Reserve Trust Management Committee Reports**

### **1. COLLARENEBRI SHOWGROUND/RACECOURSE RESERVE TRUST – NEW PORTABLE GRANDSTAND EXPENSE LEDGER**

**REPORTING SECTION:** Urban Infrastructure Services  
**AUTHOR:** Susan Hillier – Lands Officer  
**FILE NUMBER:** 09/1746

---

#### **Summary:**

This report recommends that a separate expense ledger be generated for \$5,380 grant/loan received from the Minister of Lands, NSW for the installation of a new portable grandstand in Collarenebri Showground/Racecourse (D630054).

#### **Background:**

Walgett Shire Council is the Trust Manager for Crown Reserve D630054 containing the Collarenebri Showground/Racecourse.

In September 2010 Council applied for a grant for a portable grandstand for this reserve. Council was successful and awarded \$5380 as a grant/loan. The grant amount is \$3500 and the loan amount \$1880 over a 7 year period at 7.5% per annum.

#### **Current Position:**

Council has received the funding and it is currently deposited into a miscellaneous account. Council will advertise for the work required once an expenditure account has been set up.

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

Land and Property Management Authority Trust Handbook  
Grant Application

#### **Governance issues:**

The expenditure of this funding should be kept separate from other expenses related to parks and reserves. Once the project is completed, Council will report on the expenditure in the Crown Reserves Report to Land and Property Management Authority.

#### **Environmental issues:**

Nil

**Stakeholders:**

Walgett Shire Council  
Land and Property Management Authority  
Residents of Collarenebri  
Collarenebri Race Club  
Collarenebri Campdraft Committee  
Collarenebri Rodeo Committee

**Financial Implications:**

Council has received the money and deposited it into miscellaneous account awaiting the setup of a new expense ledger. The money will be deposited into the revenue account 11.815.0678 for Collarenebri Racecourse Trust Account.

**Alternative Solutions/Options:**

Nil

**Conclusion:**

**Collarenebri Racecourse/Showground (D630054) Reserve Trust – New Portable Grandstand expense ledger**

**Recommendation:**

1. That an expense ledger be set up for \$5,380 grant/loan received from the Minister of Lands, NSW for the installation of a new portable grandstand in Collarenebri Showground/Racecourse (D630054).
2. That Council commence advertising future supply of a new portable grandstand in April 2011.

**Moved:**

**Seconded:**

**Attachments:**

Letter from LPMA dated 28 October 2010 with loan terms – Annexure A  
Acceptance Letter dated 3 December 2010



Hon Tony Kelly MLC  
Minister for Planning  
Minister for Infrastructure  
Minister for Lands  
Deputy Leader of the Government in the Legislative Council  
Leader of the House in the Legislative Council

MIN10/499/5

Mr Don Ramsland  
General Manager  
Walgett Shire Council  
PO Box 31  
WALGETT NSW 2832

26 OCT 2010

26 OCT 2010

Dear Mr Ramsland

Following a recommendation by the Showgrounds Standing Committee, I have approved that Walgett Shire Council, as corporate trust manager of Collarenebri Showground Racecourse Reserve Trust, be offered a grant of \$3,500 and a loan of \$1,880 towards the cost of establishing a portable grandstand at the showground.

Provision of the grant is subject to the council accepting the loan terms and meeting the balance of funds required to complete the project as set out at Annexure A.

If the council wishes to accept the offer, it should indicate its acceptance of these terms in writing to the Manager, Crown Lands Funding Programs, Land and Property Management Authority, GPO Box 15, Sydney 2001, within one month of the date of this letter. The offer will lapse if the council does not accept within that time.

Yours faithfully

A handwritten signature in black ink, appearing to read "Tony Kelly".

**Tony Kelly MLC**  
Minister for Lands

## TERMS

1. The loan is repayable by 5 equal annual instalments of principal with interest at 7.5% per annum, calculated daily on the outstanding balance, with interest to commence from the date the loan is advanced.
2. The first instalment will fall due one year from the date the loan is advanced.
3. The project should be completed within twelve months and a certificate or a report submitted to the Land and Property Management Authority indicating that the works have been satisfactorily completed and the funds fully expended.
4. Both the grant and the loan are appropriations between government related entities made under an Australian law and will not be subject to the Goods and Services Tax (GST). Trusts should be able to claim input tax credits for any GST paid for goods and services acquired during the project.
  - Unless otherwise expressly stated, the estimated costs of the project and any other monetary amounts set out in this Agreement are stated exclusive of GST.
  - The estimated cost of the project and the amount of funding is calculated by determining the project costs, less any input tax credits to which the Crown reserve trust will be entitled.
  - If GST applies to any supply made under this Agreement, the supplier may recover from the other party an amount on account of that GST liability within 14 days of providing a tax invoice to the other party or as otherwise agreed between the parties.
  - No payments will be made to the Crown reserve trust until the Crown reserve trust has provided a valid Australian Business Number (ABN) or clear evidence supported by law as to why no ABN is required.
  - The expressions “**Australian law**”, “**GST**”, “**input tax credit**” and “**tax invoice**” have the meanings given to those expressions in the *A New Tax System (Goods and Services Tax) Act 1999*
5. The council is responsible for obtaining all necessary approvals required under relevant legislation prior to commencement of the project/s. Where a development application is not required under the *Environmental Planning and Assessment Act 1979*, an assessment of environmental effect under Part 5 of that Act may be required. Please refer to Chapter 13 of the Reserve Trust Handbook for more information relating to such approvals and assessments.

## Walgett Shire Council Reserve Trust Management

Appointed Trust Manager  
Shire Council

All communication to be addressed to:-Walgett

General Manager  
Walgett Shire Council  
PO Box 31, Walgett NSW 2832  
Telephone: (02) 6828 1399  
Facsimile: (02) 6828 1608  
Email: [admin@walgettshire.com](mailto:admin@walgettshire.com)

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DR:SH 10/51

3 December 2010

Minister Tony Kelly MLC  
The Manager,  
Crown Lands Funding Programs  
Department of Land and Property Management  
GPO Box 15  
SYDNEY NSW 2001

Dear Sir/Madam,

**Re: Collarenebri Showground/Racecourse Crown Reserve D630054**

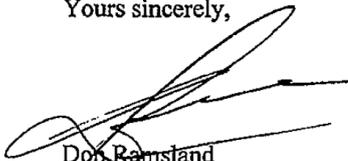
I refer to your letter dated 28<sup>th</sup> October 2010 advising that Walgett Shire Council is offered a grant of \$3,500 and a loan of \$1,880 for a portable grandstand, to be located at Collarenebri Showground/Racecourse.

The rodeo held recently on 6<sup>th</sup> November was a great success and next year with your financial assistance it will be even better. The residents of Collarenebri were excited to hear the media press release of your offer.

Walgett Shire Council accepts the terms of repayment stated in your letter and we would like to thank you for considering our grant application.

If you have any further questions or queries, please do not hesitate to contact Susan Hillier – Lands Officer on (02) 6828 6117.

Yours sincerely,



Don Ramsland  
General Manager

## **Mayoral Minutes**

Nil

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

### **Monthly Council meeting for January**

**Motion:**

That Council resolve to hold a normal monthly meeting in January every year.

**Moved:**

**Seconded:**

## **Presentation of Petitions**

Nil

## **Councillors Questions with Notice**

### **2. COUNCILLORS QUESTIONS FOR THIS MEETING**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 09/1142

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**Summary:**

In September and December 2010 Council adopted amendments to the Code of Meeting Practice to bring that document into line with the requirements of the Local Government Division Circular 10/2010. This report details the procedural aspect of those amendments.

**Background:**

In September, 2010 Council adopted the Councillor Access to Information and Interaction with Staff Policy which set out the procedure for Councillors to access information from staff.

Amendments to the Code of Meeting Practice adopted in December, 2010 brought this document into line with the earlier policy as well as the requirements of the Local Government Division Circular 10/2010.

**Current Position:**

The main change is that prior to the end of each meeting Councillors must now give notice in writing of questions to be raised discussion at the next meeting.

As there is nothing to prevent an answer to such a question being given either straight away or prior to the next meeting, where this is possible details of any such response must be made available to all Councillors in writing and it is proposed to do this in the form of a General Manager's newsletter which will be circulated in conjunction with the monthly Council agenda.

Supplies of the "Question for Next Meeting" form to be completed are being made available to all Councillors.

**Relevant Reference Documents/Policies:**

Local Government Act 1993  
Local Government (General) Regulation 2005  
Local Government Division Circular 10/2010  
Code of Meeting Practice 2010  
Councillor Access to Information and Interaction with Staff Policy 2010

**Governance Issues:**

It is important that Councillors follow the requirements of legislation applicable.

**Environmental Issues:**

Nil

**Stakeholders:**

Council  
Councillors  
Staff  
Local Community

**Financial Implications:**

Nil

**Alternative Solutions/Options:**

Nil

**Conclusion:**

Councillors note the new procedure and appreciate that as with any change there may be some minor hiccups during the implementation phase and bear with any issues that may arise

**Councillors Questions for Discussion**

**Recommendation:**

That the General Manager's Report be received and noted.

**Moved:**

**Seconded:**

**Attachments:**

Questions for this meeting  
 Questions from the last Council meeting

**Councillor Lane**

**Question1:**

Can staff please provide council with a detailed breakdown of the, Administration on-cost realignment charged against the water and sewer funds in the quarterly budget review, as tabled at the February meeting.

**Response:**

1. Management sharing costs from 2007 to 2010 financial years have little variations as shown below:

| Town            | Average % On Cost Share (2007 to 2010) |
|-----------------|----------------------------------------|
| Walgett         | 52%                                    |
| Lightning Ridge | 20%                                    |
| Collarenebri    | 28%                                    |
| Total           | 100%                                   |

2. Due to some concern regarding the high % for Walgett over the last four years, and possibly increase in operations in Lightning Ridge, a revised sharing plan was introduced in 2010-11:

| Town            | Average % On Cost Share (2007 to 2010) |
|-----------------|----------------------------------------|
| Walgett         | 20%                                    |
| Lightning Ridge | 69%                                    |
| Collarenebri    | 111%                                   |
| Total           | 100%                                   |

| WATER MANAGEMENT ON-COSTS SHARING COSTS                                                               |                          |         |                          |         |                          |         |                          |         |             |
|-------------------------------------------------------------------------------------------------------|--------------------------|---------|--------------------------|---------|--------------------------|---------|--------------------------|---------|-------------|
| COST CENTRE                                                                                           | FINANCIAL YEARS          |         |                          |         |                          |         |                          |         | 4 YEAR AVGE |
|                                                                                                       | 2007-08                  |         | 2008-09                  |         | 2009-10                  |         | 2010-11                  |         |             |
|                                                                                                       | Internal Charges (Urban) | % Split | % Split     |
| Walgett                                                                                               | 63133                    | 52      | 65659                    | 52      | 61530                    | 51      | 127253                   | 20      | 44          |
| Lightning Ridge                                                                                       | 24533                    | 20      | 25515                    | 20      | 22752                    | 19      | 433101                   | 69      | 32          |
| Collarenebri                                                                                          | 33094                    | 28      | 34418                    | 28      | 35525                    | 30      | 67761                    | 11      | 24          |
| Total                                                                                                 | 120760                   |         | 125592                   |         | 119807                   |         | 628115                   |         |             |
| General Comments:                                                                                     |                          |         |                          |         |                          |         |                          |         |             |
| 1. No major deviations (of split) over the last 3 consecutive years                                   |                          |         |                          |         |                          |         |                          |         |             |
| 2. However, concern were raised why Walgett was having higher % hare way back in 2008-09              |                          |         |                          |         |                          |         |                          |         |             |
| 3. Normal for Colla to have higher % due to longer hours spent in their water system                  |                          |         |                          |         |                          |         |                          |         |             |
| 4. In 2010-11, majorchanges were made.                                                                |                          |         |                          |         |                          |         |                          |         |             |
| 5. Explained to Clr. Lane that the % sharing is based on the operational costs and some capital works |                          |         |                          |         |                          |         |                          |         |             |

**Councillor Greenaway**

**Question 1:**

Who was the Council Staff member who inspected SH road 5 (Cryon Road) after the flood for any damage and why wasn't this road included in the flood damage claims.

**Response:**

The Acting Director Rural Infrastructure Services advises that most of the water in the Rowena and northern end of SR5 area was from local rain.

He further advises that the field inspection has not been carried out on this road yet, however there are 25 Rural Roads that have been jointly inspected with RTA up to date. There are still further flood affected areas, around 55 Rural Roads (Local & Regional Roads) which will be jointly inspected/assessed with RTA including SR5 Cryon Road.

He further advises that staff will try to get flood repair funds for this road, as road damage was caused by a heavy storm.

**Question 2:**

Is it correct that Council has a roller on hire that has been parked alongside the Gundabloui road between Collarenebri and Mungindi for a number of months?

**Response:**

The Acting Director Rural Infrastructure Services advises that "Yes, a roller was parked on Collarenebri Mungindi Road for a number of months. The roller was hired from Coates Hire, and it was used on the Gundabloui road flood damage repair, and before the Christmas shutdown it was off hired.

However, Coates Hire did not transport it from site. Then after the Christmas period it could not be moved from the Gundabloui road site because the road was inaccessible due to the weather and being cut by the flood waters.

He further advises that Council then repaired and delivered the roller to Merrywinebone Road to use on another job when the road became accessible last week.

**Questions from the last Council meeting**

**Clr Murray**

**Question 1:**

In relation to the Carols by candlelight event, is Council going to do something with that?

**Response:**

The General Manager advised that he will bring a report back to Council.

**Question 2:**

Are the Walgett Bore baths currently in use, or have they been shut down?

**Response:**

The Director Urban Infrastructure Services advised that during this weather they are not opened. He further advised that they are usually opened during winter. He also advised that he will bring a report back to Council.

**Clr Greenaway**

**Question 1:**

What is happening with the Pedestrian crossing at Burren Junction? Last year it was promised to have it fixed before the start of the new school term?

**Response:**

A response will be provided at the next Council Meeting.

**Clr Colless**

**Question 1:**

In relation to the new playground at Apex Park, Is council looking at adding in a new toilet block? At this stage users would have to go into the club or the public toilets on the other side of the Tennis Courts in Montkeila Street.

**Response:**

A response will be provided at the next Council Meeting.

**Question 2:**

In relation to the Goangra Road, it has never been reformed and put back to its height since the 1974 floods. Can we reform it back to the height it was originally at?

**Response:**

The Director Rural Infrastructure and Support Services advised that he understand what the issue was and will provide a response at the next Council meeting.

**Clr Smith**

**Question 1:**

In relation to the Bus stop near the agency at Collarenebri where the school bus pulls up, the signs have faded, are we able to get these updated?

**Response:**

The Director Rural Infrastructure and Support Services advised that a response will be provided at the next Council meeting.

**Question 2:**

Are we able to get the bad pothole fixed on the Gwydir highway leading out of Collarenebri, just past the football ovals?

**Response:**

A response will be provided at the next Council Meeting.

**Clr Woodcock**

Can something be done about the dogs that roam in fantasia street, aswell as the bad potholes?

**Response:**

A response will be provided at the next Council Meeting.

**Clr Smith**

Just wanted to comment on the Mungindi road, how the bitumen has held up in the latest flooding. Well done.

## **Reports of Delegates and Representatives**

Nil

## **Reservation of items for Debate**

Nil

## **Reports of Officers**

### **3. COUNCIL DECISIONS ACTION REPORT – 22.02.11**

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

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#### **Summary:**

A Schedule will be provided to each Council Meeting which summarises action taken in respect of matters considered at the previous meeting of Council.

#### **Background:**

Attached is the Action Report related to the February 2011 Council Meeting. The Report summarises action in respect of all Resolutions as well as any other matter raised at the Meeting which required action. The Report does not repeat Resolutions etc as these are contained in the Minutes of the previous Meeting which are included elsewhere in the Agenda.

#### **Current Position:**

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

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

Agenda and Minutes of the February 2011 Council Meeting

#### **Governance issues:**

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

#### **Environmental issues:**

Nil

#### **Stakeholders:**

Councillors and Executive Team

#### **Financial Implications:**

Nil

**Alternative Solutions/Options:**

Nil

**Conclusion:**

That the action list be received and noted.

**Council decisions Action Report – 22.02.11**

**Recommendation:**

1. That the report be received.

**Moved:**

**Seconded:**

**Attachments:**

Action Schedule

**COUNCIL DECISIONS:**  
Meeting held 22 February 2011

**Action Report**

|                 |                                                                                                       |
|-----------------|-------------------------------------------------------------------------------------------------------|
| <b>2/2011/1</b> | <b>Acceptance of Apologies</b>                                                                        |
| <b>GM:</b>      | No further action required                                                                            |
| <b>2/2011/2</b> | <b>Confirmation of Minutes of Council Meeting 21 December 2010</b>                                    |
| <b>GM:</b>      | No further action required                                                                            |
| <b>2/2011/3</b> | <b>Lightning Ridge Reservoir (R89414) Reserve Trust – Licence Fee</b>                                 |
| <b>DUIS:</b>    | No further action required                                                                            |
| <b>2/2011/4</b> | <b>Lightning Ridge Reservoir (R89414) Reserve Trust Management Grant</b>                              |
| <b>DUIS:</b>    | No further action required                                                                            |
| <b>2/2011/5</b> | <b>Circulars received from the Division of Local Government – February 2011</b>                       |
| <b>GM:</b>      | No further action required                                                                            |
| <b>2/2011/6</b> | <b>Circulars received from the NSW Local Government and Shires Association of NSW – February 2011</b> |
| <b>GM:</b>      | No further action required                                                                            |
| <b>2/2011/7</b> | <b>Council decisions Action Report – 21.12.10</b>                                                     |
| <b>GM:</b>      | No further action required                                                                            |
| <b>2/2011/8</b> | <b>Monthly Calendar – February 2011</b>                                                               |
| <b>GM:</b>      | No further action required                                                                            |
| <b>2/2011/9</b> | <b>Ordinary Council meetings – Dates and Venues for 2011</b>                                          |
| <b>GM:</b>      | No further action required                                                                            |

WALGETT SHIRE COUNCIL AGENDA

|                   |                                                                                                     |
|-------------------|-----------------------------------------------------------------------------------------------------|
| <b>2/2011/10</b>  | <b>Code of Conduct Committee</b>                                                                    |
| <b>GM:</b>        | Advertising placed in local papers week beginning 7.2.11                                            |
| <b>2/2011/11</b>  | <b>Review of Code of Conduct – Personal Benefit</b>                                                 |
| <b>GM:</b>        | Advertising placed in local papers week beginning 7.2.11                                            |
| <b>2/2011/12</b>  | <b>Matters Generally for Brief Mention or Information only from General Manager – February 2011</b> |
| <b>GM:</b>        | No further action required                                                                          |
| <b>2/2011/13</b>  | <b>Financial recognition of Local Government in the Australian Constitution</b>                     |
| <b>GM:</b>        | Letter drafted                                                                                      |
| <b>2/2011/13a</b> | <b>Old Walgett Medical Centre</b>                                                                   |
| <b>GM:</b>        | Negotiations proceeding                                                                             |
| <b>2/2011/14</b>  | <b>Aboriginal Legal Service – Conflict of Interest Policy: Serious Disruption</b>                   |
| <b>GM/DCCS:</b>   | Letter drafted                                                                                      |
| <b>2/2011/15</b>  | <b>Report on Youth Development and Services – October – December 2010</b>                           |
| <b>GM/DCCS:</b>   | No further action required                                                                          |
| <b>2/2011/16</b>  | <b>Community Development and Tourism Quarterly Report (October – December 2010)</b>                 |
| <b>GM/DCCS:</b>   | No further action required                                                                          |
| <b>2/2011/17</b>  | <b>Collarenebri Skate Park Shade Shelter – Council Seal Required for Variation to Agreement</b>     |
| <b>GM/DCCS:</b>   | Document sealed and returned                                                                        |
| <b>2/2011/18</b>  | <b>Cash on Hand and Investment Report as at 31 January 2011</b>                                     |
| <b>GM/DCCS:</b>   | No further action required                                                                          |

WALGETT SHIRE COUNCIL AGENDA

|                  |                                                                                                                    |
|------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>2/2011/19</b> | <b>Community Assistance Scheme Donations – 2010/2011 Budget</b>                                                    |
| <b>GM/DCCS:</b>  | Letters drafted                                                                                                    |
| <b>2/2011/20</b> | <b>Quarterly Budget Review as at 31 December 2010</b>                                                              |
| <b>GM/DCCS:</b>  | to be further reviewed in view of changes made at Council meeting                                                  |
| <b>2/2011/21</b> | <b>Delegation of Responsibility to Accept best Quote for Financial Loans</b>                                       |
| <b>GM/DCCS:</b>  | Documentation to be processed when tenders close                                                                   |
| <b>2/2011/22</b> | <b>Development and Complying Development Certificate Applications</b>                                              |
| <b>DPRS:</b>     | No further action required                                                                                         |
| <b>2/2011/23</b> | <b>Request for Pet Cemetery, Lightning Ridge</b>                                                                   |
| <b>DPRS:</b>     | Response Letter sent 23/2/2011                                                                                     |
| <b>2/2011/24</b> | <b>Matters Generally for Brief Mention or Information only from Director of Planning &amp; Regulatory Services</b> |
| <b>DPRS:</b>     | No further action required                                                                                         |
| <b>2/2011/25</b> | <b>Matters Generally for Brief Mention or Information only from Director Urban Infrastructure Services</b>         |
| <b>DUIS:</b>     | No further action required                                                                                         |
| <b>2/2011/26</b> | <b>Higher Mass Limits on Local Roads</b>                                                                           |
| <b>DRISS:</b>    | RTA advised of resolution                                                                                          |
| <b>2/2011/27</b> | <b>Regional Procurement Contracts - Renewal</b>                                                                    |
| <b>DRISS:</b>    | No further action required                                                                                         |
| <b>2/2011/28</b> | <b>Rural Road Group and ALGA Local Roads Funding Study</b>                                                         |
| <b>DRISS:</b>    | No further action required                                                                                         |

WALGETT SHIRE COUNCIL AGENDA

|                                                                                      |                                                                                                                          |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>2/2011/29</b>                                                                     | <b>Matters Generally for Brief Mention or Information only from Director Rural Infrastructure &amp; Support Services</b> |
| <b>DRISS:</b>                                                                        | No further action required                                                                                               |
| <b>Questions for Next Meeting – Carols by Candlelight</b>                            |                                                                                                                          |
| <b>GM:</b>                                                                           | Council resolution 239/08 – from November 2008                                                                           |
| <b>Questions for Next Meeting – Walgett Bore Baths</b>                               |                                                                                                                          |
| <b>DUIS:</b>                                                                         | The Bore Baths were reopened for the season on the 1 March 2011                                                          |
| <b>Questions for Next Meeting – Toilet Block near Apex Park</b>                      |                                                                                                                          |
| <b>DUIS:</b>                                                                         | Currently under investigation                                                                                            |
| <b>Questions for Next Meeting – reforming of Goangra Road</b>                        |                                                                                                                          |
| <b>DRISS:</b>                                                                        | Currently under investigation, looking at the budget to see if we can schedule the work                                  |
| <b>Questions for Next Meeting – Bus Stop near Collarenebri Agency</b>                |                                                                                                                          |
| <b>DRISS:</b>                                                                        | Yes in progress                                                                                                          |
| <b>Questions for Next Meeting – Potholes on Gwydir Highway</b>                       |                                                                                                                          |
| <b>DRISS:</b>                                                                        | Yes in progress                                                                                                          |
| <b>Questions for Next Meeting – Dogs roaming in Fantasia Street, Lightning Ridge</b> |                                                                                                                          |
| <b>DPRS:</b>                                                                         | Matter is being referred to the Regulatory Officer for investigation and follow up as appropriate.                       |
| <b>Questions for Next Meeting – Potholes in Fantasia Street, Lightning Ridge</b>     |                                                                                                                          |
| <b>DRISS:</b>                                                                        | In Progress                                                                                                              |
| <b>2/2011/30</b>                                                                     | <b>Move into Closed Session at 2.05pm</b>                                                                                |
| <b>GM:</b>                                                                           | No further action required                                                                                               |

WALGETT SHIRE COUNCIL AGENDA

**2/2011/31 Staff Issues - Organisational Structure Review**

**GM:** Proposed changes referred to Consultative Committee for comment

**2/2011/32 Industrial Relations Commission Hearing**

**GM:** Outcomes from hearing being dealt with

**2/2011/33 Return to Open Session at 3.14pm**

**GM:** No further action required

**2/2011/34 Adoption of Closed Session Reports**

**GM:** No further action required

#### **4. CIRCULARS RECEIVED FROM THE NSW LOCAL GOVERNMENT AND SHIRES ASSOCIATION OF NSW – MARCH 2011**

**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 the February 2011 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 5 – February 2011**

- Item 8 – LGSA launches NSW Election Priorities 2011
- Item 16 – Release of Local Development Performance Report

##### **Issue 6 – February 2011**

- Item 4 – The National Year of Reading 2012
- Item 10 – Auxiliary Disaster Resilience Grants Scheme

##### **Issue 7 – February 2011**

- Item 5 - NSW Police Force CCTV Register Update
- Item 7 – Extended time to apply for Accessible Communities Grant
- Item 8 – Elsa Dixon Aboriginal Employment Program 2011/12
- Item 20 – Important Legislative Changes

##### **Issue 8 – March 2011**

- Item 22 – More Changes to the Codes SEPP

##### **Current Position:**

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

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

Nil

##### **Governance issues:**

Nil

**Environmental issues:**

Nil

**Stakeholders:**

Councillors  
Walgett Shire Council staff

**Financial Implications:**

Any course attendance fees would need to be drawn from current budget allocations.

**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.

**Circulars received from the NSW Local Government and Shires Association of NSW – March 2011**

**Recommendation:**

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

**Moved:**

**Seconded:**

**Attachments:**

Nil

**5. CIRCULARS RECEIVED FROM THE LOCAL GOVERNMENT DEPARTMENT OF PREMIER AND CABINET – MARCH 2011**

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

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**Summary:**

Copies of circulars received 11/1 to 11/3 from the Local Government Division Department of Premier and Cabinet are attached for Councillors information.

**Background:**

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

Circular 11/1 - Revised Ministerial Investment Order  
Circular 11/2 - Companion Animals Amendment (Greyhound Muzzling Exemption) Regulation 2011  
Circular 11/3 - Long Service Leave - Amending Regulation

**Current Position:**

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

**Relevant Reference Documents:**

Nil

**Governance Issues:**

All circulars have Governance implications

**Environmental issues:**

Nil

**Stakeholders:**

Councillors  
Walgett Shire Council staff

**Financial Implications:**

Obviously come 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.

**Circulars received from the Division of Local Government – March 2011**

**Recommendation:**

1. That the information contained in the Departmental circulars 11/1 to 11/3 from the Local Government Division Department of Premier and Cabinet be received and noted.

**Moved:**

**Seconded:**

**Attachments:**

- Circular 11/1 - Revised Ministerial Investment Order
- Circular 11/2 - Companion Animals Amendment (Greyhound Muzzling Exemption) Regulation 2011
- Circular 11/3 - Long Service Leave - Amending Regulation



Circular No. 11-01  
Date 17 February 2011  
Doc ID. A232163

Contact Finance Policy Section  
02 4428 4100  
dlg@dlg.nsw.gov.au

### REVISED MINISTERIAL INVESTMENT ORDER

A revised Investment Order pursuant to section 625 of the *Local Government Act 1993* has been issued. The Minister for Local Government signed the revised Order on 12 January 2011 and it was published in the NSW Government Gazette on 11 February 2011. It replaces the Order dated 31 July 2008. The revised Order is attached to this circular.

Changes to the Investment Order include:

- the removal of the ability to invest in the mortgage of land (part (c) of the Investment Order dated 31 July 2008)
- the removal of the ability to make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008)
- the addition of "Key Considerations" in the revised Investment Order, which includes a comment that a council's General Manager, or any other staff, with delegated authority by a council to invest in funds on behalf of the council must do so in accordance with the council's adopted investment policy.

Councils are reminded that on 25 May 2010 the Division of Local Government issued Investment Policy Guidelines (Circular to Councils 10-11 refers). It is expected that all councils will by now have adopted an Investment Policy in accordance with the Guidelines.

A handwritten signature in blue ink that reads 'Ross Woodward'.

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

Department of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
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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 99 567 863 195



Circular No. 11-02  
Date 18 February 2011  
Doc ID. A239216

Contact Glen Colley  
02 4428 4183  
glen.colley@dlg.nsw.gov.au

## **COMPANION ANIMALS AMENDMENT (GREYHOUND MUZZLING EXEMPTION) REGULATION 2011**

The purpose of this circular is to advise that the Companion Animals Amendment (Greyhound Muzzling Exemption) Regulation 2011 commences today, 18 February 2011.

The amendment provides an exemption to the requirement under section 15 of the *Companion Animals Act 1998* for a greyhound to be muzzled while in a public place. The exemption only applies to greyhounds that have successfully completed a greyhound re-training program, which has been approved by me, as Chief Executive of the Division of Local Government, by order published in the NSW Government Gazette.

The updated Companion Animals Regulation 2008, incorporating the abovementioned amendment, is available for download on the NSW Legislation website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au).

Only non-racing greyhounds (ie, retired-racing greyhounds and those kept solely for the purpose of being a pet) are eligible to complete an approved greyhound re-training program and therefore eligible for an exemption from muzzling.

The Division will issue guidelines setting out the criteria that organisations conducting greyhound re-training programs must meet in order for their programs to be approved. This will include appropriate temperament and socialisation training and testing of the greyhound at the completion of a program. The approval criteria will be designed to minimise the risk to public safety from the provision of an exemption to the greyhound muzzling requirement.

The guidelines will be developed in consultation with relevant stakeholders, including the Local Government and Shires Associations of NSW, the Australian Institute of Local Government Rangers and Greyhound Racing NSW.

The Division of Local Government will not be accepting applications for approval for greyhound re-training programs until the guidelines are finalised.

**Importantly, as no greyhound re-training programs are currently approved for the purposes of this Regulation, all greyhounds in NSW continue to be**

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2

**required to wear a muzzle while in a public place, in accordance with the requirements of section 15 of the Act.**

**Other important information for council enforcement officers**

To aid enforcement of the greyhound muzzling requirements of the Act, exempt greyhounds will be required to wear a distinctive collar, of a kind approved by me, as Chief Executive of the Division of Local Government, as set out in the forthcoming guidelines.

Council enforcement officers should also note that, where a greyhound that has been granted an exemption is subsequently involved in an attack, it is subject to the existing dangerous dog provisions of the Act. Where an offence is proven and a dangerous dog order is issued, the muzzling exemption will no longer apply.

The muzzling exemption does not apply to greyhounds that are declared dangerous dogs.

Further information will be provided when the abovementioned guidelines are released.



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



Circular No. 11-03  
Date 10 March 2011  
Doc ID. A240772

Contact Lorraine Hayward  
02 4428 4178  
lorraine.hayward@dlg.nsw.gov.au

### **LONG SERVICE LEAVE – AMENDING REGULATION**

The Local Government (General) Amendment (Long Service Leave) Regulation 2011 commenced on 18 February 2011. The Regulation was published on the NSW legislation website at [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au) on 18 February 2011.

The Amending Regulation inserts clause 406B into the Local Government (General) Regulation 2005. The effect of this is that council employees, with the consent of the council, may take long service leave at half pay or double pay. These entitlements are in addition to the provisions of state awards applying to council employees.

The purpose of the amendment is to reduce councils' growing liability for untaken long service leave and to bring council employee long service leave entitlements in line with those of NSW public servants.

The Amending Regulation is consistent with the focus on the development and retention of skills in the local government sector as flexibility in the provision of long service leave entitlements provides an incentive for skilled council employees to remain in the industry.

In the process of drafting the amendment the Division of Local Government consulted extensively with the Local Government and Shires Associations of NSW, the United Services Union and NSW Industrial Relations.

Councils are advised to familiarise themselves with the requirements of the amended Regulation and to notify employees of the changes.

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

Department of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
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## **6. MONTHLY CALENDAR - MARCH 2011**

**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 March to May 2011 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.

### **Environmental issues:**

Not applicable

### **Stakeholders:**

Councillors  
Walgett Shire Council staff

### **Financial Implications:**

Nil

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

Not applicable

**Conclusion:**

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

**Monthly Calendar – March 2011**

**Recommendation:**

1. That Council receive and note the regular monthly calendar for the period March to May 2011.

**Moved:**

**Seconded:**

**Attachments:**

Calendar for March to May 2011.



## STRATEGIC TASKS, EVENTS AND MEETINGS CALENDAR

### March 2011

| Date of Meeting | Time  | What                                                                                                    | Who                                                  | Business Paper due Date |
|-----------------|-------|---------------------------------------------------------------------------------------------------------|------------------------------------------------------|-------------------------|
| Tue, 1 Mar      |       | Western Division Conference – Brewarrina                                                                | Mayor, Deputy Mayor, General Manager and Councillors |                         |
| Wed, 2 Mar      |       |                                                                                                         |                                                      |                         |
| Thu, 3 Mar      |       |                                                                                                         |                                                      |                         |
| Fri, 4 Mar      | 10.30 | OROC - Nyngan                                                                                           |                                                      |                         |
| Sat, 5 Mar      |       |                                                                                                         |                                                      |                         |
| Sun, 6 Mar      |       |                                                                                                         |                                                      |                         |
| Mon, 7 Mar      |       |                                                                                                         |                                                      |                         |
| Tue, 8 Mar      | 10.00 | L/Ridge Interagency Meeting                                                                             | General Manager                                      |                         |
| Wed, 9 Mar      |       | LGSA Tourism Conference - Engadine                                                                      |                                                      |                         |
| Thu, 10 Mar     |       | LGSA Tourism Conference                                                                                 |                                                      |                         |
| Fri, 11 Mar     |       | LGSA Tourism Conference                                                                                 |                                                      |                         |
| Sat, 12 Mar     |       |                                                                                                         |                                                      |                         |
| Sun, 13 Mar     |       |                                                                                                         |                                                      |                         |
| Mon, 14 Mar     |       |                                                                                                         |                                                      |                         |
| Tue, 15 Mar     | Noon  | L/Ridge Vic Centre Opening                                                                              |                                                      |                         |
| Wed, 16 Mar     |       | C Division Conference – Warrumbungles<br>Walgett, Collarenebri & Lightning Ridge Working Party Meetings |                                                      |                         |
| Thu, 17 Mar     |       | Local Area Traffic Committee                                                                            | Members/Observers                                    |                         |
| Fri, 18 Mar     |       |                                                                                                         |                                                      |                         |
| Sat, 19 Mar     |       |                                                                                                         |                                                      |                         |
| Sun, 20 Mar     |       |                                                                                                         |                                                      |                         |
| Mon, 21 Mar     |       |                                                                                                         |                                                      |                         |
| Tue, 22 Mar     |       | Council Meeting 10.00 – Lightning Ridge                                                                 |                                                      |                         |
| Wed, 23 Mar     |       |                                                                                                         |                                                      |                         |
| Thu, 24 Mar     |       |                                                                                                         |                                                      |                         |
| Fri, 25 Mar     |       |                                                                                                         |                                                      |                         |
| Sat, 26 Mar     |       |                                                                                                         |                                                      |                         |
| Sun, 27 Mar     |       |                                                                                                         |                                                      |                         |
| Mon, 28 Mar     |       |                                                                                                         |                                                      |                         |
| Tue, 29 Mar     | 10.00 | TAFE Community Engagement Event                                                                         |                                                      |                         |
| Wed, 30 Mar     |       |                                                                                                         |                                                      |                         |
| Thu, 31 Mar     |       |                                                                                                         |                                                      |                         |



## STRATEGIC TASKS, EVENTS AND MEETINGS CALENDAR

April 2011

| Date of Meeting | Time | What                                                           | Who                           | Business Paper due Date |
|-----------------|------|----------------------------------------------------------------|-------------------------------|-------------------------|
| Fri, 1 Apr      |      |                                                                |                               |                         |
| Sat, 2 Apr      |      | Collarenebri Fish Stocking 10.30am                             | Councillors & General Manager | Nil                     |
| Sun, 3 Apr      |      |                                                                |                               |                         |
| Mon, 4 Apr      |      |                                                                |                               |                         |
| Tue, 5 Apr      |      |                                                                |                               |                         |
| Wed, 6 Apr      |      |                                                                |                               |                         |
| Thu, 7 Apr      |      |                                                                |                               |                         |
| Fri, 8 Apr      |      |                                                                |                               |                         |
| Sat, 9 Apr      |      |                                                                |                               |                         |
| Sun, 10 Apr     |      |                                                                |                               |                         |
| Mon, 11 Apr     |      |                                                                |                               |                         |
| Tue, 12 Apr     |      |                                                                |                               |                         |
| Wed, 13 Apr     |      |                                                                |                               |                         |
| Thu, 14 Apr     |      |                                                                |                               |                         |
| Fri, 15 Apr     |      |                                                                |                               |                         |
| Sat, 16 Apr     |      |                                                                |                               |                         |
| Sun, 17 Apr     |      |                                                                |                               |                         |
| Mon, 18 Apr     |      |                                                                |                               |                         |
| Tue, 19 Apr     |      |                                                                |                               |                         |
| Wed, 20 Apr     |      | Walgett, Collarenebri & Lightning Ridge Working Party Meetings |                               |                         |
| Thu, 21 Apr     |      |                                                                |                               |                         |
| Fri, 22 Apr     |      | GOOD FRIDAY                                                    |                               |                         |
| Sat, 23 Apr     |      |                                                                |                               |                         |
| Sun, 24 Apr     |      |                                                                |                               |                         |
| Mon, 25 Apr     |      | ANZAC DAY                                                      |                               |                         |
| Tue, 26 Apr     |      | EASTER MONDAY                                                  |                               |                         |
| Wed, 27 Apr     |      |                                                                |                               |                         |
| Thu, 28 Apr     |      | DEMC Meeting - Orange                                          |                               |                         |
| Fri, 29 Apr     |      |                                                                |                               |                         |
| Sat, 30 Apr     |      |                                                                |                               |                         |



**STRATEGIC TASKS, EVENTS AND MEETINGS CALENDAR**

**May 2011**

| <b>Date of Meeting</b> | <b>Time</b> | <b>What</b>                                                    | <b>Who</b> | <b>Business Paper due Date</b> |
|------------------------|-------------|----------------------------------------------------------------|------------|--------------------------------|
| Sun, 1 May             |             |                                                                |            |                                |
| Mon, 2 May             |             |                                                                |            |                                |
| Tue, 3 May             |             | (April's) Council Meeting 10.00 – Collarenebri                 |            |                                |
| Wed, 4 May             |             |                                                                |            |                                |
| Thu, 5 May             |             |                                                                |            |                                |
| Fri, 6 May             |             |                                                                |            |                                |
| Sat, 7 May             |             |                                                                |            |                                |
| Sun, 8 May             |             |                                                                |            |                                |
| Mon, 9 May             |             |                                                                |            |                                |
| Tue, 10 May            |             |                                                                |            |                                |
| Wed, 11 May            |             |                                                                |            |                                |
| Thu, 12 May            |             |                                                                |            |                                |
| Fri, 13 May            |             |                                                                |            |                                |
| Sat, 14 May            |             |                                                                |            |                                |
| Sun, 15 May            |             |                                                                |            |                                |
| Mon, 16 May            |             |                                                                |            |                                |
| Tue, 17 May            |             |                                                                |            |                                |
| Wed, 18 May            |             | Walgett, Collarenebri & Lightning Ridge Working Party Meetings |            |                                |
| Thu, 19 May            |             |                                                                |            |                                |
| Fri, 20 May            |             |                                                                |            |                                |
| Sat, 21 May            |             |                                                                |            |                                |
| Sun, 22 May            |             |                                                                |            |                                |
| Mon, 23 May            |             |                                                                |            |                                |
| Tue, 24 May            |             |                                                                |            |                                |
| Wed, 25 May            |             |                                                                |            |                                |
| Thu, 26 May            |             |                                                                |            |                                |
| Fri, 27 May            |             |                                                                |            |                                |
| Sat, 28 May            |             |                                                                |            |                                |
| Sun, 29 May            |             |                                                                |            |                                |
| Mon, 30 May            |             |                                                                |            |                                |
| Tue, 31 May            |             |                                                                |            |                                |

## **7. EMERGENCY MANAGEMENT LEGISLATION CHANGES**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 09/50

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### **Summary:**

To advise Council of changes to Emergency Management Legislation and procedure which were effective from 1 March, 2011.

### **Background:**

Council has been advise of a series of changes to Emergency Management Legislation and procedure which took effect from 1 March, 2011.

The changes are detailed in the attached circular and centre on the following:

### **Current Position:**

The Local Emergency Controller (LEOCON) is currently the Superintendent of the Castlereagh Local Area Command of the NSW Police Service and he also chairs the Local Emergency Committee (LEMC). Council provides the Local Emergency Management Officer (LEMO) who provides administrative support for the LEMC.

The District Emergency Management Officer (DEMO) is a non sworn officer with the NSW Police Service and in our case is based at the Western Region, NSW Police in Dubbo.

### **Relevant Reference Documents:**

The State Emergency & Rescue Management Act  
The local Government Act 1993 (as amended)  
The Local Government (General) Regulation 2005 (as amended)  
Email from District Emergency Service

### **Governance Issues:**

The main thrust of the changes is to make the General Manager of the Local Council, as the nominal Chair of the Local Emergency Management Committee, responsible for the coordination and administration of Emergency Services within a local government area, with the local police taking responsibility for any emergency situation which involves a cross agency response.

This clearly flows from recent major emergency situations in both Victoria and Queensland where the level of preparedness has been found to be lacking when those resources have been called upon.

Whilst the General Manager may delegate the role of Chair of the Local Emergency Management Committee, this is obviously not the direct intention of the new legislation and it will be seen in time that the incumbent General Manager will be “encouraged” not to do so.

**Environmental issues:**

The various environmental issues arising out of local emergencies are detailed in the local disaster plan and in future it is believed will be approached on both a regional as well as local focus.

**Stakeholders:**

General Manager  
Council  
Local emergency services – SES, RFS, NSW Fire and Rescue, NSW Ambulance  
NSW Police  
Local Community  
Council Staff

**Financial Implications:**

The changes will obviously involve Council in additional costs. However, the extent of these costs is yet to be determined.

**Legal Issues:**

Nil

**Alternative Solutions/Options:**

In considering any options available, Council should have due regard to the intention of the new legislation.

**Conclusion:**

The changes detailed in this report have been introduced as a result of recent experiences and are aimed at overcoming some of the deficiencies identified. It is appropriate that Council implement those changes and monitor the outcomes both with regards operational effectiveness as well as cost shifting on to the local community.

**Emergency Management Legislation Changes**

**Recommendation:**

1. That Council receive and note the Emergency Management Legislation and procedure changes and take appropriate action to have them implemented

**Moved:**

**Seconded:**

**Attachments:**

Nil

## **8. IMPLEMENTATION OF INTEGRATED PLANNING LEGISLATION**

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

---

### **Summary:**

To review Council's progress with regards the implementation of the new Integrated Planning Legislation.

### **Background:**

The Local Government Planning & Reporting Act 2009 passed in October, 2009 requires all Council's in NSW to introduce Integrated Planning and Reporting by 1 July, 2010.

As Council is aware, this progress involves the preparation of a Ten (10) year Community Strategic Plan underpinned by a series of sun plans which include a ten year financial plan, a ten year asset management plan and a four year workforce plan. In turn, underpinning these documents is a resourcing strategy, a community engagement strategy, a four year delivery programme, an annual operational plan (and budget) and the need to comprehensively report on the outcomes and any variations through Council's annual report in November each year.

This Council was placed in group 2 of the implementation phase and as such should be in a position to have the new documentation in place by 1 July, 2011.

### **Current Position:**

Whilst Council's staff have made serious in roads on the preparation of the various documentation required as part of the integrated planning process, some of that documentation needs further revision to ensure that it will meet the aims and objects of the new legislation. Paramount in this regard is the need to have an effective community engagement strategy.

Unfortunately it is believed that the Community Consultation policy that Council has in place fails to meet several key issues as set out in the Department of Local Government Planning a Sustainable future Manual.

### **Relevant Reference Documents:**

Local Government Planning & Reporting Act 2009  
Local Government Planning a Sustainable future Manual  
Integrated Planning and Reporting Guidelines  
Local Government Act 1993

### **Governance Issues:**

To comply with legislative requirements, a community engagement strategy needs to develop a defined Community Engagement Strategy.

To bring Council's existing policy in to line it will be necessary for Council to adopt a revised strategy which involves a lengthy community consultation phase in itself.

It is proposed to carry out this consultation in conjunction with the advertising/consultation for the 2011/14 Management Plan and Budget.

**Environmental issues:**

Again, the new legislation involve extensive consultation with regards a range of local/regional environmental issues and this is best carried out over an extensive period to gain an appropriate level of community input and achieve an acceptable level of community understanding and acceptance.

**Stakeholders:**

Walgett Shire Council and ratepayers

**Financial Implications:**

The introduction of a ten year financial plan is a pivotal part of the new legislation which needs exhaustive planning and cross verification with other elements of the Corporate Strategic Plan.

Many people, including some representative in various councils right across the State, still don't appreciate the need for sound strategic planning which is underpinned by an equally sound ten year financial plan. Yet long term strategic and financial planning has been an accepted and endorsed practice in the commercial sector for many years.

In our case it is proposed to prepare a draft ten year plan based on an extension of our current three year financial horizon and then massage it to address the various longer term issues that will be identified during the consultation process.

Taking this approach, Council will be able to ensure that both present recurrent costs and longer term intergenerational equities are adequately addressed.

**Legal Issues:**

It is important that Council's process be able to withstand all reasonable scrutiny. An omissions or errors may open the way for legal challenge at a later date.

**Alternative Solutions/Options:**

Council has two alternatives. The first is to proceed with the broad brush approach and comply with the requirement to implement the new legislation by 1 July, 2011.

The second is to seek a deferment with regards compliance with the new legislation until 1 July, 2012. The later course is the one now preferred in view of recent staff movements at director level.

**Conclusion:**

Whilst I have a preference for the implementation of the new Integrated Planning Legislation at the earliest possible opportunity, lack of suitable in house resources and recent movements of staff at director level will make this task impossible by the projected date of 1 July, 2011.

On the benefit side however, is the fact that the new directors to be appointed in the coming months will be able to become directly involved with the process rather than take over the concepts promoted by their predecessors.

This will mean that they will be able to have ownership of the process and the drive to implement it

**Implementation of Integrated Planning Legislation**

**Recommendation:**

1. That Council seek the approval of the Chief Executive, Local Government, Division of the Department of Premier and Cabinet to defer the implementation of the Integrated Planning Legislation until 1 July 2012 and seek to be transferred into Group 3 of the implementation phase.

**Moved:**

**Seconded:**

**Attachments:**

Nil

## **9. REGIONAL LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – VARIATIONS AND PROGRESS**

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

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### **Summary:**

To report on the progress of Round 2 of the Regional Local Community Infrastructure Programme including variations and additional works required.

### **Background:**

Council is well aware of the Regional Local Community Infrastructure Programme as it has now had funding approval for various projects in each of the three rounds of the programme conducted so far.

### **Current Position:**

Works for 14 projects totalling \$492,000 in Round 1 have now been completed. There were some movements of funds between projects and the net result was that there were over runs in respect of 3 projects and savings in respect of 4 others.

With regards Round 2, 6 projects have now been completed and acquitted. The following four projects have yet to be completed:

|                                                  |                     |
|--------------------------------------------------|---------------------|
| 102 – Tennis Courts Upgrade at Collarenebri      | \$23,000            |
| 103 – Tennis Courts Upgrade at Carinda           | \$15,000            |
| 105 – Motorcross Construction at Lightning Ridge | \$10,000            |
| 110 – Building Works of Come By Chance Hall      | \$10,000 + \$53,000 |

and an application has been submitted for an extension until 31 May, 2011 to complete these.

With regards the Come-by-Chance Hall, restumping costs following the invitation of quotations are considerably higher than estimated – some \$68,000 as against \$15,000 estimated. It is proposed to fund the additional cost of \$53,000 by deferring this amount in the footpath Rehabilitation programme in the current capital works programme until 2011/12.

This will enable work planned for Rounds 2 and 3 at the Come-By-Chance Hall to proceed in the 2010/2011 financial year and for the \$25,000 from RLCIPs to be expended as planned. Otherwise, because of the delays incurred up to date the Round 2 funds of \$10,000 will have to be returned and be lost to the project.

With regards the Collarenebri Tennis Club building upgrade, the intention to build new toilets is outside the programme guidelines in a similar manner to that already encountered with a similar project at the Collarenebri Race Course.

As a result it is intended to revert to the original plan to repaint the building, provide a filtered town water connect and carry out various building repairs.

We do not have sufficient funds nor time to provide for an indoor unisex toilet at this late stage of the programme.

Instead, the unisex toilet concept will be addressed in a subsequent round of the programme if applicable or in Council's annual capital works programme in future years.

It is proposed that the other two projects go ahead as planned, with a modification to the Lightning Ridge Motor Cross project now being its co-location at the local Pony Club site.

**Relevant Reference Documents:**

Round 1,2,3 approved projects

**Governance Issues:**

Council has signed formal agreements with the Department of Infrastructure, Transport, Regional Development and Local Government in respect of each round of the RLCIP and has a requirement to complete the various project approved within the terms and time limits set out in the various agreements.

This is being done, however in certain circumstances it has been possible to lodge applications for amendments or extension and to date (with the exception of the four extensions currently pending) these have all been approved.

**Environmental issues:**

Nil

**Stakeholders:**

Councillors  
Staff  
Local Community

**Financial Implications:**

Whilst it is the aim to complete projects within estimates, this is not always possible. Council, in accepting the RLCIP grants has to give an undertaking to make good any shortfall where the completed cost of a project exceeds the estimate and approved funds available.

This is the situation with regards the Come-By-Chance Hall.

**Alternative Solutions/Options:**

The alternative to proceeding with a project when cost projections blow out is to return the funds to the Government. This is an undesirable outcome and highlights the need for accurate estimates to be prepared and lodged in the first instance.

Unfortunately, this has not always been the case with Rounds 1 and 2 of the programme.

This is partly because of the short lead time available to prepare and submit projects and underlines the need for Council to have detailed estimates and plans prepared for various capital works project which can be readily update when funding opportunities arise.

**Conclusion:**

This report details difficulties encountered in finalising four projects in Round 2 of the RLCIP and outlines the way forward for success completion albeit at an additional cost in one case.

**Regional and Local Community Infrastructure Program – Variations and Progress**

**Recommendation:**

That Council receive and note the report and an amount of \$53,000 be voted from the Footpath Rehabilitation programme to allow restumping work at the Come-By Chance Hall to proceed in the 2010/2011 financial year.

**Moved:**

**Seconded:**

**Attachments:**

Nil

## **10. REQUEST FOR ASSISTANCE – LIGHTNING RIDGE MEN’S SHED**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 09/1115

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### **Summary:**

To consider a request from the Walgett Mens’ Shed for financial assistance.

### **Background:**

Council provided an untied amount of \$10,000 towards the establishing of the Lightning Ridge Mens’ Shed in its 2010/2011 budget. The amount was paid to the group on 16 September 2010. No acknowledgement of the payment has been received from the group indicating what Council’s contribution has been applied towards.

### **Current Position:**

By letter dated 11 March, 2011 the group has issued an invitation to the official opening on 21 May, 2011. The same letter contains a request for a contribution in 2011/2012 towards the payment of rent. The premises where the group operates is owned by Barriekneal Housing

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

Walgett Shire Council - Requests for Assistance Policy

### **Governance Issues:**

Under Section 356 (3) (c) of the Local Government Act 1993 Council may make donations to community organisations up to a total amount which does not exceed 5 % of ordinary rate income without giving public notice.

The problem Council faces in making such contributions is where its role to support community ends and the need for welfare type assistance from higher levels of government kicks in.

Obviously whilst Council has no problem with assisting an organisation to set itself up, it is not one of Council’s core functions to provide welfare type contributions to keep such organisations operating

### **Environmental Issues:**

Nil

### **Stakeholders:**

Lightning Ridge Men’s Shed  
Walgett Shire Council  
Lightning Ridge Local Community

**Financial Implications:**

Council needs to manage its scarce resources very carefully. Whilst it can often provide support by way of facilitation or lobbying, it is inappropriate for Council to be expected to provide operating finance to underpin an organisation's day to day activities.

**Legal Issues:**

Nil

**Alternative Solutions/Options:**

Nil

**Conclusion:**

That Council should refrain from making donations for specific purposes which are outside its core business activities and are really the responsibility of high tiers of Government because of their welfare type nature.

**Request for Assistance – Lightning Ridge Men's Shed**

**Recommendation:**

That Council advise the Lightning Ridge Mens' Shed that it is unable to make an annual contribution towards the rental for the premises they occupy at Lightning Ridge.

**Moved:**

**Seconded:**

**Attachments:**

Letter from the Lightning Ridge Men's Shed



The Secretary

Lightning Ridge Men's Shed

11/03/2011

Mr. Don Ramsland,  
General Manager,  
Walgett Shire.

Dear Sir,

On behalf of the Lightning Ridge Men's Shed we would like to thank you for the support we have received from the Walgett Shire Council with rent assistance for the previous year.

Without your help we would have struggled to get to where we are today, not with-standing as we are growing from strength to strength and now have a membership approaching 50 people; consequently our running costs are rising as well. Electricity approx. \$100 pm. and possibly CPI increase with the rent next year.

We would request and appreciate it if Walgett Shire Council would consider a rent assistance grant again for the coming period.

As a fore note I would also like to advise the Council of the official opening of Lightning Ridge Men's Shed on the 21<sup>st</sup> of May 2001 at Midday, Please advise the councilor's , official invitations will be forwarded in the mail shortly

Yours sincerely,

M.Evans

President-Chuck Peters    Secretary-Michael Evans    Treasurer-Michael Ah.

**Supported by:**

NSW Outback Division of General Practice-Lightning Ridge Neighbourhood Centre-Walgett Shire Council

## **11. LIGHTNING RIDGE NEIGHBOURHOOD CENTRE INC – CLOSURE OF TRANSCULTURAL COMMUNITY COUNCIL**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 09/1115

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### **Summary:**

To consider a request from the Lightning Ridge Neighbourhood Centre Inc for Council to consider ways of funding the activities of the Transcultural Community Council activities.

### **Background:**

The Lightning Ridge Transcultural Community Council (TCC) was established in 1996 to assist residents at Lightning Ridge from non-english speaking backgrounds to integrate into the community.

In 2010 Council secured \$8,000 to fund a mapping project.

### **Current Position:**

At its monthly meeting on 8 March 2011, the Lightning Ridge TCC made a decision to close down its activities from March, 2011 as the funding allocation of \$9,100 received from the State Government would in future not cover items such as rent, insurance and Workers Compensation.

The Lightning Ridge Neighbourhood Centre Inc, by letter dated 11 March, 2011 has requested Council to investigate ways to keep the TCC functioning including the provision of funds to pay a part time staff member.

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

Walgett Shire Council - Requests for Assistance Policy

### **Governance Issues:**

The activities of the TCC do not represent part of Council's core business activities. As such it is inappropriate for Council to become involved with funding as that is the function of higher tiers of government.

At best Council could become involved in facilitating meetings with higher tiers of government and lobbying for the retention of the service.

### **Environmental Issues:**

Nil

### **Stakeholders:**

Lightning Ridge Local Community  
Walgett Shire Council  
Lightning Ridge Transcultural Community Council

**Financial Implications:**

Council has made a contribution of \$3,200 per annum to the TCC in 2010/2011 towards interim support for rent and utilities. The organisation is obviously looking for a much higher level of contribution in the future.

**Alternative Solutions/Options:**

At best Council could become involved in facilitating meetings with higher tiers of government and lobbying for the retention of the service.

**Conclusion:**

It is inappropriate for Council to devote any funds to non core activities that are essentially the function of higher tiers of government. Where it does become so involved, it runs the risk of being expected to step into the breach when higher tiers of government withdraw.

|                                                                                             |
|---------------------------------------------------------------------------------------------|
| <b>Lightning Ridge Neighbourhood Centre Inc – Closure of Transcultural Community Centre</b> |
|---------------------------------------------------------------------------------------------|

**Recommendation:**

That Council advise that it is unable to assist financially in staffing functions that are outside its core business activities but is prepared to assist in facilitating meetings with higher tiers of government to lobby for the funding of the TCC activities.

**Moved:**

**Seconded:**

**Attachments:**

Letter dated 11 March from the Lightning Ridge Transcultural Community Council



PO Box 415 - 3/28 Morilla Street  
Lightning Ridge NSW 2834  
Ph: ( 02) 6829 0294 - Fax: (02) 6829 0847

[lrcn@bigpond.net.au](mailto:lrcn@bigpond.net.au)

**Don Ramsland  
General Manager  
Walgett Shire Council**

**11/03/11          PLEASE READ URGENTLY**

**Dear Don**

I am writing to you today to ask for your assistance in regard to the CALD community of Lightning Ridge and districts. You will be aware of the excellent work that has been carried out by the TCC Inc. (Transcultural Community Council). I was informed yesterday that they decided at their meeting on Tuesday night to cease operations at the end of March. This will leave a huge hole in community services in Lightning Ridge. The TCC did migrant case management and many other migrant related services including organising the volunteer visiting program. There are many people here who have little or no understanding of English. The Neighbourhood Centre will not cope with the extra work load unless we can employ a migrant services case worker, who is multilingual, at least three days a week. Please advise any thoughts you may have on ways to fund or organise this need in our community. I was told that The Walgett Shire may be considering employing a person of this description – please advise if this is the case and if this service will extend to Lightning Ridge.

Yours faithfully

Karin Thurston  
LRNC Inc Centre Manager

## **12. PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR COUNCILLORS POLICY**

**REPORTING SECTION:** Corporate & Community Services  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 09/1409

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### **Summary:**

The purpose of this report is to enable Council to consider a Draft Policy for the payment of expenses and provision of facilities to Councillors.

### **Background:**

Council is required to adopt a policy for the payment of expenses and the provision of facilities to Councillors within five months after the end of each year, with a copy of the policy to be forwarded to the Department of Local Government.

### **Current Position:**

A draft policy has been prepared for Council's consideration, taking into account the existing policy, legislative requirements and the guidelines issued by the Department of Local Government.

An additional clause has been included on page 10 of the policy clarifying that Council approval is required for the reimbursement of legal costs. The guidelines from the Division of Local Government suggest that an approvals process be in place.

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

Local Government Act 1993  
WSC Policies Document  
WSC Procedures Document

### **Governance issues:**

The adoption of a policy will contribute to the governance of the organisation

### **Environmental issues:**

Nil

### **Stakeholders:**

Councillors  
Council staff

### **Financial Implications:**

The monetary amounts in the policy were updated last year, and the current draft policy does not provide for an increase.

**Alternative Solutions/Options:**

Council is required to adopt a policy for the Payment of Expenses and the Provision of Facilities to Councillors, however the terms of the policy may be varied.

**Conclusion:**

The limits of expenditure have not been increased as they were reviewed in 2009. Council should consider whether the suggested limits are equitable.

**Payment of Expenses and Provision of Facilities for Councillors Policy**

**Recommendation:**

1. That Council give notice of its intention to adopt the Draft Policy for the Payment of Expenses and Provision of Facilities to Councillors, in accordance with Section 253 of the Local Government Act.
2. And that the Draft Payment of Expenses and Provision of Facilities for Councillors policy, then be placed on public exhibition and public submissions invited.

**Moved:**

**Seconded:**

**Attachments:**

1. Draft Payment Expenses and Provision of Facilities for Councillors Policy (will be circulated under separate cover to councillors before the Council meeting)

### **13. 2011/2014 DRAFT MANAGEMENT PLAN AND BUDGET**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 09/1565

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#### **Summary:**

To advise Council of the timeframe for the preparation of the 2011/2014 Draft Management Plan and Budget

#### **Background:**

As Council is aware, under the existing legislation is required to have prepared and adopted its Management Plan and Budget for 2011/2014 by 30 June, 2011.

#### **Current Position:**

Council staff are currently working on the baseline budget and a meeting will be held with Councillors to discuss capital works for inclusion in the coming budget at a date to be fixed early in April, 2011.

As part of an improved public consultation process it is proposed to run a series of community forums across the shire during early May, 2011 to explain to the community what works and the like are being planned for the period 2011/2014 and to seek their input on the priorities identified.

The timeframe will be as follows:

|                                                            |                          |
|------------------------------------------------------------|--------------------------|
| Councillors consider capital works programme for 2011/2014 | TBA (early April)        |
| Draft Management Plan and Budget circulated to Councillors | Wednesday 27 April, 2011 |
| Draft Management Plan and Budget adopted in principle      | Tuesday 3 May, 2011      |
| Community Forums                                           | 3 May – 28 May           |
| Plan on Budget on Public Exhibition                        | 4 May – 3 June           |
| Public submissions close                                   | 3 June, 2011             |
| Revised Draft Management Plan and Budget to Councillors    | 21 June, 2011            |
| Management Plan and Budget 2011/14 adopted                 | Tuesday 28 June, 2011    |

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

Local Government Act 1993

#### **Governance Issues:**

It is believed that the more public consultation is encouraged in the preparation of the Management Plan, the greater acceptance there will be of the Plan by the broader community.

#### **Environmental Issues:**

One of the main environmental issues in the coming year will be the finalisation of Council's Local Environmental Plan, a process that has been dragged out for far too long.

**Stakeholders:**

Council  
Council Staff  
Community of Walgett Shire

**Financial Implications:**

Whilst the Management Plan sets out both operational and strategic directions for the period 2011/2014,

The Budget should provide for a balanced outcome for the period under review.

**Alternative Solutions/Options:**

Nil

**Conclusion:**

Council should indicate whether it is comfortable with the timeframe and process detailed above.

**2011/2014 Draft Management Plan and Budget**

**Recommendation:**

That the report be received and noted and the timeline for the preparation of the 2011/2014 Management Plan and Budget be endorsed.

**Moved:**

**Seconded:**

**Attachments:**

Nil

## **14. MATTERS GENERALLY FOR BRIEF MENTION OR INFORMATION ONLY FROM GENERAL MANAGER – MARCH 2011**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 09/1455

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### **1. Tourism Operators Meeting and Tourism Working Party Meeting**

A well attended Tourism Operators Meeting was held in Walgett on Thursday 24 February 2011 and the outcomes of that meeting are documented in the attached meeting notes.

Similarly, a meeting of the Tourism Working Party was held at Walgett on Tuesday 8 March when agreement was reached with regards the design of the front cover of the new tourist brochure and design of a series of nine tourist billboards.

### **2. Regional Library Services**

Negotiations are ongoing with regards the new regional library service agreement. A meeting of the key stakeholders is to be held later this month when it is anticipated that a number of issues raised by both Gwydir and Walgett Shire Councils will be thrashed out.

### **3. Showground Insurance**

Following the storm damage incurred at the Walgett Showground on 28 November, 2010 separate insurance claims have been lodged in respect of damage at three locations – the Moore grandstand, the horse stables and the Colless grandstand.

A meeting was held with key stakeholders on Tuesday 8 March to review progress with regards repairs because of three fast approaching functions, the Walgett Show in May, the Walgett Picnic Races in June and the Walgett Rodeo and Campdraft in August.

Loss assessors are to inspect the damage later this week and a further claim has been lodged in respect damage to the Jockey Club facilities from a storm on Tuesday 1 March, 2011.

Consideration is being given to the best approach to undertake repairs so that they will complement and subsequent upgrading or refurbishment of facilities at the Showground Complex.

A further meeting will be held on Monday 4 April, 2011 at 5 pm to follow up on progress being made with regards the repairs.

### **4. Flood Damage Claims**

Flood damaged claims totalling \$12,430,030.11 has been lodged in respect of recent flood damage to some 25 roads in the southeastern part of the shire. Further claims are currently being prepared in for 55 roads around the rest of the Shire

The RTA has completed its first round of inspections and it appears that approximately 85% of the damage claimed has been approved.

Work on emergency repairs has now been completed and a start made on the works of a more permanent nature. It is likely that it could take up to twelve months or more before all flood damage repair works are completed.

**5. Old Walgett Medical Centre Premises**

Negotiations are ongoing to lease the Old Walgett Medical Centre Premises with interest being currently shown by two parties.

**6. Lightning Ridge Dementia Day Care**

The following draft programme has now been set for works in connection with the Lightning Ridge Dementia Day Care project:

1. *Week beginning Monday 28<sup>th</sup> March – Close tenders (Tuesday 29<sup>th</sup> March at Council's offices?). Consultant to review and supply tender summary and recommendations.*
2. *Tuesday 3<sup>rd</sup> May – Council to consider recommendations.*
3. *Monday 23<sup>rd</sup> May - Date for Commencement of 16 week Contract*
4. *Monday 12<sup>th</sup> September – Date for Practical Completion*
5. *Monday 12<sup>th</sup> December– Date for End of 13 week defects period.*

**6. Electricity Charges**

A review of Council's electricity billing has revealed that by changing to a "Business Time of Use Tariff" in respect of 16 sites Council will be able to effect savings in the order of \$37,500 per annum.

**7. Barwon Medical Grants**

Details of the recipients of this year's Barwon CWA medical grants are set out in the attached press release. Council makes an annual donation of \$3,000 towards this project.

**8. FWAS Newsletter**

Council received a copy of the latest Far West Academy Newsletter, please see attachments.

**9. Special One Conference**

On 23 February 2011, at the Special Conference, the Association took another major step forward in progressing the formation of a single Association to represent Local Government in NSW.

For the first time as an Association, the 27 Principles recommended by the One Association Convention held in August 2010 were discussed and debated, and of these, 23 Principles were adopted without change. These are set out in the attached document.

A draft constitution has been distributed to all councils. In order to comply with federal legislation and Fair Work Australia requirements further input is required, voting and discussion by both Associations throughout 2011.

**10. Staff thank you – Lightning Ridge**

Council received a letter from the Lightning Ridge Rotary Club thanking its Lightning Ridge Staff for doing an excellent job picking up rubbish and keep the town clean. Well Done boys

**11. Announcement of Funding**

Minister Simon Crean made an announcement at the RDA National Forum, below are some interesting extracts to take you to the important areas that involve local government and possibilities to attract funding to your local community and region.

This funding will also support RDA's in their engagement of measures around the Murray-Darling Basin and NBN feasibility studies in 2010/11. Specifically:

- all RDA Committees will receive an additional \$25 000, GST exclusive, to support RDA community engagement and/or capacity building over the next few months

- all RDA's will receive \$8000, GST exclusive, to cover additional travel expenses associated with travel to State RDA and other meetings
- \$100 000, GST exclusive, is being provided to each of the 11 RDA committees in the Murray-Darling Basin to assist those committees with their efforts to better engage with the community on the social and economic impact assessments around changes to water allocations
- \$200 000 will be provided to RDA committees to undertake early feasibility studies on opportunities associated with the National Broadband Network.

**12. Korea War Veterans**

Council received correspondence from the Korea War Veterans Association – NSW asking for Council's cooperation by erecting a plaque on War Memorials. If Councils can assist then the information would be directed to DVA, this would expedite the granting of a grant to enable the purchase of Korea War plaques in memory of all Korea War Veterans

**13. USU Campaign**

Council received correspondence from the United Services Union regarding their concerns about the potential change of State Government after the NSW State Election on 26 March 2011.

The USU is concerned about the lack of available information and policy required to allay the fears of its members regarding such issues as:

- *Ongoing Rate Pegging*
- *Appropriate Funding*
- *Forced Amalgamations*
- *Industrial Relations*
- *Sacking of Councillors*
- *Contracting Out*

Attached to this report are copies of flyers sent to Council raising the concerns of the USU.

**14. Duncan Gay –Mining Issues**

Council has received a reply to its letter sent to Hon Duncan Gay, Shadow Minister for Primary Industries regarding the concerns within our region in relation to Opal Mining.

The Minister advises that he is happy to visit Lightning Ridge, but will be unable to do so before the end of this month. He asks that Council contact him after the State Election on 26 March 2011.

**15. Amendments to the Protected Disclosure Legislation**

A proclamation was gazetted commencing amendments to the *Protected Disclosures Act 1994* that were passed by Parliament in October last year. The Act is now called the *Public Interest Disclosures Act 1994*.

The changes will come into effect in three stages. The first set of changes came into effect on the date of proclamation. They changed the name of the Act and its scope to provide that disclosures about a failure to properly fulfil functions under the Government Information (Public Access) Act 2009 may be made internally, as well as to the Information Commissioner.

The second set of changes will come into effect on 1 July 2011. The third set of changes will take effect on 1 January 2012. These relate to a new requirement that public authorities will have to report annually on compliance with the protected disclosures system.

**Matters Generally for Brief Mention or Information only from General Manager –  
March 2011**

**Recommendation:**

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

**Moved:**

**Seconded:**

**Attachments:**

1. Notes from Tourism Operators Meeting – 24 February 2011
2. FWAS Newsletter
3. Decisions from the Special One Conference
4. United Services Union Flyers

# NOTES FROM TOURISM MEETING

Thursday 24 February 2011

## 1. **Tourism brochure**

Discussion was held on the options that were chosen for the brochure front cover. None of them were suitable.

- A suggestion was that we have a John Murray Art print of some sort to incorporate all aspects of the Shire.
- Another suggestion was a 4 picture Montague to represent the Shire.
- Make front cover simple and not cluttered.
- Make the cover representative of the whole Shire.
- Picture not that important on front cover as when they are displayed no one sees the front cover.
- Must be unique and eye catching and people must want to pick it up.

Was agreed to contact John Murray and ask him to prepare a new front cover for us.

Some ideas for the front cover:

- Bright blue background, emu head, fishing, Aboriginal culture.

It was also agreed to form a Tourism Committee to thrash out the final design for the brochure and any other decisions that will need to be made in relation to Tourism.

Representatives from each town:

Carinda – Dan Gale

Collarenebri – Marlene Cutler/Shirley McGrath (Clr Smith to chase up)

Burren Junction – Brett Stevens

Lightning Ridge – Trevor Hudson, Lightning Ridge Tourist Association to provide one more person as a representative (James Hereford Ashley to chase up).

Walgett – Rod White and Beverly Meyer.

## 2. **Signage**

Discussion was held on the billboards, and other signage in the Shire. It was noted that once the brochure is completed and a concept is finalized then we can proceed with the billboards and signage. We may be able to use the Emu head as a brand for everything in tourism.

The images that were chosen as Billboard option would be better as postcards than a billboard.

Produce a program for signage.

## 3. **Branding**

The General Manager would like to see the branding cover all aspects of tourism. Once the brochure is finalized then we will have a concept.

## 4. **Main Street**

Discussion was held on the Main Street Program, this item has been put on hold.

RECEIVED 24 FEB 2011



# FWAS NEWSLETTER

**FEBRUARY 2011**  
www.dsr.nsw.gov.au/fwass



## TENNIS NEWS



### 2011 Program Trials

The trials for the 2011 FWAS Tennis Program will be held on Sunday the 6<sup>th</sup> March. The trials are open to male and female athletes in the Far West area who will be turning 12 – 16 years of age in 2011 (ie athletes born from 1995 – 1999). From the trials approximately 15 athletes will be selected to form a squad.

The 2011 program is shaping up well with a tour to either Broken Hill or Coffs Harbour and tournaments at Tottenham, Coonabarabran and Gunnedah throughout the year. In addition members of the Tennis Program will be competing in the Academy Games in Armidale in April for the second time.

### 2011 Tennis Program Trial Details:

**WHEN:** 6<sup>th</sup> March  
**WHERE:** Warren Tennis Courts  
**TIME:** Start – 9:30am  
 Finish – 3:00pm  
**COST:** FREE  
**WHO:** Tennis players in the Far West region turning 12-16 in 2011

For more information please contact the FWAS on (02) 6847 3638

### Volunteers Needed

The academy is seeking community interest from coaches and managers to be involved with our 2011 Tennis Program. We look forward to having local people involved with our programs providing sports development opportunities to our talented athletes from the Far West Region. For an application package please contact the FWAS on (02) 6847 3638.

**Far West Academy of Sport**  
 Udora Road, Victoria Park  
 PO Box 409 Warren NSW 2824  
 Phone: (02) 6847 3638  
 Fax: (02) 6847 3651

**Executive Officer: Grace Brennan**  
 Email: [grace.brennan@communities.nsw.gov.au](mailto:grace.brennan@communities.nsw.gov.au)  
 Mob: 0447 203 780

**Development Officer: Matthew Thompson**  
 Email: [matthew.thompson@communities.nsw.gov.au](mailto:matthew.thompson@communities.nsw.gov.au)  
 Mob: 0411 016 554

### Goolagong National Development Camp



Two members of the 2010 FWS Tennis Squad, Nathan Johnson (Brewarrina) and Dwayne Anderson (Nyngan) recently attended the Goolagong National

Development Camp in Melbourne during the first week of the Australian Open.

Nathan and Dwayne were two of fifteen players chosen Australia wide to attend the camp which aims to not only develop their tennis ability but their leadership and life skills.

While in Melbourne they were coached by Evonne Goolagong Cawley and attended seminars about nutrition, media interaction and sports psychology. They also attended matches during the Australian Open having the chance to watch Lleyton Hewitt in action during the first round.

The FWAS would like to thank the Evonne Goolagong Cawley Tennis foundation for this wonderful opportunity.

## GOLF NEWS



Eight young golfers from across the Far West, including four members of the FWAS Golf program, participated in the annual JNJG "Bush to City" Camp from the 9<sup>th</sup> – 14<sup>th</sup> January.

Eddie Emerson, senior golf professional at St Michael's Golf Course, spent the week coaching the players to improve their game.



The players were given plenty of opportunities to put into practice

what they learnt during the week playing at St Michael's, Russell Vale, The Grange, The Lakes and Woollooware golf courses.

Brad Connelly performed exceptionally well winning the overall nett at the Illawarra Prime 90 Tournament, played at Russell Vale and the Grange courses.

The training extended beyond the golf course with the golfers put through a weights session by Brad Marshall (Loftus TAFE Gym Manager). Brad also talked to the athletes about nutrition and performed warm up stretches and drills with the golfers.

The FWAS would like to thank Sharon Nott, Rhonda Connelly, Eddie Emerson, Jack Newton Junior Golf and Country Junior Golf for organising the tour and supporting the Far West golfers.

The Golf Squads next activity will be an educational day in Warren on 6<sup>th</sup> March 2011,

**FWAS Squad Members:** Brad Connelly, Thomas Job, Justin Roberts (Warren) and Hannah Smith (Tottenham)

### RUGBY LEAGUE NEWS



Six members of the CRL Far West Academy Squad attended the annual NSW Rugby League Academy's January Camp in Narrabeen from 17<sup>th</sup> - 20<sup>th</sup> January. The players were accompanied by CRL Far West program staff including Ronny Gibbs and Mick Barlow.

The players received first class coaching by the NSWRL Development Officers and invitational coaches. The players underwent a full fitness assessment on their first day and put through a variety of drills during the week to promote their skill development.



A highlight of the camp for the players was being able to watch the Manly Sea Eagles train and

meet two of their stars, David Williams and Keiran Foran, and receive coaching from St George Illawarra coach Wayne Bennett.

Camp attendees included: Jack Kelly, Adam Mason-Roworth (Coonamble), Russell Cunningham (Collarenebri), Tyrone Johnson (Lake Cargelligo), Jackson Williams-Hedges (Nyngan) and Lewis Varty (Baradine)

The Academy and Development Squads are now preparing for their upcoming tour to Newcastle where they will play the Knights junior development sides.

#### FWAS FRIENDS OF THE ACADEMY

The FWAS would like to thank all the Far West Community Businesses that have assisted our athletes through individual sponsorships to assist offset their academy expenses.

### CLAY TARGET NEWS



In conjunction with the Western Zone Clay Target Association, the FWAS sent three shooters from the Far West to attend the Northern Zone/Hunter Academy of Sport Development Camp at Lake Macquarie Gun Club which was held from the 6<sup>th</sup> - 8<sup>th</sup> January.

The shooters received top class coaching from some of Australia's best coaches and former Olympians, including Suzy Balogh and Tom Turner. The shooters also received specialised sessions on motivation, psychology and strength and conditioning.

The FWAS would like to thank the Hunter Academy of Sport and the Western and Northern Zone Clay Target Associations for providing this great development opportunity.

Camp attendees included: Dean Jeffery (Nyngan), Laine Vallett (Coonamble) and Mitchell Marett (Brewarrina)

### NETBALL NEWS



#### Netballers Wanted

The FWAS is seeking Netballers to fill positions in the Academy squad due to a number of vacancies that have arisen.

The Far West is on the lookout for talented netballers turning 16 to 18 years of age in 2011 that are interested in furthering their netball. As a member of the squad you will have access to high quality coaching, take part in athlete education sessions (for example, psychology, nutrition, drugs in sport and strength and conditioning) as well as take part in tours such as Academy Games and NIB Games.

Interested netballers will need to complete an application form (available from the FWAS or your school Sports Coordinator) and attend the training weekend on the 5<sup>th</sup> and 6<sup>th</sup> March to be considered for selection. The training camp will be held in Warren starting at 10:30am Saturday and finishing at 1:30pm Sunday.

For more information please contact us on (02) 6847 3638.

### NSW Indigenous Selections

Several members of the FWAS Netball squad travelled to Sydney on the 20<sup>th</sup> November to take part in the NSW Indigenous Schoolgirls Trials.

Two FWAS athletes were selected in the NSW Indigenous side, Jessica Wighton (Gilgandra) was selected in the opens team and Briane Conroy



(Brewarrina) was selected in the Under 15s team.

As part of the NSW sides the two players attended the National Indigenous Trials in Port Macquarie from the 13<sup>th</sup> – 16<sup>th</sup> to try and earn a place in the Australian side. Despite playing some outstanding netball over the tournament Jessica and Briane were unlucky not to be chosen in the Australian side.

**LONE STAR NEWS**

Two members of the FWAS Lone Star squad have been recognised at their local Australia Day awards for their outstanding sporting success. Cobar cricketer, Taylor Gilbert, was awarded the Kerrigundi award which is awarded to a person or persons who has excelled in sport. While in Nyngan, junior shooter, Dean Jeffery was awarded the Junior Sportsman of the Year.

Meanwhile Nelson Salter and Ebony Blake, both from Nyngan, participated in the NSW Country Athletics Championships that were held in Newcastle on the 22<sup>nd</sup> and 23<sup>rd</sup> January. Both athletes had great success with Nelson placing 2<sup>nd</sup> in the 100m and 200m and 5<sup>th</sup> in the Long Jump while Ebony finished 4<sup>th</sup> in the 100m, 200m, Long Jump and Triple Jump.

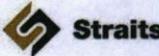
Over the same weekend, Lightning Ridge swimmer Brook Holland travelled to Dubbo to take part in the Swimming NSW Country Regional Championships. Brook performed strongly picking up 2<sup>nd</sup> in the 50m Breaststroke, 3<sup>rd</sup> in the 100m Freestyle, 4<sup>th</sup> in the 100m Breaststroke and 5<sup>th</sup> in the 50m Butterfly.

Showjumper Jessica Bonello (Nyngan) attended the NSW Pony Club State Camp from the 9<sup>th</sup> – 14<sup>th</sup> January at the Sydney International Equestrian Centre in Sydney. Jessica was one of fifteen riders in the state to be offered a position at the camp in her discipline of showjumping. At the camp Jessica received instruction from some of the best coaches in Australia, including former Olympians.

The next activity for the Lone Star squad will be an educational day on Sunday 6<sup>th</sup> March in Warren.

| <b>CALENDAR</b>                     |                                                                   |
|-------------------------------------|-------------------------------------------------------------------|
| <b>FEBRUARY</b>                     |                                                                   |
| 11 <sup>th</sup> - 13 <sup>th</sup> | Newcastle Tour – Rugby League<br>Newcastle/Maitland               |
| 19 <sup>th</sup>                    | FWAS, Group XI and Group X<br>Round Robin – Rugby League<br>Dubbo |
| <b>MARCH</b>                        |                                                                   |
| 5 <sup>th</sup> - 6 <sup>th</sup>   | Training Camp – Rugby League<br>Warren                            |
| 5 <sup>th</sup> - 6 <sup>th</sup>   | Training Camp – Netball<br>Warren                                 |
| 6 <sup>th</sup>                     | <b>2011 FWAS Tennis Trials</b><br>Warren                          |
| 6 <sup>th</sup>                     | Education Day – Golf/Lone Star<br>Warren                          |
| 12 <sup>th</sup> - 13 <sup>th</sup> | Training Camp – Golf<br>Wellington                                |
| 27 <sup>th</sup> March              | Training Day – Netball<br>Warren                                  |
| <b>APRIL</b>                        |                                                                   |
| TBA                                 | Induction Camp - Tennis<br>Warren                                 |
| 14 <sup>th</sup> - 17 <sup>th</sup> | Academy Games – Netball,<br>Tennis, Golf<br>Armidale              |
| 22 <sup>nd</sup> - 25 <sup>th</sup> | Nyngan Easter Rugby League<br>Challenge – Rugby League<br>Nyngan  |

**The FWAS wishes to thank all our program supporters**

|                                                                                     |                                                                                                                                                                                 |                                                                                                                                                   |                                                                                       |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|  | NSW Sport and Recreation<br>Dubbo Youth Foundation<br>Tennis NSW<br>Football NSW<br>Country Rugby League<br>ITT Waste and Waste Water<br>Western Plains Clay Target Association | Murdi Paaki Regional Enterprise<br>Netball NSW<br>Jack Newton Junior Golf<br>UNSW<br>Western Plains Soccer Association<br>Straits Mining Services |  |
|  |                                                                                              | <b>Regional Councils in the Far West</b><br>Warren<br>Bourke<br>Brewarrina<br>Cobar<br>Nyngan                                                     |  |
|  |                                                                                              |                                                              |  |
|  |                                                                                            |                                                              |  |

**FWAS Friends of the Academy Sponsors**  
For their assistance in sponsoring local athletes, assisting them with membership levies.

# ①ne Association Local Government NSW

Shires Association of NSW – Special Conference

23 February 2011

## Shires Association, Special Conference 23 February 2011 Decisions

*The Shires Association resolve the following:*

1. For the purposes of representation, NSW will be broken up into two (2) regions:  
the metropolitan/urban region and  
the rural/regional region
  2. The metropolitan/urban region will be defined as including all councils which fall within the County Cumberland plus Camden Council
  3. The rural/regional region will be defined as including all other councils
  4. For the purpose of voting for the Board of Directors, each region will have an equal number of votes, which will be distributed proportionally on a basis to be determined among those ordinary member councils who fall within that region, with all ordinary member councils receiving at least one vote.
  5. For the purpose of voting on motions at Conference, each region will have an equal number of votes, which will be distributed proportionally among those ordinary member councils who fall within that region, with all ordinary member councils receiving a minimum of at least one vote
  6. The Board of Directors will consist of a maximum of 24 members being:
    - (a) 1 President
    - (b) 1 Metropolitan / Urban Vice President
    - (c) 1 Regional / Rural Vice President
    - (d) 1 Treasurer
    - (e) 10 Board members representing Metropolitan / Urban councils
    - (f) 10 Board members representing Rural / Regional councils
  7. The position of President will be elected at large by all voting delegates
  8. The positions of board members to represent Metropolitan / Urban Councils will be elected by all voting delegates from those councils who are categorised as Metropolitan / Urban
  9. The positions of board members to represent Rural / Regional Councils will be elected by all voting delegates from those councils who are categorised as Rural / Regional councils
  10. The position of Metropolitan / Urban Vice President will be elected by all voting delegates from nominees who are elected Councillors from those councils who are categorised as Metropolitan / Urban councils
  11. The position of Rural / Regional Vice President will be elected by all voting delegates from nominees who are elected Councillors from those councils who are categorised as Rural / Regional councils
  12. The position of Treasurer will be elected at large by all voting delegates
-

13. The terms of office for all Board Members and Office Holders will be for a period of two (2) years
14. A person may hold the position of President for no more than four years (subject to being elected after the first term), before the position must alternate to the other region
15. There will be no term limits for the positions of Vice Presidents (subject to being re-elected)
16. There will be no term limits for the position of Treasurer (subject to being re-elected)
17. There will be no term limits for the positions of Board Members (subject to being re-elected)
18. The position of President will be alternated between the two regions
19. It will not be necessary for the position of Treasurer to be alternated
- 20. There will be two categories of membership: Ordinary and Associate**
21. All 152 general purpose councils will be eligible for Ordinary membership
- 22. The 9 Regional Aboriginal Land Councils (at their discretion) will be eligible for Ordinary or Associate Membership of the Association**
- 23. There will be two types of membership categories; Ordinary and Associate and NSW County Councils will only be eligible for Associate Membership**
24. Elected Councillors from Ordinary members will be eligible to run for positions on the Board of Directors
25. Elected Councillors from Ordinary members who are their Council's nominated voting delegates will be eligible to vote for positions on the Board of Directors
- 26. Elected Councillors from Ordinary members who are their Councils nominated delegates will be eligible to vote for motions at Conference, with the exception of those councils under administration where the Administrator may be the delegate**
27. Ordinary member councils will be eligible to put motions to Conference
- 28. That the Rural/Regional Division be broken into 10 Zones for the purpose of the election of members of the Board**
- 29. That Member Councils within each Zone vote for the Executive Member who will represent that Zone**

(Note the principles outlined in Bold denote amendments from the Convention recommendations.)

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①ne Association  
Local Government NSW



# WHAT ABOUT ELECTED COUNCILLORS BARRY, ARE YOU GOING TO SACK THEM LIKE JEFF KENNETT DID IN VICTORIA?

election 2011



In 1994, two years after being elected, Jeff Kennett's Liberal government in Victoria sacked 1600 elected councillors across the state, and replaced them with handpicked commissioners, many of whom had links with the Liberal or National Party.

In addition to this, he amalgamated more than 200 councils down to 78, ordered that 50% of council services be privatised and insisted on an across the board rate cut. This had a devastating impact all across Victoria, but especially in rural areas,

Source: "Kennett's blitz a decade on", 25 April 2004, The Age

where council was sometimes the major employer and the major provider of community services.

**By the late 90s, the Australian Services Union estimates that around 11,000 council jobs had been lost across Victoria.**

The USU and our members have consistently campaigned to ensure that councils are not amalgamated, that jobs are not lost and that council services are not cut.

## What do you think about this Barry?

Would you do this to councils in NSW, would you sack the councillors we have elected?

# WE NEED AN ANSWER NOW BARRY

Contact Barry O'Farrell on (02) 9487 8588 or [barry.ofarrell@nsw.liberal.org.au](mailto:barry.ofarrell@nsw.liberal.org.au) and ask him when he is going to release his policies.

All employees are encouraged to join the USU. Application forms can be obtained from the website [www.usu.org.au](http://www.usu.org.au) or by ringing the USU Support Team on 1300 136 604.

Authorised by Graeme Kelly General Secretary, New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union, Level 7, 321 Pitt St Sydney • Phone: (02) 9265 8211 • Facsimile: (02) 9261 2265 • Email: [united@usu.org.au](mailto:united@usu.org.au) • Website: [www.usu.org.au](http://www.usu.org.au)



# WHAT ABOUT OUR COUNCIL BARRY? ARE YOU GOING TO AMALGAMATE IT?

election 2011



The USU has a history of campaigning against forced council amalgamations and calling for employment protection. During 2003 the USU had discussions with the then Premier Carr, who assured the union that there would be no forced redundancies associated with council amalgamations, boundary changes or council dissolutions, only to make a surprise policy change and introduce draft legislation to allow councils to alter employees' terms and conditions immediately upon the creation of a new council entity.

The USU fought back and made strong calls for amendments to the 1993 Local Government Act in order to secure employment protection for council employees. Following numerous rallies, meetings and contact with the State Government [3] the Employment Protections Bill was passed in Parliament in early 2004. The Local Government Amendment (Council and Employee Security) Bill 2004 was developed in consultation with the USU, and provided employees with a 3 year employment protection following any amalgamations or boundary changes.

[1] LGSA media release 20/11/2009  
 [2] USU letter to Legislative Members, 22/12/2003  
 [3] USU letter to Delegates and Members, 6/1/2004  
 [4] USU update: New England council workers to meet with Kibble, 19/4/2010

The USU remains opposed to forced council amalgamations. There appears to be no tangible evidence to show that council size in terms of its population bears a relationship to 'scale economies' [1][2], or greater efficiency and lower rates. It's preferable to call for commitment to a voluntary process of local government reform, where the need for change has been identified.

The USU continued to press on this important issue when they met with the Government facilitator Gabrielle Kibble in

April 2010 to discuss the New England Strategic Alliance Review, which looked into amalgamating a number of councils in the New England area, and raised concerns on potential consequences on council employees should the proposed amalgamation take place [4].

With the State election coming up it's important to establish candidates' stance and commitment to these central issues affecting council employees.

**Barry O'Farrell**, what are your plans for NSW councils? Will you support the USU's call for voluntary amalgamations? Will you support other forms of local government reform and not engage in coercion or compulsion when it comes the time to change? Will you ensure that current employment protections will remain in place? Will you safeguard the current legislative protections, or are you planning to strip local government employees of their current employment conditions or contribute towards council employees losing their employment by making changes to current legislation?

## WE NEED AN ANSWER NOW BARRY

Contact Barry O'Farrell on (02) 9487 8588 or [barry.ofarrell@nsw.liberal.org.au](mailto:barry.ofarrell@nsw.liberal.org.au) and ask him when he is going to release his policies.

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# WHAT ABOUT RATE PEGGING BARRY? ARE YOU GETTING RID OF IT?

election 2011



Each year the Minister for Local Government sets a rate pegging percentage, which limits the amount by which council can increase the total income it receives from rates.

Rate pegging means that councils are restricted in their ability to deliver community services.

Local councils are now expected to deliver more services than ever, and yet there are no extra funds for it. How can council be expected to deliver quality local services such as garbage collection, library services, child care, beach safety

and maintaining parks and gardens without the funds to do it? Services suffer under rate pegging, and communities suffer from below standard services.

In addition, rate pegging means that funds for staff pay and conditions are squeezed thin. The USU has campaigned to abolish rate pegging so that councils can deliver quality services for the community.

Each council should be able to make a decision on how much rates it will take in relation to local community needs.

**What do you think Barry? Will you abolish rate pegging so that communities can receive better services?**

**WE NEED AN ANSWER  
NOW BARRY**

Contact Barry O'Farrell on (02) 9487 8588 or [barry.ofarrell@nsw.liberal.org.au](mailto:barry.ofarrell@nsw.liberal.org.au) and ask him when he is going to release his policies.

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# WHAT ABOUT LOCAL GOVERNMENT BARRY?

## ARE YOU GOING TO CONTRACT OUT OUR JOBS?

**election 2011**



Across the state, Local Government is a major provider of essential services including but not limited to community services, libraries, child care, roads, parks and reserves. These services are quality services because of the staff that work there.

Warringah Council, thus keeping child care workers employed within local government

outsourcing essential services such as child care, leisure services and waste management at Fairfield City Council.

What happens if these jobs are contracted out?

- ▶ The campaign against plans by Liverpool Council to contract out child care, again keeping child care workers employed within local government
- ▶ The campaign against contracting out of lifeguards at Port Macquarie-Hastings Council.
- ▶ The campaign against

All these campaigns kept workers employed and services in the community. What will happen under a Liberal government? Will we have to fight these fights again, and will we be fighting across the state to stop outsourcing and contracting out of jobs?

- ▶ jobs cuts
- ▶ loss of job security
- ▶ lower pay rates
- ▶ loss of Award conditions
- ▶ lower quality services

The USU has run various campaigns across the state to ensure that jobs are not contracted out. Some of our successes include:

- ▶ The campaign against outsourcing long day care centres at

**What about Local Government Barry?  
Are you going to contract out our jobs?**

WE NEED AN ANSWER  
NOW BARRY

Contact Barry O'Farrell on (02) 9487 8588 or [barry.ofarrell@nsw.liberal.org.au](mailto:barry.ofarrell@nsw.liberal.org.au) and ask him when he is going to release his policies.

**All employees are encouraged to join the USU. Application forms can be obtained from the website [www.usu.org.au](http://www.usu.org.au) or by ringing the USU Support Team on 1300 136 604.**

Authorised by Graeme Kelly General Secretary, New South Wales Local Government, Clerical, Administrative, Energy, Airlines & Utilities Union, Level 7, 321 Pitt St Sydney • Phone: (02) 9265 8211 • Facsimile: (02) 9261 2265 • Email: [united@usu.org.au](mailto:united@usu.org.au) • Website: [www.usu.org.au](http://www.usu.org.au)

**15. 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 28 February 2011.

**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 28 February 2011 the operational bank account's balance was \$1,493,578.13. The reconciliation of this balance is:

**Operational Account Bank Reconciliation  
As at 28 February 2011**

|                                                             |                     |
|-------------------------------------------------------------|---------------------|
|                                                             | \$                  |
| <b>Opening Ledger Account Balance as at 1 February 2011</b> | <b>1,440,908.91</b> |
| Add: Receipts                                               | 2,087,316.29        |
| Add: Recalled Investments                                   | 250,000.00          |
| Less: New Investments                                       | -                   |
| Less: Payments                                              | (2,284,647.07)      |
| <b>Closing Ledger Balance as at 28 February 2011</b>        | <b>1,493,578.13</b> |
| <br>                                                        |                     |
| <b>Balance as per Bank Statement as at 28 February 2011</b> | <b>1,488,949.73</b> |
| Add: Receipts not banked                                    | 10,646.90           |
| Less: Payments not presented                                | (6,018.50)          |
| <b>Closing Balance of Bank Account</b>                      | <b>1,493,578.13</b> |

A Term Deposit to the value of \$250,000.00 was recalled in February 2011.

As at 28 February 2011 Walgett Shire Council's investment register's balance was \$4,524,493.99. The balance as per the attached investment report comprised:

WALGETT SHIRE COUNCIL AGENDA

|                                                    |                |
|----------------------------------------------------|----------------|
| Term Deposits                                      | \$4,500,000.00 |
| Floating Rate Collateralized Debt Obligation (CDO) | \$ 24,493.99   |

The market values disclosed for the Floating Rate Collateralized Debt Obligation (CDO) are market values as at 31 October 2010 and were supplied by the ANZ Group.

**Relevant Reference Documents/Policies:**

|                |                                                  |
|----------------|--------------------------------------------------|
| 09/1772/0001   | February 2011 bank reconciliation ledger 11.5010 |
| 09/1460-02/005 | Investments Report To Council 2010-2011          |

**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 28 February 2011 Walgett Shire Council's total available cash and invested funds were \$6,215,402.90 represented by:

|                         |                |
|-------------------------|----------------|
| Working Account Balance | \$1,493,578.13 |
| Investments             | \$4,524,493.99 |

**Cash on Hand and Investment Report as at 31 January 2011**

**Recommendation:**

1. That the cash on hand and investment report as at 28 February 2011 be received.

**Moved:**

**Seconded:**

**Attachments:**

Cash on Hand and Investment Report

Council investments have been made in accordance with the Local Government Act 1993, the regulations and council's investment policy

| <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              | 245                | 6.14          | 646/10     |                   | 01-Mar-11            | \$ 250,000.00       |
| Australian Defence Credit Union      | Term Deposit              | 99                 | 6.05          | 658/11     |                   | 09-Mar-11            | \$ 500,000.00       |
| Bankwest                             | Term Deposit              | 92                 | 5.85          | 659/11     |                   | 02-Mar-11            | \$ 250,000.00       |
| Bankwest                             | Term Deposit              | 92                 | 5.90          | 660/11     |                   | 09-Mar-11            | \$ 250,000.00       |
| Bank of Queensland                   | Term Deposit              | 120                | 6.10          | 661/11     |                   | 06-Apr-11            | \$ 500,000.00       |
| National Australia Bank              | Term Deposit              | 92                 | 6.00          | 662/11     |                   | 16-Mar-11            | \$ 250,000.00       |
| National Australia Bank              | Term Deposit              | 92                 | 5.87          | 663/11     |                   | 23-Mar-11            | \$ 250,000.00       |
| Newcastle Permanent Building Society | Term Deposit              | 90                 | 6.00          | 664/11     |                   | 07-Apr-11            | \$ 250,000.00       |
| Maquarie Bank                        | Term Deposit              | 91                 | 5.80          | 665/11     |                   | 12-Apr-11            | \$ 250,000.00       |
| Bankwest                             | Term Deposit              | 90                 | 5.85          | 666/11     |                   | 11-Apr-11            | \$ 250,000.00       |
| Maquarie Bank                        | Term Deposit              | 92                 | 5.80          | 667/11     |                   | 20-Apr-11            | \$ 250,000.00       |
| Newcastle Permanent Building Society | Term Deposit              | 92                 | 6.00          | 668/11     |                   | 20-Apr-11            | \$ 250,000.00       |
| Newcastle Permanent Building Society | Term Deposit              | 92                 | 6.00          | 669/11     |                   | 27-Apr-11            | \$ 250,000.00       |
| Credit Union Australia               | Term Deposit              | 92                 | 6.02          | 670/11     |                   | 27-Apr-11            | \$ 250,000.00       |
| Newcastle Permanent Building Society | Term Deposit              | 92                 | 6.00          | 671/11     |                   | 11-May-11            | \$ 250,000.00       |
| National Australia Bank              | Term Deposit              | 154                | 6.21          | 672/11     |                   | 27-Jul-11            | \$ 250,000.00       |
|                                      |                           |                    |               |            |                   |                      | <u>4,500,000.00</u> |

| <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>Floating Rates Collateralized Debt Obligations (CDO)</b> |                           |                    |               |            |                   |                      |                        |
| Zircon Finance Ltd                                          | Floating Rate CDO         |                    | 0.00          |            |                   | 20-Sep-14            | \$ 0.00                |
| Morgan Stanley Aces SP                                      | Floating Rate CDO         | 91                 | 6.950         |            | 20-Mar-11         | 20-Jun-15            | \$ 3,032.81            |
| Helium Capital Ltd                                          | Floating Rate CDO         | 92                 | 6.7417        |            | 23-Mar-11         | 23-Jun-14            | \$ 21,461.18           |
|                                                             |                           |                    |               |            |                   |                      | <u>24,493.99</u>       |
|                                                             |                           |                    |               |            |                   |                      | <u>\$ 4,524,493.99</u> |

**Investment Report as at 28 February 2011**  
 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.



Susie Jones  
 Finance Manager

## **16. PAYMENT TO 2WEB FOR ADVERTISING**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 09/1455

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### **Summary:**

To consider an approach from radio station 2WEB to purchase an annual package of advertising.

### **Background:**

Details of the proposal are set out in the attached letter from Radio Station 2WEB. Basically it involves a payment of \$5,500 + GST in advance for unlimited advertising of Council's activities during 2011/2012.

### **Current Position:**

Council accepted a similar offer for 2010/2011 in 2010 – the price was the same \$5,500 + GST.

### **Relevant Reference Documents:**

Letter of offer from Radio Station 2WEB

### **Governance Issues:**

Council's financial relationships with organisations such as this need to be completely open and transparent, particularly when they are relied upon to provide information to Shire residents and ratepayers.

In a way it could be considered that Council is sponsoring the community based radio station which it is believed is prevented from charging directly for advertising by virtue of its "community" status.

On the other hand, Council could be seen to be playing its part in ensuring that the valuable service the station provides to the community continues.

### **Environmental issues:**

Nil

### **Stakeholders:**

Council  
Local Community  
Radio Station 2WEB

### **Financial Implications:**

The cost involved for 2011/2012 of \$5,500 + GST would be considerable below rates applicable in a commercial situation and thus Council is at a distinct advantage by being able to buy an annual package of advertising by being able to deal with a community radio station rather than a

commercial one such as those broadcasting out of Dubbo or Moree. Where similar advertising would be on an actual "timed" basis.

**Legal Issues:**

There are no legal issues surrounding the concept being put forward to Council.

**Alternative Solutions/Options:**

Council can and does use other commercial radio stations to promote/advertise its activities in accordance with the policies applicable to those stations. In some instances Council is able to meet community sponsorship guidelines, other occasions paid advertising is involved.

Council also uses the services of ABC radio extensively as this network is recognised as the emergency services network across the country.

**Conclusion:**

Radio provides Council with the immediacy it requires in emergency situations.

Radio Station 2WEB, as community radio operator, is able to provide an annual package for advertising Council's various activities at a favourable rate.

| <b>Payment to 2WEB for Advertising</b>                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Recommendation:</b></p> <p>1. That Council accept the offer of Radio Station 2WEB for an annual advertising package of \$5,500 + GST for 2011/2012.</p> <p><b>Moved:</b><br/><b>Seconded:</b></p> |



**Attachments:**

Nil

## **17. COMMUNITY ASSISTANCE SCHEME ROUND 2**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Shane Roberts – Senior Finance Officer  
**FILE NUMBER:** 10/405

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### **Summary:**

This report identifies requests for financial assistance from Council through the Community Assistance Scheme 2010/2011 and under Section 356 of the Local Government Act 1993

This is the second (of two) rounds of requests for financial assistance for the 2010/2011 financial year, to include 2 Applications missed from the second round of requests.

### **Background:**

Applications have been received from community organisations for financial assistance under the Community Assistance Scheme. The scheme was advertised Shire wide, with applications closing 4 February 2011.

Applicants must be non-profit organisations and based in, or affiliated with, Walgett Shire. Donations are generally in the region of \$500-\$1000, and are limited to one donation per organisation per year.

The Community Assistance Scheme objectives are to:

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

### **Current Position:**

An amount of \$15,300.00 has been provided for in the 2010/2011 Budget in accordance with Section 356 of the Local Government Act 1993. This is to be utilised between the two rounds of funding as well as a nominal amount to be utilised in the advertising of the scheme (this came to \$324 in 2009/2010).

\$3,490.91 was allocated in Round 1, leaving a total of \$11,809.09 to be allocated in Round 2.

\$7,300.00 was requested to Council for Round 2, leaving \$4,509.09 still available.

One Application was received before the closing date, but was not assigned to the correct staff and missed being included with the rest of the Round 2 Applications.

The Applicants details are listed below.

WALGETT SHIRE COUNCIL AGENDA

|   | Organisation                                       | Project                                                                  | Request         | Cost of Project / Activity | Recommended        | Beneficiaries                                                   |
|---|----------------------------------------------------|--------------------------------------------------------------------------|-----------------|----------------------------|--------------------|-----------------------------------------------------------------|
| 1 | Rowena Preschool                                   | Purchase 30 New Team Leotards for clothing pool for competitions in 2011 | \$500.00        | \$1,380.00                 | \$500.00           | Lightning Ridge Gymnastics Club members and low income families |
|   |                                                    | <b>TOTAL:</b>                                                            | <b>\$500.00</b> | <b>\$1,380.00</b>          | <b>\$500.00</b>    |                                                                 |
|   | Round 1 Paid and Committed                         |                                                                          |                 |                            | <b>\$3,490.91</b>  |                                                                 |
|   | Round 2 Submitted to Council February 2011 Meeting |                                                                          |                 |                            | <b>\$7,300.00</b>  |                                                                 |
|   | 2010/2011 Budget                                   |                                                                          |                 |                            | <b>\$15,300.00</b> |                                                                 |
|   | Budget Remaining                                   |                                                                          |                 |                            | \$4,009.09         |                                                                 |

**Relevant Reference Documents/Policies:**

WSC Procedures – AFM – Requests for Assistance  
 Section 356 Local Government Act 1993  
 Local Government (General) Regulation 2005  
 Walgett Shire Council Management Plan 2009 - 2014

**Governance issues:**

Nil

**Environmental issues:**

Nil

**Stakeholders:**

Walgett Shire Council  
 Various community organisations

**Financial Implications:**

A total of \$4,009.09 is remaining in the Community Assistance Scheme budget after Rounds 1 and 2 if the recommendations are approved.

**Alternative Solutions/Options:**

Nil

**Conclusion:**

All applications for funding from the Community Assistance Scheme are of benefit to the Walgett Shire Communities

**Community Assistance Scheme Donations – 2010/2011 Budget**

**Recommendation:**

That Council applies funds for financial assistance under section 356 of the Local Government Act 1993 for the two Community Assistance Scheme Applications that were received before the closing date.

**Moved:**

**Seconded:**

**Attachments:**

Nil

## **18. KAMILAROI HIGHWAY – STAGE 2 PRODUCT DEVELOPMENT**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Alana Copelin – Senior Visitor Information Centre Officer  
**FILE NUMBER:** 09/1334

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### **Summary:**

The Kamilaroi Highway Cluster is seeking Council support in applying for funding under the TQUAL Program to identify and assess potential products within the Kamilaroi Highway corridor, with the focus on Aboriginal and eco-style tourism opportunities.

### **Background:**

The Kamilaroi Highway Committee, consisting of the Shires of Liverpool Plains, Gunnedah, Narrabri, Walgett, Brewarrina, Bourke and Moree Plains Shire Council (loop into the Kamilaroi Hwy) was formed in 1999. The Committee's aim is 'to bring economic, social and environmental benefits to the communities associated with the Kamilaroi Highway by increasing touring traffic to and along the Kamilaroi Highway' and to market it as a touring route that provides attractions and a driving experience to encourage visitation along the entire length of the highway - not a as conduit to a destination.

Stage 1 of the Highway route development involved an audit of attractions, preparation of a quality brochure and website and strategic signposting and interpretative signage along the Highway corridor. This was supported by marketing and promotion which included television advertising, media coverage and exhibitions at strategic consumer shows.

Stage 1 of the development program is complete and the Kamilaroi Highway Committee now wishes to move onto Stage 2 Product Development.

### **Current Position:**

Stage 2 of the route development program involves further product development to strengthen our competitiveness. One of the core strategies of the Marketing Plan is to create an identity for the Kamilaroi Highway, in particular to capitalise on its name by recognising the importance of the Aboriginal history and significance of the region. The Kamilaroi Highway Committee is looking to work with Aboriginal communities and land and river management agencies to:

- Identify significant Aboriginal sites within the Highway corridor and explore options for interpretation.
- Provide information on the natural environment (landforms, vegetation and fauna) both from an Aboriginal perspective – the names, stories and legends, and a modern perspective.
- Identify and assess opportunities to establish eco and cultural businesses within the Highway corridor. Preliminary feasibility assessments will be undertaken for promising opportunities.
- Identify opportunities to improve, expand and/or diversify accommodation, attractions, events and experiences within the Highway corridor.

- Develop interpretative and display material (e.g. audio tours, mobile phone applications etc) that will enhance the travelling experience. The display material will also be used in the VICs throughout the Region and for trade shows.
- Link with the Darling River Run to 'complete' the telling of the history of the Kamilaroi nation, from east to west across NSW.

The Kamilaroi Highway Committee has requested support by way of a Council resolution & letter of support to accompany the TQUAL funding application.

This project is supported by the Walgett Shire Tourism Destination Strategy with the following tasks directly relating to the project;

- Continue to participate in relevant Tourism NSW, ORTO, including the Darling River Run, and Kamilaroi Highway marketing and promotional initiatives
- Work with local Aboriginal, employment and other relevant organisations to identify key ideas for potential development of Aboriginal Tourism activity and support them to implement the tasks necessary
- Facilitate the development of new tourism product
  1. Conduct research into expected tourism growth
  2. Explore opportunities for new tourism product
- Identify and facilitate development of tourism products and packages that address the needs of interest niche markets

**Relevant Reference Documents/Policies:**

Table of Existing & Potential Product  
Kamilaroi Highway Marketing Plan 2011  
Walgett Shire Council Tourism Destination Strategy

**Governance issues:**

Nil

**Environmental issues:**

Nil

**Stakeholders:**

Kamilaroi Highway Committee  
Walgett Shire Community  
Local Indigenous/Aboriginal Groups  
Visitors with an interest in the Shire as a tourism destination.

**Financial Implications:**

Nil

**Alternative Solutions/Options:**

Nil

**Conclusion:**

This project will identify Aboriginal & Eco Tourism Products within the region and enable Council to better promote & market existing products and interpret other potential sites or products. The project directly relates to outcomes identified in the current Walgett Shire Council Tourism Destination Strategy.

**Kamilaroi Highway - Stage 2 Product Development**

**Recommendation:**

1. That Council endorse the Kamilaroi Highway Stage 2 Development project by provision of a letter of support from the General Manager.

**Moved:**

**Seconded:**

**Attachments:**

1. Kamilaroi Highway Marketing Plan 2011 (Under seperate Cover)
2. Table of Existing & Potential Indigenous & Eco-tourism Product

WALGETT SHIRE COUNCIL AGENDA

| LGA                                                                               | Liverpool Plains                                 | Gunnedah                   | Narrabri                                                                                             | (Warrumbungle)                                                             | Walgett Shire                                                                                     | (Moree)                                                                | Brewarrina    | Bourke        |
|-----------------------------------------------------------------------------------|--------------------------------------------------|----------------------------|------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|---------------|---------------|
| Natural / Eco Products + Attractions                                              | (Burning Mountain)<br><br>Quipolly Dam Bird Hide |                            | MT Kaputar NP<br>Yarrie Lake<br>Pilliga Forest<br><br>Namoi River<br>Narrabri Lake<br>Wee Waa Lagoon | Warrumbungle National Park<br><br>Pilliga Forest / Forest Discovery Centre | Namoi River<br>Maquarie Marshes                                                                   | Gwydir River<br><br>Gwydir Wetlands<br>Waa Gorge<br><br>Boobera Lagoon | Darling River | Darling River |
| Aboriginal Place Names                                                            |                                                  | Yes                        | Yes                                                                                                  | Yes                                                                        | Yes                                                                                               | Yes                                                                    | Yes           |               |
| Events – Historic that could be interpreted                                       |                                                  | Battle of the Red Kangaroo |                                                                                                      |                                                                            | The Freedom Ride<br>Cuddie Springs - Carinda                                                      |                                                                        |               |               |
| Events – current that celebrate /include or could include an aboriginal component |                                                  |                            |                                                                                                      |                                                                            | Harmony Day<br><br>Walgett Community Festival<br>Sorry Day<br>International Women's Day<br>NAIDOC |                                                                        |               |               |

WALGETT SHIRE COUNCIL AGENDA

|                                                                          |                                                                                                                                                    |                                                                                                                                                                                                                                                                     |                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                          |                                                                         |            |                       |
|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|------------|-----------------------|
| LGA                                                                      | Liverpool Plains<br>(Burning Mountain)                                                                                                             | Gunnedah                                                                                                                                                                                                                                                            | Narrabri                                                                                                                        | (Warrumbungle)                                                                                                                                                                                                                                                                                                                                         | Walgett Shire                                                                                                                                                                                                                                                                                            | (Moree)                                                                 | Brewarrina | Bourke                |
| Existing Aboriginal Products/Sites                                       | Cumbo Gunerah Place gallery + sacred Sites<br><br>Bindea Walking track (Land Council)<br><br>Memorial Site and Grave if the Red Chief              | Gin's Leap<br><br>Telescope – aboriginal history of the night sky<br><br>Bush tucker & bush medicine garden – Pilliga<br><br>Dripping Rock<br><br>Mt Kaputar National Park<br>Proposed VIC display centre (former Cotton Centre)<br>Narrabri Lake<br>Wee Waa Museum | Dandry Gorge – sculptures<br><br>Sandstone Caves Interpretative Walk<br><br>Discovery ranger Programs / tours / Tag-along Tours | Collymongle Carved Trees – Collarenebri<br><br>Aboriginal Cemetery – Collarenebri<br><br>Carved Trees – Barwon Inn Rest Area Walgett<br><br>The Goondee Aboriginal Keeping Place – Lightning Ridge<br><br>Dharriwaa Elders Group - Walgett<br><br>Norman Tracker Walford Walkway - Walgett<br><br>Garrawal Aboriginal Artifacts Shop - Lightning Ridge | Euraba Paper Company<br><br>Aboriginal Collection – Moree Plains regional gallery<br><br>Indigenous Unit resource Centre – Northern regional Library                                                                                                                                                     | Aboriginal fish traps<br><br>Ochre grounds<br><br>VIC + Cultural centre |            | Back of Bourke Centre |
| Potential products / sites for interpretation – eco + aboriginal overlay | Koalas<br><br>Wallaby Track (under development by the Land Council) – Battleground of the red kangaroo<br><br>Possibly inclusion in the Poets Walk |                                                                                                                                                                                                                                                                     |                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                        | Bush tucker & bush medicine garden – Community Market Garden Walgett<br><br>Narran Lake (limited access)<br><br>Cuddie Springs- Carinda<br><br>Narroi Village - Walgett<br><br>Gingie Village - Walgett<br><br>Rock Pool - Collarenebri Weir<br><br>Banaway Bora Ground - Banaway Station - Collarenebri | Boobera Lagoon<br><br>Gwydir Wetlands                                   |            |                       |

WALGETT SHIRE COUNCIL AGENDA

| LGA                                                         | Liverpool Plains                                                                                                                                                                                                                                                                                                                 | Gunnedah                             | Narrabri                                                                                                                                                                                                                                              | (Warrumbungle)                                                                  | Walgett Shire | (Moree) | Brewarrina | Bourke |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|---------------|---------|------------|--------|
| Possible Eco / Cultural Businesses / Business opportunities | Traditional healing techniques / bush plants – incorporated into the Artesian Spa products offered by Moree, Narrabri and Walgett Shires (and potentially Coonamble).                                                                                                                                                            |                                      |                                                                                                                                                                                                                                                       |                                                                                 |               |         |            |        |
| Potential Themes                                            | <ul style="list-style-type: none"> <li>• Hunting and gathering – bush foods + bush medicines</li> <li>• Traditional land management practices</li> <li>• Names – places, flora + fauna</li> <li>• Battles / celebrations / significant events – both before white settlers + clash with white settlers</li> <li>• Art</li> </ul> |                                      |                                                                                                                                                                                                                                                       |                                                                                 |               |         |            |        |
| Potential Partners                                          | Gunnedah Land Council                                                                                                                                                                                                                                                                                                            | DECCWA (National Parks)<br>Namoi CMA | Community Working Party's<br>Dharrivaa Elders Group<br>Aboriginal Lands Council's - Walgett,<br>Lightning Ridge, Collarenebri<br>Murdi Paaki<br>St Josephs College Language Program<br>Local Indigenous Artists Walgett<br>Aboriginal Medical Service | Indigenous Unit –<br>Northern Regional Library<br>Moree Plains regional Gallery |               |         |            |        |
| Other                                                       |                                                                                                                                                                                                                                                                                                                                  |                                      |                                                                                                                                                                                                                                                       |                                                                                 |               |         |            |        |

## **19. NEW WORK HEALTH AND SAFETY LAWS**

**REPORTING SECTION:** General Manager  
**AUTHOR:** David Callander – Occupational Health and Safety Coordinator  
**FILE NUMBER:** 11/67

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### **Summary:**

This report is to outline and give an overview of the changes and proposed changes to the current Occupational Health and Safety Act 2000 and the current Occupational Health and Safety Regulations 2001. The current Acts will be replaced with the model Work Health and Safety Act and model Work Health and Safety Regulations, along with model Codes of Practice on 1st January 2012.

### **Background:**

The National Occupational Health and Safety Council, NOHSC, in 2009 changed their name to Safe Work Australia and are now seen by state authorities as the national authority on occupational health and safety. WorkCover NSW is the states safety authority.

### **Current Position:**

Currently each State have in place their own “rules and regulations” in regards to occupational safety. The term “model” is used as Safe Work Australia, will develop a model framework that has an act, regulations and codes of practice that can be readily adopted in each jurisdiction. This means each state and territory will enact their own laws which mirror the model laws.

The main aim of this change is to provide an Act that offers a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.

Similar work health and safety laws in each jurisdiction provide;

- A consistent level of safety for all workers in Australia;
- Reduced compliance and regulatory burdens for businesses operating across state and territory boundaries;
- Enable workers who hold licences or permits issued by state work and health and safety regulators to move easily between jurisdictions;
- A larger resource of health and safety information to all Australians;

What does this mean for NSW?

Under the model Work Health and Safety Act everyone is responsible for health and safety in a workplace. The major changes are:

‘Work Health and Safety’ replaces the term ‘occupational health and safety’

Under the new work health and safety legislation, a “person conducting a business or undertaking” (PCBU) is the person with the primary duty of care for the health and safety of workers. A PCBU includes employers, sole trader, body corporate, unincorporated body, association, and partnership.

'Worker' includes employees, labour hire, volunteers, apprentices, work experience, sub contractors and contractors. Workers may be a shared duty of multiple PCBU's.

Health and safety representatives (HSR's) will replace OHS representatives. Health and Safety representatives (HSR's) will be the primary mode for workers to have their voices heard on health and safety matters. HSR's have a similar role to OHS representatives. The main difference being if they have completed approved training HSR's can issue Provisional Improvement Notices (PINS) and may direct unsafe work to cease.

Work health and safety committees will exist under the new work health and safety legislation, however their role has changed to be more general such as developing health and safety policies and procedures and supporting the work of the HSR.

Entry Permit Holders is a new term. Unions can now apply to the relevant authority for a WHS entry permit. The permit will give Entry Permit Holders the right to enter a workplace and inspect and discuss work health and safety matters with relevant workers.

**Relevant Reference Documents/Policies:**

Occupational Health and Safety Act 2000

Model Work Health and Safety Bill, Revised draft 11/5/2010

Exposure draft of Work Health & Safety Regulations, (released for public comment 7th Dec 2010)

Safe Work Australia website. [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au)

WorkCover NSW website. [www.workcover.nsw.gov.au](http://www.workcover.nsw.gov.au)

**Governance issues:**

Will workers compensation premiums change as volunteers, contractors and work experience people are now covered under the WHS legislation? NO. Harmonisation of the Workers Compensation Acts has not yet commenced and under the current Acts volunteers and work experience people are not defined as a worker. Certain contractors may be deemed to be workers and if this is the case should be included under our workers compensation policy.

Can all workers who are injured at a workplace claim workers compensation when the WHS legislation is implemented?

NO. Under the NSW Injury Management and Workers Compensation Act 1998 it provides a definition of a worker, which does not include volunteers, contractors and work experience. Workers who have entered into or work under a contract of service or a training contract with an employer are able to claim under workers compensation. It is important to understand that under the WHS legislation the definition of a worker is different to the definition under the workers compensation legislation.

**Environmental issues:**

None foreseeable at this time

**Stakeholders:**

Walgett Shire Council

WorkCover NSW

Safe Work Australia

Workers Compensation Insurers – Statecover Mutual

**Financial Implications:**

Unknown at this time

**Alternative Solutions/Options:**

As the new Act will be introduced in January 2012, there are not any alternatives. PCBU's will have to comply, as is done with the current Occupational Health & Safety Act 2000.

**Conclusion:**

As earlier stated, the main aim is to provide for a balanced and nationally consistent framework to secure the health and safety of workers and workplaces.

It is not envisaged that there will be any major changes to Council's current operating activities, policies or procedures. There may be some minor changes to the composition of the elected safety committee. Council's Occupational Health and Safety Coordinator has attended workshops conducted by WorkCover NSW in relation to the upcoming changes when the new legislation is enacted. Additional training will be required to be completed closer to the commencement of the Act. This training syllabus is currently being developed.

**New Work Health and Safety Laws**

**Recommendation:**

1. That Council receive and note the report on proposed changes to the current Occupational Health and Safety Act.

**Moved:**

**Seconded:**

**Attachments:**

- Fact sheet – New Work Health and Safety Laws, what has changed.
- Fact sheet – Overview of the model WHS Act, frequently asked questions
- Fact sheet – Health and Safety representatives (HSRs), frequently asked questions
- Fact sheet – WHS Entry Permit Holders, frequently asked questions



# NEW WORK HEALTH AND SAFETY LAWS

## What has changed

### Key messages – January 2011

WorkCover NSW has developed key messages to inform NSW businesses, communities and workers about the changes that the new work health and safety laws will introduce on 1 January 2012.

- 'Work health and safety' replaces the term 'occupational health and safety'.
- Under the new work health and safety legislation, a 'person conducting a business or undertaking' (PCBU) is the person with the primary duty of care for the health and safety of workers. A PCBU includes employers, sole trader, body corporate, unincorporated body, association, and partnership.
- 'Worker' includes employees, labour hire staff, volunteers, apprentices, work experience, sub-contractors and contractors. Workers may be a shared duty of multiple PCBU's.
- Under the new work health and safety legislation everyone has health and safety responsibilities, being PCBU's, officers, workers and others (visitors) at a workplace.
- Health and safety representatives (HSRs) will be the primary mode for workers to have their voices heard on health and safety matters. HSRs have a similar role to OHS representatives. The main difference being if they have completed approved training HSRs can issue Provisional Improvement Notices (PINs) and may direct unsafe work to cease.
- Work health and safety committees will exist under the new work health and safety legislation, however their role has changed to be more general such as developing health and safety policies and procedures and supporting the work of the HSR.
- Unions may apply for an entry permit to work sites under the new work health and safety legislation. The permit will give Entry Permit Holders the right to enter a workplace and inspect and discuss work health and safety matters with relevant workers.

## Frequently Asked Questions (FAQs)

### OVERVIEW OF THE MODEL WHS ACT

# WORK HEALTH AND SAFETY LEGISLATION

#### **When will the new legislation come into effect?**

The commencement date of the model Work Health and Safety Act and model WHS Regulations and model Codes of Practice is 1 January 2012.

#### **What does 'model' Work Health and Safety legislation mean?**

The term "model" is used as Safe Work Australia will develop a model WHS framework that has an act, regulations and codes of practice that can be readily adopted in each jurisdiction. This means each state and territory will enact their own laws which mirror the model laws. This allows each jurisdiction to make minor but necessary changes to the legislation if agreed by all jurisdictions.

#### **Will there be transitional arrangements from 1 January 2012 for NSW businesses to implement the change?**

Each jurisdiction is responsible for creating transitional arrangements to assist with implementing the new model Work Health and Safety (WHS) legislation NSW has not yet announced any specific transitional arrangements at this stage.

#### **How will WorkCover provide information on the legislation?**

WorkCover will engage key stakeholders late in 2010 and throughout 2011. Key stakeholders such as unions, associations, government agencies will be provided with information on the Act and Regulations through meetings and forums. Once the regulations are approved WorkCover will be providing assistance and advice to all NSW businesses and the community through various communication channels such as: 131050, WorkCover website, seminars and workshops, one on one advice and publications.

#### **Why is new work, health and safety laws being introduced?**

Similar work health and safety laws in each jurisdiction will provide:

- a consistent level of safety for all workers in Australia;
- reduced compliance and regulatory burdens for businesses operating across state and territory boundaries;
- enable workers who hold licences or permits issued by state work health and safety regulators to move easily between jurisdictions;
- a larger resource of health and safety information, which will help deliver clear and consistent information to all Australians.

#### **What is the difference between the Act, Regulations and Codes of Practice?**

The Act sets out work health and safety responsibilities. The Regulations expand on the requirements of an Act, providing details of how certain sections of an Act are to be implemented, providing specific direction on how to meet those obligations.

A Code of Practice is a practical guide to achieving the standard of health and safety that can apply to a profession, trade or industry. It provides more detailed information for particular areas of an Act or Regulation and sets out activities, actions, technical requirements, responsibilities or responses to events or conditions within a workplace.

#### **What is new for NSW under the model Work Health and Safety Act?**

Under the model Work Health and Safety Act everyone is responsible for health and safety in a workplace. The major changes are:

- Employers will be known as a “person conducting a business or undertaking”, PCBU.
- Certain volunteers will be included as a worker.
- Health and safety representatives (HSRs) will replace OHS representatives.
- HSRs will be able to issue improvement notices after they have completed training.
- Entry Permit Holders is a new term. Unions can now apply to the relevant authority for a WHS entry permit, so they may enter a workplace under certain circumstances.

#### **What is a Person Conducting a Business or Undertaking (PCBU)**

PCBU stands for “a person conducting a business or undertaking”. A PCBU extends to more than the employer/employee relationship under the OHS legislation. A PCBU focuses on the work arrangements and relationships to carry out the work.

A PCBU could be a corporation, association, partnership, sole trader and certain volunteer organisations.

A PCBU has the primary duty of care for health and safety. If a volunteer organization employs a person to carry out work, then it becomes a PCBU. A volunteer organization which only operators with volunteers and does not employ any people, is not a PCBU.

#### **When is a person not a PCBU?**

A person is not a PCBU if:

- engaged solely as a worker or an officer;
- an elected member of a local authority.
- a volunteer association where no one is employed i.e. paid, to carry out work for the association.
- body corporate who to meet the private or domestic needs of the residents, do not engage a worker as an employee or do not engage a casual worker on a regular and systematic basis for at least 3 months.

#### **What are the duties of a PCBU?**

The duties set out in the WHS Act are the same as under the current legislation where a PCBU is to ensure the health and safety of workers, customers and visitors by either eliminating or minimizing risks at a workplace.

The only difference is specific duties are set out for PCBU's where they have management or control of that workplace and this details suppliers, designers, manufacturers, importers or PCBUs which install, construct or commission plant or structures.

#### **Who is a Worker?**

A worker is anyone who carries out work for a PCBU. Workers are employees, labour hire staff, volunteers, apprentices, work experience students, sub-contractors and contractors. A sole trader who is a PCBU carries out work for another business (PCBU) will become a worker for that PCBU.

#### **What are the duties of a Worker?**

The duties of a worker have not changed under the WHS legislation. A worker must take reasonable care for his or her own safety and ensure that they do not adversely affect the health and safety of other persons in the workplace. A worker must comply with any reasonable instruction (so far as reasonably able to) and cooperate with the PCBUs WHS policy and procedures.

#### **Who are Others at a workplace?**

Others at a workplace include clients, customers and visitors, anyone who is not a worker.

#### **Are there any duties of Others?**

Yes under the WHS legislation others at a workplace have duties very similar to a worker and these duties include:

- to care for their own and others' health and safety
- take reasonable care not to adversely affect the health and safety of other persons
- comply with any reasonable instruction 'so far as is reasonably able'.

### **Workers Compensation FAQs**

#### **Will my Workers Compensation premium change as volunteers, contractors and work experience people are now covered under the WHS legislation?**

No. Harmonisation of the Workers Compensation Acts has not yet commenced and under the current Acts volunteers and work experience people are not defined as a worker. Certain contractors may be deemed to be workers and if this is the case should be included under your workers compensation policy.

#### **Can all workers who are injured at a workplace claim under workers compensation when the WHS legislation is implemented?**

No. Under the NSW Workplace Injury Management and Workers Compensation Act 1998 it provides a definition of a worker, which does not include volunteers, contractors and work experience. Workers who have entered into or work under a contract of service or a training contract with an employer are able to claim under workers compensation. It is important to understand that under the WHS legislation the definition of a worker is different to the definition under the workers compensation legislation.

**Frequently Asked Questions  
(FAQs)**

**HEALTH & SAFETY REPRESENTATIVES  
(HSRS)**

**WORK HEALTH  
AND SAFETY  
LEGISLATION**

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**What is the difference between an OHS Representative and a Health and Safety Representative (HSR)?**

The main difference is HSRs have a few additional functions when compared to OHS Representatives.

The major differences are if a HSR has undertaken the optional approved full 5 day HSR training course they have the following powers:

- HSRs may direct a worker to cease work if the HSR has reasonable grounds to believe that continuing work would expose the worker to a serious risk to their health or safety, emanating from an immediate or imminent exposure to a hazard.
- HSRs will have the power to issue a Provisional Improvement Notice (PIN) to a person where they have reasonable grounds to believe that the person is contravening the WHS Act or Regulations.

Other differences are:

- HSRs are elected for 3 years whereas OHS Representatives are elected for a period of 2 years (can be re-elected).
- HSRs can request that a health and safety committee (HSC) be established.
- HSRs may be disqualified under certain circumstances.

HSR are entitled to attend training approved by the regulator and must undertake this training if they wish to exercise their full powers under the model WHS Act (but are not required to undertake training if they do not wish to direct cessation of unsafe work, or issue PINs). Currently training for OHS representatives and committee members is mandatory (4 day WorkCover NSW course)

What remains the same:

- HSRs represent a work group.
- HSRs investigate complaints about work health and safety matters.
- HSRs can accompany an inspector when inspecting a workplace.

**How are HSRs selected?**

A HSR can be elected to represent a work group by an election being held and members of that work group voting.

An election is not required if the number of HSRs for a work group equals the number of vacant HSR positions, each candidate is taken to have been elected as a HSR (Section 60 to 63 of the WHS Act).

**What is a workgroup?**

A workgroup is a group of workers who share similar health and safety concerns and conditions (for more detail see 2.1.2 of the draft WHS Regulations).

**When must a workgroup be established?**

When a request is made (under section 49 of the WHS Act) for a HSR to be elected, the PCBU must establish workgroups for the workplace. Workgroups are agreed through consultation between the PCBU and the workers.

The purpose of workgroups is to ensure that a HSR can appropriately represent workers by aligning them into logical and manageable groups.

**Must HSRs advise the PCBU before they inspect the workplace?**

When HSRs inspect the workplace for the work group they represent they must give the PCBU reasonable notice. They do not need to provide notice if there has been an incident or any situation involving a serious risk to the health or safety of any person.

**What are the training entitlements for HSRs?**

A HSR is entitled to choose and attend a course of training in work health and safety that has been approved by the regulator and that is training that they are entitled to attend under the regulations. The regulations state that the HSR is entitled to attend a 5 day initial training course, a one day refresher course each year thereafter and any other training that is agreed between the PCBU and the HSR. When the HSR makes a request to attend HSR training, the PCBU must allow the HSR paid time off work within 3 months of the request and pay the course fees.

**Do I have to attend the 5 day training when I have already completed the 4 day OHS consultation training course?**

It is proposed that existing OHS representatives will be able to continue under the new legislative arrangements, but will be unable to activate the additional powers and functions (issuance of PINs and cease work provisions) from 1 January 2012, unless they have attended agreed gap training. More information on gap training will be provided to stakeholders in 2011 as information becomes available.

**Who will be responsible for delivering HSR training under the new legislation?**

A national decision is pending. An evaluation of the arrangements within all jurisdictions is being conducted. In the interim, WorkCover NSW has extended the accreditation of all existing trainers and approved providers with no change or charge to 31 December 2011, with the course extended to the same date by the Vocational Education and Training Accreditation Board (VETAB).

**Who pays for the HSR training?**

Section 72 of the WHS Act states the PCBU is responsible for paying for the HSR training course and any other reasonable costs associated with attending the course, which is the same requirement under the current OHS legislation.

**How long can a HSR represent a work group for?**

Section 64 of the WHS Act states a HSR holds office for 3 years, which is different to OHS representatives being 2 years. A HSR can always be re-elected.

**Can a HSR be disqualified?**

Yes a HSR can be disqualified if they have acted inappropriately when exercising a power, function or in the disclosure of information, under section 65 of the WHS Act.

**Does every workplace have to have a HSR?**

No. A PCBU must facilitate the election of a HSR if one or more workers make a request for this type of representation under section 50 of the WHS Act. Alternatively the PCBU can propose that workers consider HSR representation. If there is no HSR, the PCBU must still meet its worker consultation obligations under Part 5.

**What happens if a HSR does not request to undertake the work health and safety training?**

Under Section 72 of the WHS Act, HSRs are entitled to choose and attend a course of training in work health and safety that has been approved by the regulator. Whether or not a HSR has undergone training the PCBU must still provide resources, facilities and assistance to the HSR enabling them to carry out their functions (which excludes the ability to issue PINS or direct a person to cease work).

This is a shift from the current legislation where it is mandatory for OHS representatives and committee members to complete a 4 day WorkCover NSW course.

**CONSULTATION**

**What is consultation under the WHS Act?**

Consultation is a two-way process between the PCBU and their workers where views and information on work health and safety are sought, shared and considered. Note that consultation with other duty holders is also required.

**When and how should consultation take place?**

The concept of consultation has not changed. Section 49 of the WHS Act states that consultation is required for the following health and safety matters:

- identifying hazards and assessing risks;
- making decisions about ways to eliminate or minimise those risks;
- making decisions about the adequacy of facilities;
- when proposing changes that may affect health and safety;
- when making any decisions about health and safety.
- 

The 3 options for consultation are:

- HSR Representative
- Health and Safety Committee (HSC)
- Informal arrangements (eg. tool box talks, WHS consultation may be a permanent agenda item at weekly meetings)

## **COMMITTEES**

### **Will there be committees under the WHS Act?**

Yes Health and Safety Committees (HSCs) will replace OHS Committees.

### **What is the role of a Health and Safety Committee (HSC)?**

The role of health and safety committees (HSCs) is to provide a forum for consultation on the management of health and safety across the whole workforce (ie. not just one work group). HSCs should:

- facilitate cooperation between the PCBU and the workers in instigating, developing and carrying out measures designed to ensure the health and safety of workers
- assist in developing standards, rules and procedures relating to WHS.

In a workplace that does not have HSRs, the HSC may (with the agreement of the PCBU) consider the issues that would normally be dealt with by a HSR. An HSR may be a member of a HSC.

### **When must a PCBU establish a Health and Safety Committee (HSC)?**

A PCBU must establish a health and safety committee if:

- 5 or more workers request one be established
- the HSR requests one be established or
- if required to do so by the regulations.

(Section 75 of the Work Health and Safety Act).

### **Is there a timeframe in which a Health and Safety Committee (HSC) must be established?**

Yes the PCBU must establish a committee within 2 months of the request, or if required by the regulations, within the timeframe prescribed by the regulations.

(Section 75 of the Work Health and Safety Act).

### **How frequently must a Health and Safety Committee (HSC) meet?**

A health and safety committee must meet at least once every 3 months and at any reasonable time requested by at least half of the members of the committee.

(Section 78 of the Work Health and Safety Act).

### **Can a Health and Safety Committee (HSC) be made up of all workers or supervisors?**

Section 76 of the model WHS Act requires that at least half the members of the committee be workers who are not nominated by the PCBU. If there are HSR representatives at the workplace those representatives may choose one or more of their number to be members of the committee (with the HSR's consent).

## Frequently Asked Questions (FAQs)

### WHS ENTRY PERMIT HOLDER

# WORK HEALTH AND SAFETY LEGISLATION

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#### **What is the current position for OHS Act union entry?**

Under the NSW Occupational Health and Safety Act 2000, a union official wishing to exercise rights under that Act must be an "authorised representative". An authorised representative is a person who is an authorised industrial officer under the Industrial Relations Act 1996. Once the National model WHS Bill is enacted in NSW, the concept of "authorised representative" will be replaced with the WHS entry permit holder.

#### **How does someone become a WHS entry permit holder?**

To become a WHS entry permit holder under section 131 of the Work Health and Safety Act the person must:  
be a union official;

- have satisfactorily completed prescribed WHS training;
- hold or will hold a Fair Work Act 2009 entry permit (Form F42) or an entry permit (likely to be in the form of an authority) under the NSW industrial law.

An application for a WHS entry permit for a union official must be made by the union.  
For more information about becoming a union official, refer to your union.

#### **Is it only union officials who can hold a WHS entry permit?**

Yes it specifically states under section 131 of the Work Health and Safety Act the person must be a union official. This means a person who holds an office in, or is an employee of, the union.

#### **Who issues the WHS entry permit?**

An authorising authority will issue the WHS entry permit under section 134 of the Work Health and Safety Act. (The NSW authorising authority will be determined when the Work Health and Safety legislation is considered for enactment in NSW).

#### **Do entry permit holders have to do training?**

Yes entry permit holders do have to undertake prescribed training as per section 131 of the Work Health and Safety Act, in order to obtain a WHS entry permit. The training is required to cover matters such as right of entry, issue resolution and risk management requirements. More detail of the training will be in the regulation. As to who provides the specific training content and its delivery is yet to be determined.

#### **How long is a WHS entry permit valid?**

WHS entry permit is valid for 3 years under section 136 of the Work Health and Safety Act.

**Does a WHS entry permit holder have to give prior notice before entering a workplace?**

If there is no suspected contravention, 24 hrs notice prior to the proposed visit must be given to the PCBU by the WHS entry permit holder and the visit must be carried out within 14 days. A WHS entry permit holder may enter a workplace to consult on work health and safety matters with workers, and provide advice on those matters to workers.

**When can a WHS entry permit holder enter a workplace without notice?**

A WHS entry permit holder can enter a workplace without notice to inquire into a suspected contravention of the Act. The WHS entry permit holder must as soon as is reasonably practicable after entering the workplace, give verbal notice of entry and the suspected breach to the PCBU. When entering as a result of a suspected contravention the entry permit holder may inspect, consult and view and copy documents directly relevant to the contravention. If requesting to inspect employee records or information/documents held by a third party, 24 hours notice must be given.

**What documents can the WHS entry permit inspect or copy?**

Under section 118 of the Act, where there is a suspected contravention a WHS Entry Permit Holder may inspect and copy any document relevant to the suspected contravention that is at the workplace or is accessible from a computer that is kept at the workplace.

Under section 120 of the Work Health and Safety Act a WHS entry permit holder can inspect or copy the following documents after giving prior notice:

- employee records that are directly relevant to a suspected contravention of the Act.
- records or documents that are directly relevant to a suspected contravention of the Act, not held by the PCBU. Eg. if the breach occurs at a construction job site, they employee documents may be held at a head office at another location.

**If the workplace has no union members, do union officials still have the right to enter the workplace with their WHS entry permit?**

Yes, if there are members on the site or workers who are covered by the permit holder's union, or who are eligible to be covered and whose industrial interests the relevant union is entitled to represent.

**If a permit holder is at my workplace because of a suspected contravention, do they have to provide the PCBU with any paperwork?**

No. A WHS permit holder must after entering a workplace on a suspected breach, provide verbal notice of entry to the PCBU within a reasonable timeframe of entry. However the WHS entry permit holder must have their WHS entry permit and photographic identification available for inspection by any person (section 125 Work Health and Safety Act).

**How is a PCBU notified prior to a visit by a WHS Entry Permit Holder?**

If there is no 'suspected breach' then written or verbal notification is to be provided to the PCBU. The notice is required during work hours and at least 24 hours before they visit, (which must be carried out within 14 days). The Work Health and Safety Regulations provide for the form of the notice of entry.

**Does the union official have to produce their permit?**

Yes under section 125 of the Work Health and Safety Act there is no obligation on a union official to volunteer their permit, however if requested they MUST produce their permit and photographic identification. If a union official fails to produce their permit upon request the employer can lawfully deny access. This then has the potential of becoming a dispute and either party may ask the regulator to appoint an inspector to attend the workplace to assist in resolving the dispute.

**If a PCBU is concerned about a WHS entry permit site visit, what can they do?**

Contact WorkCover for advice and depending on the circumstance an inspector may be appointed.

**Can a person refuse entry of a WHS entry permit holder?**

No under section 144 of the Work Health and Safety Act a person cannot refuse or unduly delay entry unless there is a reasonable excuse.

**Can a WHS entry permit holder, whilst at a workplace, warn any person of a potential risk to their health and safety?**

Yes, if after entering the workplace they have a reasonable belief that a person is exposed to a risk to their health or safety, emanating from an immediate or imminent exposure to a hazard. Section 121(2) Work Health and Safety Act.

**Can a WHS entry permit be revoked?**

Yes under section 138 of the Work Health and Safety Act a WHS entry permit can be revoked, on application by one of the persons listed in section 138(1). The authorising authority may revoke the permit on a number of grounds, including where the permit holder has contravened any condition of the WHS entry permit, or has acted in an improper manner.

The authorising authority will provide written notice setting out the grounds for revoking the permit to both the WHS entry permit holder and the relevant union.

**What other remedies can be obtained for breaches of provisions relating to WHS entry permit holders?**

Part 7 of the Work Health and Safety Act, relating to WHS entry permits, is the only part of the Work Health and Safety Act that contains civil penalty provisions. Only the regulator or an inspector with the authorisation of the regulator may bring civil penalty proceedings under the Work Health Safety Act.

**How can a PCBU check if a WHS entry permit is valid?**

Under section 151 of the Work Health and Safety Act the authorising authority must keep available for public access a register of WHS entry permit holders.

**Can WHS entry permit holders enter any part of a workplace that is used only for residential purposes?**

No.

**Can a union apply to the authorising authority of a WHS entry permit for a union official?**

Yes, in fact the Work Health and Safety Act requires that such an application is made by the union.

**If I am being unfairly treated by a WHS entry permit holder where can I seek advice?**

Contact WorkCover for advice. WHS permits can be revoked if the holder acts in an improper manner.

## **20. LIQUOR LICENCE APPLICATION, GLENGARRY HILTON**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin – Director Planning and Regulatory Services  
**FILE NUMBER:** 09/1308

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### **Summary:**

Walgett Shire Council has received notice that application will be made to extend the trading hours of the Glengarry Hilton. It is recommended that Council resolve to respond by stating that development consent is in place and it has no objection provided that residents in the vicinity do not subsequently complain of significant disturbances.

### **Background:**

Development consent 2010/018 for a hotel, bottle shop, backpackers cabins and transportable kitchen was issued on 27 July 2010 for the premises commonly known as the Glengarry Hilton, located on the Glengarry opal field. The development is located on lot 1000, DP 1138091.

The development consent included conditions prescribed by clauses 98C and 98D of the Environmental Planning and Assessment Regulation 2000 for entertainment venues and maximum building capacity. No development consent conditions were imposed that restrict the hours of operation.

As shown in the map below, there is about 32 residential Mineral Claims located within a 250m radius of the Glengarry Hilton. Some mining camps are occupied on a permanent basis and others on a sporadic basis, but the relative proportions of occupation types is not known.



Coordinator of the NSW Police which indicates he has no objection to the proposal (Attachment B).

**Relevant Reference Documents:**

- Liquor Act 2007.
- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.
- Liquor Licensing Laws and Community Impact Statements: Guidelines for NSW Councils, published by the Local Government and Shires Association 2009.
- Protection of the Environment Operations Act 1997, especially provisions relating to noise.
- Protection of the Environment Operations (Noise Control) Regulation 2008.

**Governance issues:**

Referral authority: Given that development consent has already been issued for the hotel, Council's key role in this matter is as a referral authority to provide local feed back to Casino Liquor & Gaming Control Authority on the application.

Noise complaints: In the event that the application is approved, Council and the NSW Police are responsible for enforcing the provisions of the Protection of the Environment Operations (Noise Control) Regulation 2008. There is some potential for additional noise complaints to arise for Council which could be addressed via:

The noise control regulation, and/or;

A complaint from Council or individuals to the Casino Liquor & Gaming Control Authority. The Authority is then responsible for investigating the complaint and, where appropriate, can take action to address the issues involved.

**Environmental issues:**

Noise and unsociable behaviour could arise from the extended trading hours and have an adverse impact on nearby residents if the premises are managed in a poor manner.

**Stakeholders:**

Applicant, patrons of the premises, residents in the vicinity of the Glengarry Hilton, NSW Police, the Casino Liquor & Gaming Control Authority and Walgett Shire Council.

**Financial implications:**

Nil

**Alternative solutions/options:**

The key alternative is to object to the application and specify reasons why the Council is objecting.

**Conclusion:**

**Liquor Licence Application, Glengarry Hilton**

**Recommendation:**

1. Note the "Liquor Licence Application – Notice to Local Consent Authority" from Harald Gruenfeld to extend the trading hours of the Glengarry Hilton, located on the Glengarry opal field.
2. Respond to the notice by writing to the Casino Liquor & Gaming Control Authority and stating that Walgett Shire Council:
  - (a) Is satisfied that development consent is required and in place for the Glengarry Hilton, via development consent 2010/018.
  - (b) Has no objection to the proposal to extend the trading hours of the Glengarry Hilton on Friday and Saturday nights to a closure time of 2.00AM, provided that this does not result in significant disturbance complaints from residents in the vicinity of the premises.
3. Forward a copy of Council's response to Harald Gruenfeld.

**Moved:**

**Seconded:**

**Attachments:**

- A – 'Liquor licence application – Notice to local consent authority' from Harald Gruenfeld
- B – Letter from NSW Police regarding application

Attachment A – 'Liquor licence application – Notice to local consent authority'

CASINO  
LIQUOR  
& GAMING  
CONTROL  
AUTHORITY

Liquor Licence  
Application form

LIQUOR LICENCE APPLICATION – NOTICE TO LOCAL CONSENT AUTHORITY

When lodging this application with the Casino, Liquor & Gaming Control Authority, the applicant must immediately before or within two working days lodge a copy of this notice with:

- the local council or other consent authority
- if the premises are within 500 metres of another local government area, the local council or other consent authority for that area
- the Minister for Lands if the premises are on Crown land.

Complete all details below – then copy this notice and lodge the copy with each applicable organisation listed above.

NOTE – This original notice must be lodged with the application. It will be posted on the Office of Liquor, Gaming & Racing website [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au) while the application is pending.

Applicant's name Harald Gruenefeld.  
 Applicant's address Glengarry Opal Field Via Walgett (P.O Box 111 Walgett)  
 has applied to the Casino, Liquor & Gaming Control Authority for an extended trading authorisation for a hotel licence  
 Liquor licence name Peters Glengarry Hilton  
 Address of licensed premises Glengarry Opal Field Via Walgett # 2832

| Standard trading hours* are:                                                                                |                                         | Proposed extended trading hours are: (complete as applicable) |                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| Monday to Saturday                                                                                          | 11am 5:00am to midnight                 | Midnight to:                                                  | Friday, Saturday only<br>2 AM am (no later than 5:00am next day)                                                                             |
| Sunday                                                                                                      | 11am 10:00am to 10:00pm                 | 10am - 10pm                                                   | am (no earlier than 5am to 10:00am)                                                                                                          |
| *Trading hours allowed by the local consent authority (e.g. the local council) may be different             |                                         | 10:00pm to:                                                   | (no later than midnight; or 5am for a club in the Sydney CBD, Kings Cross precinct, Oxford Street Darlinghurst and Kosciuszko National Park) |
| Proposed extended trading hours for take away sales (allowed only on Sundays) are: (complete as applicable) |                                         |                                                               |                                                                                                                                              |
| Sunday:                                                                                                     | 11 am (not earlier than 5am) to 10:00am | 10:00pm to:                                                   | (no later than midnight)                                                                                                                     |

Will entertainment be provided on the licensed premises during the extended trading hours?  Yes  No

If Yes, what type of entertainment will be provided? Juke Box / DJ / Entertainers

6-hour closure period start time 4am - 10am 6-hour closure period end time 4am - 10am

Submissions about this application can be made to the Casino, Liquor & Gaming Control Authority within 30 days. Check the noticeboard at [www.olgr.nsw.gov.au](http://www.olgr.nsw.gov.au) for the closing date for this application. Lodge submissions via the noticeboard.

Signature H. Gruenefeld Date 02-03-2014

COUNCIL OR OTHER CONSENT AUTHORITY USE ONLY

I, (insert name, position and organisation)

Certify that this notice was received on:

DEVELOPMENT CONSENT STATUS

I advise, (tick one only)

development consent is not required to permit the proposed activity

development consent is required but not in place

DA number is

development consent is required and in place

Send this notice to the Casino, Liquor & Gaming Control Authority, GPO Box 7060, Sydney, NSW, 2001. Fax (02) 9995 0819. Email [liquorapplications@communities.nsw.gov.au](mailto:liquorapplications@communities.nsw.gov.au)

AUTHORITY USE ONLY

Application number

Lodged date

Submissions close

Extended trading authorisation – AM0020H 1109  
hotel licence

page 7 of 9

Attachment B – Letter from NSW Police regarding application



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**CASTLEREAGH L.A.C.  
CRIME MANAGEMENT UNIT**

LICENSING OFFICE  
CASTLEREAGH LOCAL AREA COMMAND

---

C/O- Walgett Police Station  
57 Wee Waa Street, Walgett NSW 2832  
Ph. 6828 6899  
Fax. 6828 2351  
Email. burn1lei@police.nsw.gov.au

---

**To: The Office of Liquor Gaming and Racing  
From: Licensing Office, Castlereagh Local Area Command.**

OLGR Ref Number – Nil  
IR Ref Number – I 43649719  
CS LIC Ref Number – 2011/07  
LIQ LIC Number – LIQH 440010055

**In relation to the following application:**  
**Liquor Licence Application – Extended trading authorization – Hotel Licence.**  
**Applicants Name – Harald GRUENEFELD**  
**Location of event – Glengarry Hotel, Grawin.**  
**Date of Event – Friday and Saturday nights only.**

The NSW Police Force, Castlereagh LAC Licensing Police, advise that the application has been reviewed and no objection will be taken in relation to the application for extended trading to 02:00 on Friday and Saturday nights only.

*L. N. Burnes*  
**Leighton BURNES**  
**SGT RN JP**  
**Licensing Coordinator**  
**Castlereagh LAC**  
**02/02/2011**

## **21. PROPOSED SUBDIVISION OF NAMOI & GINGIE SETTLEMENTS**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin – Director Planning and Regulatory Service1s  
**FILE NUMBER:** 09/1839-02

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### **Summary:**

A request has been lodged with Council requesting in principle agreement to the proposed subdivision of the former Namoi and Gingie Aboriginal Reserves and that it outline a mutually agreeable process to address issues associated with the subdivision. It is recommended that Council resolve to respond by indicating that it is prepared to enter into discussions regarding the proposal.

### **Background:**

Currently there are 12 houses and 3? unauthorised shacks on land associated with the Gingie settlement (lots 2 and 34, DP 752697) and 21 houses on the Namoi settlement (lot 43, DP 752271 and lot 95, DP 704102).

Under the Aboriginal Communities Water and Sewerage Program, last year Council entered into a 12 month interim agreement to oversee the management of the Namoi and Gingie water and sewerage systems. Discussions are also continuing with the NSW Office of Water regarding state and federal government grants that have been announced for the upgrade the Walgett water and sewage systems in conjunction with improving water and sewage supply arrangements at Namoi and Gingie.

### **Current position:**

In a letter dated 12 January 2011 ARUP Pty Ltd has written to Council on behalf of the NSW Aboriginal Land Council (Attachment A). Key elements of that letter include:

- ARUP have prepared conceptual subdivision plans for the former Gingie and Namoi Aboriginal Reserves in consultation with various parties.
- The NSW Aboriginal Land Council's preferred form of title for the land is Torrens title.
- The residents preferred form of home ownership is leasing.
- The Walgett Local Aboriginal Land Council would prefer to designate existing infrastructure (roads, drainage, water and sewerage systems) to the Walgett Shire Council to operate and maintain.
- A request for "in-principle" agreement for the proposed subdivision.
- A request for Council to outline a process for progressing the subdivision proposal.

### **Relevant Reference Documents:**

- Walgett Shire Growth Management Study and Strategy, prepared by Edge Land Planning, dated November 2010 (Adopted by Council 21 December 2010).
- Interim Development Order No 1 – Shire of Walgett, 1968, as amended.
- Policy 'P&R – Water Supply in Non-Urban Areas', adopted by Council on 27 April 2010.
- NSW Plumbing & Drainage Code of Practice.
- Auspec NSW Development Design Specifications, including D1 Geometric Road Design (Urban and Rural), D11 Water Reticulation and D12 Sewerage System.
- Environmental Planning & Assessment Act 1979.

- Environmental Planning & Assessment Regulation 2000.
- Standard Instrument (Local Environmental Plans) Order 2006.
- Local Government Act 1993.

**Governance issues:**

In principle support:- A core element of the ARUP proposal is to subdivide land, which is likely to require a Development Application under the Environmental Planning and Assessment Act 1979. Section 79C of that Act establishes matters that Council must consider when evaluating a Development Application. It would be quite inappropriate for Council to give the “in principle” agreement for the proposed subdivision, because that would suggest that Council is prepared to ignore or pre-empt the mandatory section 79C evaluation process. Nevertheless there is nothing preventing Council from responding to ARUP by highlighting issues that it believes need to be addressed as part of the Development Application.

Planning agreement:- Part 4, Division 6, Subdivision 2 of the Environmental Planning and Assessment Act 1979 provides that a developer can enter into a voluntary “*planning agreement*” “*under which the developer is required to dedicate land free of cost, pay a monetary contribution, or provide any other material public benefit, or any combination of them, to be used for or applied towards a public purpose*” (section 93F(1)) with a person “*who has made, or proposes to make, a development application*”. The Act and regulation (Part 4, Division 1A) impose requirements for the form and nature of planning agreements. A planning agreement could be used to formalise the circumstances in which Council would take over responsibility for some or all of the infrastructure associated with the sites.

**Environmental issues:**

Given that Namoi and Gingie are established settlements, it appears unlikely that significant adverse environmental impacts will arise from the proposed subdivision of the sites. Environmental issues will need to be considered in a manner that is appropriate for the nature and scale of the proposed development in conjunction with any Development Application for subdivision.

**Stakeholders:**

Walgett Shire Council, ratepayers, NSW Aboriginal Land Council, Walgett Local Aboriginal Land Council.

**Financial implications:**

Potential financial implications for Council vary depending on how the development proceeds. They range from negligible if Council does not take any responsibility for existing or future infrastructure, through to substantial if it assumes responsibility for all existing infrastructure with no additional funding.

Maintenance and replacement costs for the infrastructure are likely to be higher per house than those within Walgett given that:

- The houses and hence the infrastructure is more dispersed.
- Namoi is located about 1 kilometre, and Gingie 5km, in a straight line from the edge of the Walgett township.

**Alternative solutions/options:**

The following responses to the ARUP letter are possible, in addition to the recommended response within the conclusion of this report:

(a) Do nothing:- Council can assess any Development Application to subdivide the land on its merits, while choosing not to assume responsibility for any existing or proposed infrastructure. Choosing this option would probably have the lowest cost implications for Council.

(b) Offer to assume responsibility on an "as is" basis:- Council could accept responsibility for the existing road, water and sewer infrastructure in its present state. This scenario would be likely to include significant unfunded additional costs for Council.

**Conclusion:**

**Proposed Subdivision of Namoi & Gingie Settlements**

**Recommendation:**

1. Note the letter dated 12 January 2011 from ARUP Pty Ltd requesting Council's in principle agreement to the proposed subdivision of the former Namoi and Gingie Aboriginal Reserves and that it outline a mutually agreeable process to address issues associated with the subdivision.
2. Respond with a letter which states:
  - (a) Walgett Shire Council is prepared to enter into discussions with the NSW Aboriginal Land Council, Walgett Local Aboriginal Land Council or other parties regarding the possibility of a planning agreement to take over road, water and sewerage infrastructure at the former Namoi and Gingie Aboriginal Reserves. It should be noted that Council:
    - (I) Prefers that such discussions occur prior to the lodgement of a Development Application to subdivide the land.
    - (II) Would expect that the infrastructure must comply with appropriate engineering standards prior to being taken over. This would include Auspec NSW Development Design Specifications, D1 Geometric Road Design (Urban and Rural), D11 Water Reticulation and D12 Sewerage System.
    - (III) Would be unlikely to accept any proposal which places an additional financial burden upon it.
  - (b) It would be quite inappropriate to give "in principle" agreement for the proposed subdivision, because that would suggest Council is ignoring or pre-empting the evaluation process required under section 79C of the Environmental Planning and Assessment Act 1979.

(c) In a related matter, Council expects to issue a notice of intention to issue an order under section 121B of the Environmental Planning and Assessment Act 1979 in the near future to the Walgett Local Aboriginal Land Council, as the landowner, for the demolition of unauthorised shacks associated with the Gingie settlement (lot 2, DP 752697).

**Moved:**

**Seconded:**

**Attachments:**

A – Letter of 12 January 2011 from ARUP Pty Ltd

Attachment A – Letter of 12 January 2011 from ARUP Pty Ltd

Our ref 220506/KMcD

**ARUP**

By Email & Post

Matthew Goodwin  
Director Planning & Regulatory Services  
PO Box 31  
Fox St  
Walgett NSW 2832

Level 10  
201 Kent Street  
Sydney  
NSW 2000  
Australia  
t +61 2 9320 9320  
d +61 2 93209547  
f +61 2 9320 9321  
arup.com.au

RECEIVED 17 JAN 2011

12 January 2011

Dear Matthew

**NSWALC Subdivision of former Aboriginal Reserves  
Request for in-principle agreement to subdivision of Gingie and Namoi, Walgett**

On behalf of our client, the NSW Aboriginal Land Council, we write to advise the Walgett Shire Council (WSC) of the current status of the pilot project to subdivide the communities of Gingie and Namoi, Walgett, NSW, and to seek the WSC's in-principle agreement for the subdivision of these two communities. We also write to seek the WSC's agreement to work with the Walgett Local Aboriginal Land Council (WLALC), the NSW Aboriginal Land Council (NSWALC), the Department of Planning (DoP) and the Land and Property Management Authority (LPMA) to agree the process for approving and registering the subdivision of Gingie and Namoi. This will involve resolving the issue of owning and managing the relevant infrastructure assets for these sites.

As substantiation, we have set out below a summary of the work completed to date on the pilot project, the preferred arrangements for the subdivision of Gingie and Namoi, and our request.

**Work completed**

We have consulted with all stakeholders including, but not limited to, the following:

- WLALC
- NSWALC
- Residents of Gingie and Namoi (on two occasions)
- DoP
- LPMA

We have visited and surveyed both sites and prepared a survey, a Subdivision Concept Plan and a Planning Report for each.

J:\229506 - MASTERPLAN ABORIGINAL RESERVES\18 AUTHORITY\TIES\WALGETT SHIRE COUNCIL\229506\_L1TTRWSC\_101111\_RA.DOCX

Arup  
Arup Pty Ltd ABN 18 000 966 165

## **Preferred arrangements for the subdivision of Gingie and Namoi**

### ***Subdivision Concept Plans***

The WLALC's (and residents') preferred form of subdivision is set out in the Subdivision Concept Plans for each of Gingie and Namoi. Key elements of the preferred form of subdivision are as follows:

- Separate lots have been created for dwellings and infrastructure (roads and associated power and drainage, water, and sewerage systems).
- Lot boundaries generally follow existing fence lines.
- Lot sizes vary from 600sqm to 1500sqm as existing.
- The widths of road reserves have been increased so as to comply with standards. (A separate lot has been created for the road reserve.)

Copies of the preferred Subdivision Concept Plans were issued to WSC for comment on 29 July 2010. The Subdivision Concept Plans were subsequently updated to incorporate feedback from the DoP and issued to the DoP on 23 December 2010. Copies of this latest iteration of the Subdivision Concept Plans have been attached for your reference.

We note that the attached Subdivision Concept Plans are subject to the approval of the WLALC and the NSWALC in accordance with the Aboriginal Land Rights Act.

### ***Zoning***

It is understood that the draft Walgett Local Environmental Plan (LEP) will show Gingie and Namoi zoned as residential.

The preferred zoning is:

- For Gingie: RU5 Village
- For Namoi: Zone R2 Low Density Residential

Both existing developments include a range of community facilities and the preferred zoning set out above accommodates these existing facilities. The suggested zoning of Namoi is based on the assumption that recreation areas, community facilities, recreation facilities (outdoor) are added to the list of uses permitted with consent.

### ***Title***

The NSWALC preferred form of title is Torrens Title.

The residents' preferred form of homeownership is leasing.

Easements for access will be created subject to the resolution of the ownership of the roads and corresponding titling of these areas. These easements will be included in each lot's Title. At this stage, it is intended that easements for each dwelling requiring access will be created over access roads. It is also intended that easements will be created over access roads for emergency services providers (police, fire, ambulance).

The WLALC will also seek to have an easement created over the section of the access road to Gingie that crosses the adjoining Crown Land.

### ***Ownership and management of infrastructure***

The preference of the WLALC is to designate existing infrastructure (roads and associated drainage, water and sewerage systems) to the WSC to operate and maintain.

It is understood that the WSC will assume responsibility for upgrade and maintenance of water and sewerage systems from 2011 for 25 years as part of a NSW-wide program.

We understand that the WSC may be reluctant to accept designation of roads and associated drainage in their current condition. We also understand that the WSC may not accept dedication even if upgraded due to a declining revenue base.

We also note that the WSC is of the opinion that it would be unreasonable to require the upgrade of existing infrastructure if the WLALC were to retain title of all lots and if there was no change in scale or condition of the existing development.

The preference of the WLALC is to retain responsibility for the operation and maintenance of community facilities (community halls, playgrounds, and so on).

***Provision of services***

The WSC currently provide waste collection services in both Gingie and Namoi communities on a 'fee-for-service' basis and the WLALC intends to continue these arrangements in the future.

Easements will be created over access roads for emergency services providers (police, fire, ambulance).

**Request for in-principle agreement**

Having completed the consultations and investigations required by the DoP and agreed the preferred arrangements for the subdivision, we write to seek the WSC's in-principle agreement of the proposal to subdivide Gingie and Namoi as set out above.

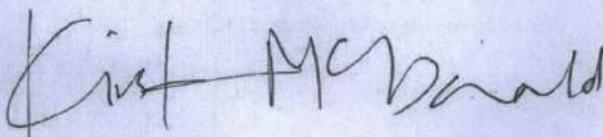
We also write to seek the WSC's agreement to the establishment of a mutually agreeable process for obtaining subdivision for Gingie and Namoi.

**Next steps**

We will contact the WSC over the coming days to discuss the above and to agree the steps moving forward to establishing a mutually agreeable process for obtaining subdivision.

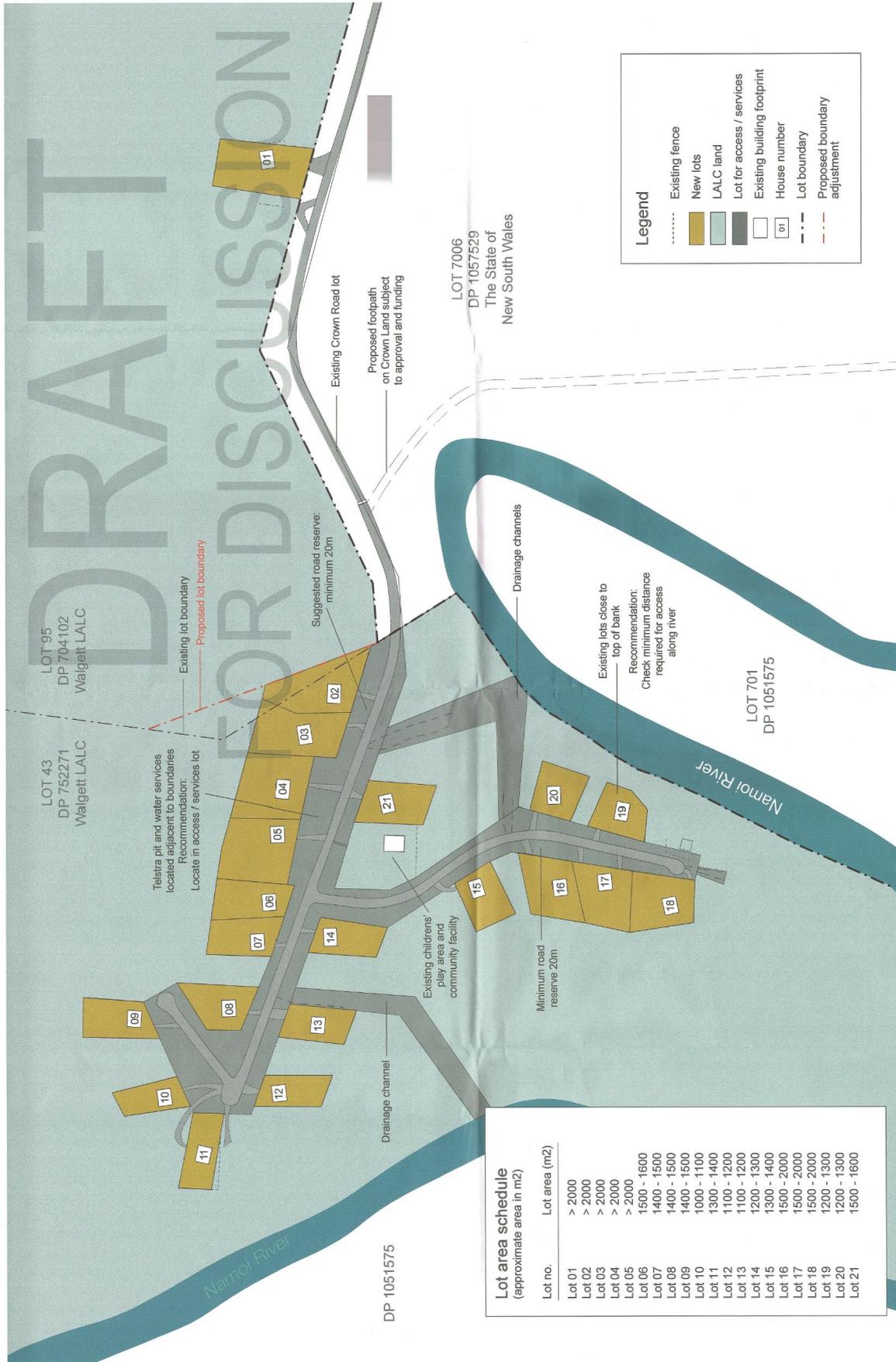
In the meantime, please do not hesitate to contact us if you have any questions regarding the above.

Yours sincerely



Kirsten McDonald  
Associate

Enc Subdivision Concept Plans for Gingie and Namoi, Walgett  
cc Julia Strano  
NSW Aboriginal Land Council  
By email



ARUP

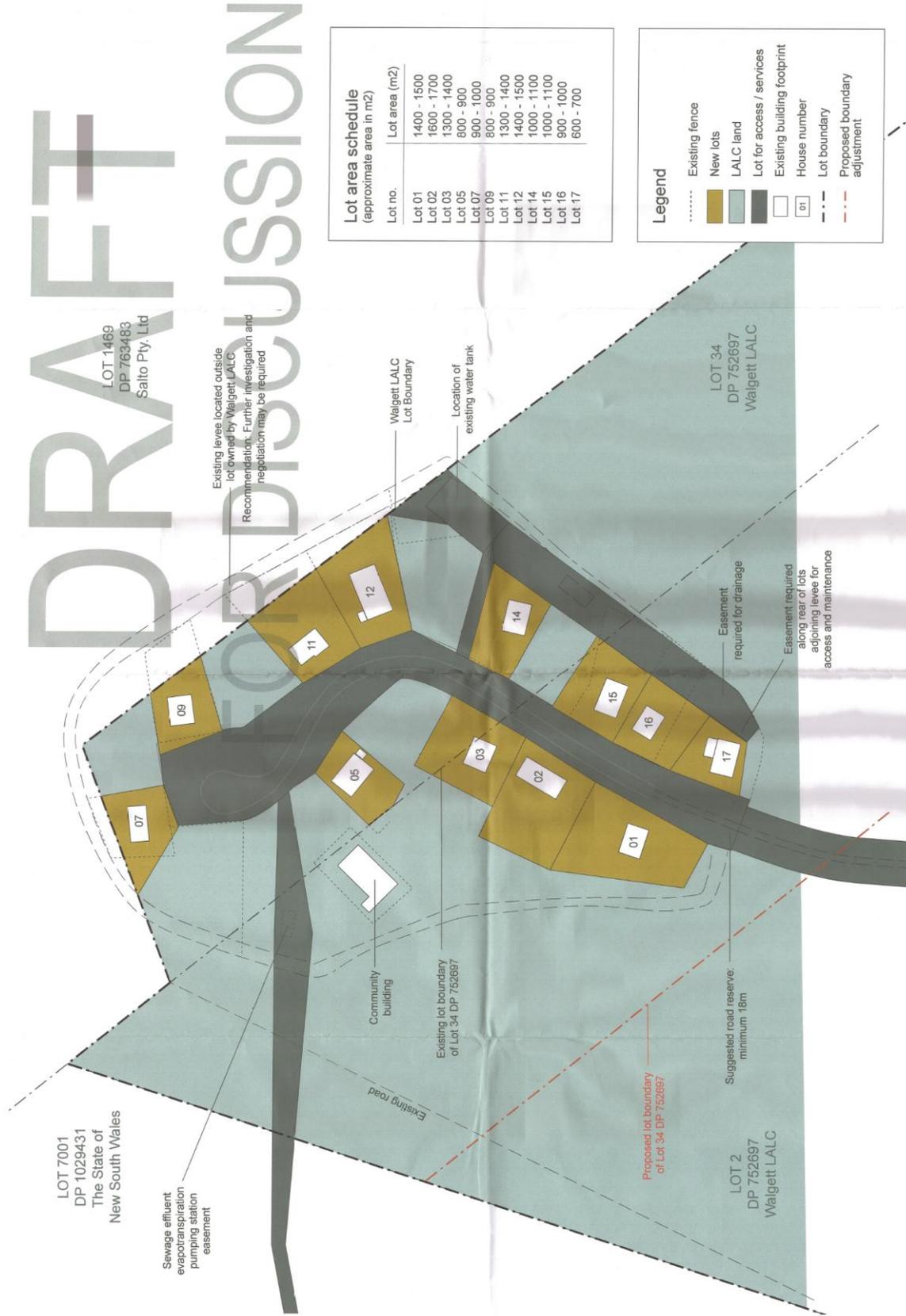
Scale 1:2500 @ A3  
23 December 2010



Draft concept - subject to approval by LALC membership

Namoi Subdivision  
Concept Diagram

Aboriginal Land Council  
Project Number: 220506



ARUP

Scale 1:1500 @ A3  
23 December 2010

Draft concept - subject to approval by LALC membership

Gingie Subdivision  
Concept Diagram

Aboriginal Land Council  
Project Number: 220506

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

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

---

### **Summary:**

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

### **Background:**

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

Complying Development Certificate (CDC) applications lodged with Walgett Shire Council are assessed by Council's Acting Senior Health and Building Surveyor, Andrew Wilson, as a Building Professionals Board Accredited Certifier.

### **Current position:**

No DAs or CDCs were approved during February 2011.

### **Relevant Reference Documents:**

Files for the respective DA and CDCs.  
Environmental Planning & Assessment Act 1979.  
Environmental Planning and Assessment Regulation 2000.  
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.  
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.  
State Environmental Planning Policy No 60—Exempt and Complying Development, etc.

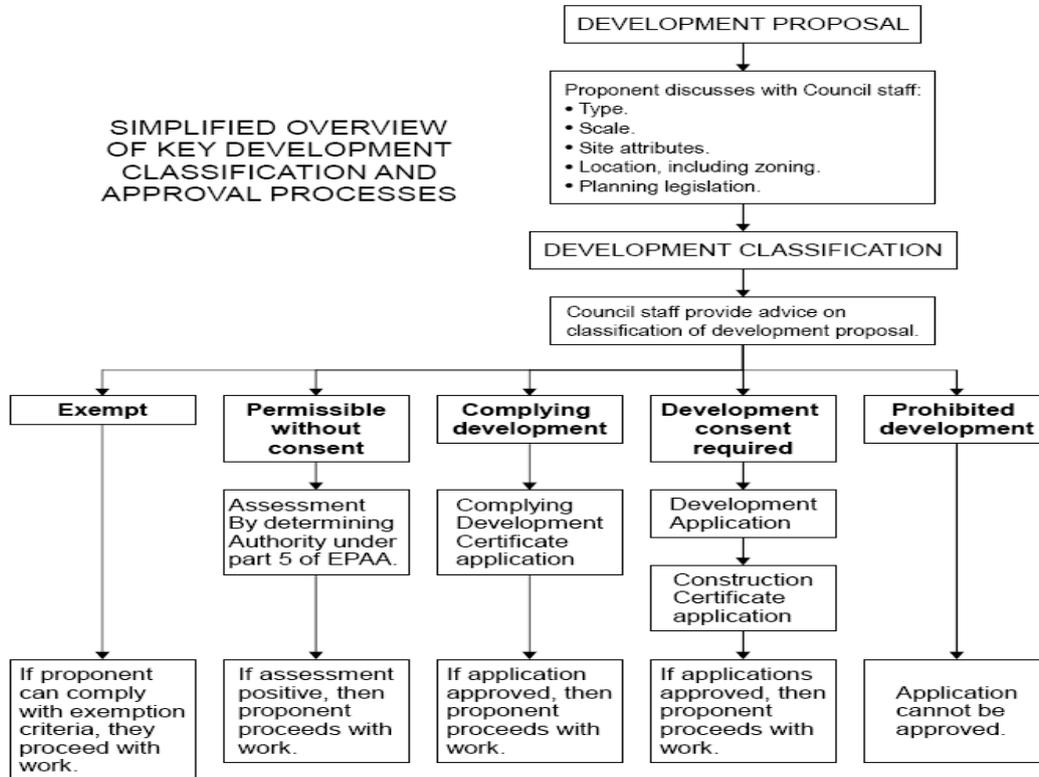
### **Governance issues:**

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 standard practice for any consent authority to impose conditions that are relevant to the nature and scale of the development, as well as the setting in which it is proposed to occur.

CDCs: Types and 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 proposals are classification is provided in the diagram below.



**Environmental issues:**

DAs: Council requests a Statement of Environmental Effects to be lodged with DAs that contains environmental information that is 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 assessment documentation.

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.

**Stakeholders:**

Public, applicants, Council, Department of Planning.

**Financial implications:**

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

**Alternative solutions/options:**

Nil

**Conclusion:**

**Development and Complying Development Certificate Applications**

**Recommendation:**

It is recommended that Walgett Shire Council resolve to:

1. Note that no Complying Development Certificate or Development Applications were approved during February 2011.

**Moved:**

**Seconded:**

**Attachments:**

Nil

## **23. UPDATE ON URBAN ADDRESSING – LIGHTNING RIDGE**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** James Abel – GIS Coordinator  
**FILE NUMBER:** 010/181-06/0003

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### **Summary:**

This report provides a brief overview of the status of the urban addressing project at Lightning Ridge and recommends that Walgett Shire Council endorse changes to the numbering sequence in Pandora Street and Harlequin Street, Lightning Ridge.

### **Background:**

Numbering has been provisionally allocated to urban properties in Lightning Ridge and numbered plates have been ordered for a large proportion of the town where no numbers are currently displayed. It is the Geographic Information Systems (GIS) Coordinator's intent to consult with various community groups over the next several weeks seeking a group who would be willing to install these plates around Lightning Ridge.

Urban numbering along Pandora and Harlequin Streets require amending to facilitate the implementation of additional numbers where no numbers are currently available. It will also assist in correlating number sequences on the opposite side of the road in compliance with Australia/New Zealand Standard. Geographic information – Rural and urban addressing AS/NZS 4819:2003

At a Council meeting held on the 26<sup>th</sup> October 2010, Council resolved to:

3. Engage in public consultation for at least one month regarding a proposal to change some street numbers in Pandora and Harlequin Streets, Lightning Ridge so that additional numbers can be allocated within each street. Consultation will include:
  - (a) Advertisements in Council's newspaper column in the Ridge News.
  - (b) Making available an information package available via the Walgett Shire Council Chambers, Lightning Ridge Library, Trans Cultural Community Council office and Council's web site.
  - (c) Informing affected landowners of proposed renumbering via a letter personally delivered by Council's GIS Coordinator, where practical.
  - (d) Informing service providers of the proposed renumbering via a letter personally delivered by Council's GIS Coordinator, where practical. Service providers shall include the Police, Ambulance, Fire Service, SES, RFS, Country Energy and Telstra.
  - (e) Inviting writing submissions on the proposed renumbering.
4. Consider all written submissions received on the proposal to change some street numbers in Pandora and Harlequin Streets, Lightning Ridge prior to making any decision regarding the proposal.

**Current Position:**

As part of the consultation Council's GIS Coordinator hand delivered 13 letters to owners and residents of the affected houses in these streets during late November 2010.

A public information pack and provisional numbering maps were also made available to the public via;

- Council's website,
- Walgett Shire Council Chambers,
- Lightning Ridge Library and
- Lightning Ridge Trans Cultural Community Council.

During the consultation period, Council's GIS Coordinator was not able to contact all of the service providers listed within the above resolution, nor was he able to include the advertisement in Council's column in the Ridge News.

In response to the consultation that was conducted, Council received 1 letter from W J Gill of Pandora Street, Lightning Ridge, supporting the proposed changes (Attachment 1).

**Relevant Reference Documents/Policies:**

Australia/New Zealand Standard. Geographic information – Rural and urban addressing AS/NZS 4819:2003

**Governance issues:**

Under Australian Standard 4819:2003, Councils are designated as the addressing authority for their local government area.

**Environmental issues:**

None known or expected.

**Stakeholders:**

Walgett Shire Council, landowners, residents, emergency service providers, utility providers etc.

**Financial Implications:**

Signage cost will be met from an existing budget allocation of \$20,000.00 for this project.

**Alternative Solutions/Options:**

Council has the option to endorse the following recommendations or to enter a second round of public consultation that will include advertising the changes in the council column in the Ridge News, as proposed changes, and conduct further consultation with service providers.

**Conclusion:**

**Update on Urban Addressing – Lightning Ridge**

**Recommendation:**

That Walgett Shire Council resolve to:

1. Note the report regarding an Update of Urban Addressing – Lightning Ridge, as prepared by Council's Geographic Information Systems Coordinator.
2. Inform all affected owners and residents in Pandora Street and Harlequin Street Lightning Ridge that the numbering of their house has been amended to allow additional street numbers to be allocated within the street.
3. Supply reflective numbered plates to the affected landholders for the amended street numbers.
4. Inform service providers including Police, Ambulance, Fire Service, SES, RFS, Country Energy and Telstra of the amendments.

**Moved:**

**Seconded:**

**Attachments:**

- 1 – Letter from W.J.Gill received 17<sup>th</sup> December 2011.

Attachment 1: – Letter from W.J.Gill received 17<sup>th</sup> December 2011.

P.O. Box 388,  
LIGHTNING RIDGE,  
N.S.W. 2834.  
14<sup>TH</sup> DECEMBER 2010.

RECEIVED 17 DEC 2010

WALGETT SHIRE COUNCIL,  
P.O. Box 31,  
WALGETT,  
N.S.W. 2832,

REFERENCE:–JA:MG: 10/733 ASS:19166  
RE: URBAN ADDRESSING WITHIN LIGHTNING RIDGE.

TO WHOM IT MAY CONCERN,  
DEAR SIR,  
WITH REFERENCE TO THE ABOVE AND  
THE PROPOSAL TO CHANGE STREET NUMBERS IN  
PANDORA AND HARLEQUIN STREETS, LIGHTNING RIDGE" I  
WOULD HAVE NO OBJECTION TO THIS PROPOSAL. IN  
FACT I WOULD WELCOME THE CHANGE OF STREET NUMBERS.

YOURS FAITHFULLY, W. J. Gill.

## **24. 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 between 8 February 2011 and 8 March 2011.

### **1. WALGETT SHIRE GROWTH MANAGEMENT STUDY & STRATEGY, DRAFT WALGETT LOCAL ENVIRONMENTAL PLAN 2011**

The Department of Planning has advised that it is still reviewing the November 2010 version of the Walgett Shire Growth Management Study and Strategy, as well as the Draft Walgett Local Environmental Plan 2011 (LEP), as submitted by Council in 2010. It is also reviewing outstanding issues that have been raised by Council's planning staff, including:

- Council has repeatedly sought the assistance of the Department of Environment Climate Change and Water to address the very poor quality mapping data supplied to delineate environmentally sensitive areas.
- The development of an LEP clause which addresses regional flooding in the context of Walgett Shire.
- Maintaining provisions for exempt and complying development within Special Activities Opal Mining (SP1) zone.
- An LEP clause for the Special Activities Opal Mining (SP1 ) zone which facilitates opal mining and enables dwellings on mining titles and Western Lands Leases.

### **2. URBAN ADDRESSING PROJECT**

A project to establish standardised urban addresses within Walgett Shire commenced in April 2010. Collarenebri, Burren Junction and Cumborah have been allocated urban numbers and reflective street number plates, supplied by Council, have been installed on the front of each occupied property, on a building, fence or the like.

Urban numbers have been allocated to Rowena and Carinda and reflective number plates have been provided to the Rowena Rural Fire Service and the Carinda Precinct Committee. These number plates will be installed within these communities voluntarily at the respective organisation's convenience.

A separate report is included in the business paper on proposed changes to street number allocations in Pandora St and Harlequin St, Lightning Ridge.

### **3. CHANGES TO COMPLYING DEVELOPMENT**

Numerous amendments to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 commenced on 25 February 2011. One of the more significant changes for the Walgett Shire is that clause 3A.19 has been added which excludes new houses from being complying development in rural zones if they are located within 250m of "a boundary with adjoining land being used for" mines, extractive industries, railway lines, etc.

Amongst other things, this means that new (or replacement) mining camps on the 'preserved' opal fields can no longer be processed under a single complying development certificate

application, instead they require a development application and a construction certificate application. Discussions are in progress with the Department of Planning about methods to reinstate mining camps as a form of complying development.

**4. WALGETT SHIRE ABORIGINAL HERITAGE STUDY**

Australian Museum Business Services have supplied a draft copy of the Walgett Shire Aboriginal Heritage Study and requested comments from Council staff prior to circulating it to the local aboriginal community.

**5. SENIOR ENVIRONMENTAL HEALTH AND BUILDING SURVEYOR**

Council's Senior Health and Building Surveyor, Len Smyth, retired on 18 February 2011. Advertisements have been placed for the position of Senior Environmental Health and Building Surveyor, with applications closing on 11 March 2011. Andrew Wilson has been appointed Acting Health and Building Surveyor since Mr Smyth's retirement.

The skills of the person that ultimately fills the Senior Environmental Health and Building Surveyor position, and when they commence, will be major factors affecting the need (or otherwise) to use outside building certification and environmental health services.

**6. BUILDING CERTIFICATION & ENVIRONMENTAL HEALTH SERVICES**

Andrew Wilson, Council's Health and Building Surveyor, received accreditation as an A3 building certifier from the NSW Building Professionals Board on 15 February 2011. It is expected that a further application to upgrade his accreditation from A3 to A2 will be lodged in the next couple of months.

The table below provides a simplified overview of the categories and authority associated with each level of accreditation.

| CATEGORY                                             | AUTHORITIES                                                                                                                                                                                                                                          |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A1 Accredited Certifier – Building Surveying Grade 1 | Issue <u>CDCs</u> , <u>CCs</u> and <u>OCs</u> for all classes and sizes of buildings.<br>Undertake all critical stage inspections.                                                                                                                   |
| A2 Accredited Certifier – Building Surveying Grade 2 | Issue <u>CDCs</u> , <u>CCs</u> and <u>OCs</u> 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 Accredited Certifier – Building Surveying Grade 3 | Issue <u>CDCs</u> , <u>CCs</u> and <u>OCs</u> for:<br>(a) Class 1 & 10 buildings.<br>(b) Class 2 to 9 buildings, maximum 2 storeys and maximum floor area 500m <sup>2</sup> .<br>Undertake critical stage inspections associated with (a) and (b).   |
| A4 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

Quotes have been requested from two businesses in the region that offer combined building certification and environmental health services to:

- Provide building certification services for Class 2 to 9 buildings which exceed 2 storeys and/or a maximum floor area 500m<sup>2</sup>.
- Provide building certification services in the event of any extended absences of Council's A3 accredited building certifier.
- Undertake food premises inspections.

**Matters Generally for Brief Mention or Information only from Director of Planning & Regulatory Services**

**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

## **25. HIGHER MASS LIMITS ON LOCAL ROADS**

**REPORTING SECTION:** Rural Infrastructure & Support Services  
**AUTHOR:** Tekin Colak – Roads Engineer  
**FILE NUMBER:** 09/1171

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### **Summary:**

Council has been requested to consider approving the operation of vehicles on a section of its local road network at Higher Mass Limits (HML). This report recommends that Council approve one request on the basis that it is not a precedent for approval of HML on other local roads.

### **Background:**

Council has been requested to consider approving the operation of vehicles on a section of its local road network at Higher Mass Limits (HML).

Vehicles enrolled in the Intelligent Access Program (IAP) may travel at HML on approved routes. Their movement is monitored electronically and their on-route compliance is managed by the Roads and Traffic Authority of NSW.

Currently HML vehicles may travel on all State Highways in Walgett Shire and only on two local roads HML are allowed on Bugilbone Road between Kamilaroi Highway and Burren Junction Silo entry and on Cryon Road between Kamilaroi Highway and Cryon Silo.

At HML loading, a 25/6m B-double is 8.8% heavier than the same vehicle at GML. This result in a significant productivity improvement in bulk materials transport, however, it will shorten the life of a traditional thin gravel pavement by many times this gain.

### **Current Position:**

At this time Council does not have adequate information on its Local Road network to adequately assess the impact of HML traffic on these roads. At approximately \$160,000 per km to rehabilitate, a typical pavement life of 40 years, and in excess of 300km of sealed local roads attractive to HML vehicles - this has the potential to create a liability far exceeding the current \$1.2M per annum average renewal cost. It is therefore not prudent to permit HML vehicles to travel over anything except a very limited length of local roads.

One request is that HML travel be permitted from the Kamilaroi Highway, along Merrywinebone Road to the entry to the GrainCorp Merrywinebone Grain Receiving Centre. This grain silo is located approximately 50 kilometres North of Kamilaroi Highway Burren Junction Turnoff. Approval would facilitate HML travel between the silo and other grain terminals without further travel on Council's roads. This would have significant productivity gains to the industry at limited cost to Council.

This is the road length approximately 77.7km, and the road is currently awaiting the repair of damage incurred during the December 2010 Flood associated with the weak geotextile pavement over blacksoil subgrade which makes this very susceptible to pavement failures.

Due to the demonstrated limited capacity of this Merrywinebone Road to endure current mass limits, and the great length of road subject to this request, it is recommended that approval NOT be granted for Merrywinebone Road.

**Relevant Reference Documents/Policies:**

HML application 11 November 2010

Governance issues:

N/A

**Environmental Issues:**

N/A

**Stakeholders:**

Walgett Shire Council

**Financial Implications:**

Undetermined increase in road renewal costs.

**Alternative Solutions/Options:**

N/A

**Higher Mass Limits on Local Roads**

**Recommendation:**

1. That approval is not granted for Higher Limits on Merrywinebone Road.

**Moved:**

**Seconded:**

**Attachments:**

Nil

## **26. STRATEGIC PLANT REPLACEMENT PROGRAM 2010 – 2024 – CALL TENDER APPROVAL**

**REPORTING SECTION:** Director Rural Infrastructure & Support Services  
**AUTHOR:** Ian Taylor - Director Rural Infrastructure & Support Services  
**FILE NUMBER:** 09/1260

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### **Summary:**

Council conducted a workshop in relation to its Strategic Plant Replacement Program after the February 2011 Council meeting. This report recommends confirmation of the outcomes of the workshop.

### **Background:**

Council insures approximately \$7.5M of Plant, including motor vehicles, earthmoving plant, and other minor equipment. To ensure that this plant is serving council's needs for delivering services a strategic plan is required for their acquisition and replacement.

The Strategic Plant Replacement Program provides Council with a break-down of its plant assets by Department and service area. The Program provides indicative utilisation and age of the current plant and identifies the forecast annual replacement revenue from the plant. It identifies plant that is proposed to be decommissioned without replacement, and new or modified plant requirements. Finally, it identifies the forecast expenditures on plant replacement over the following 15 years.

### **Current Position:**

Agreement was reached at the workshop that the replacement for the current dirt-carting / plant float fleet items should comprise a road train rated prime mover fitted with quick release side tipping dirt/gravel body and a non-widening plant float capable of moving all Council plant and the stabilising plant in a walk-on/walk-off configuration. This combination can match the current capabilities from 'day one' and can be expanded to work in various combinations as needed.

The acquisition of the prime mover will be through an existing panel tender arrangement complying with the Local Government (General) Regulation.

Plant is generally acquired using one of a range of panel contracts provided through Local Government Procurement, Procurement Australia, Regional Procurement, NSW Buy, and similar organisations. These contracts have continually improved market access, price, and efficiency of procurement over the last few years.

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

Plant Replacement Program 2011 Version 06  
Motor Vehicle Policy and Procedures  
Procurement Policy and Procedures

**Governance issues:**

Council must approve acquisitions over \$150,000 and these must be tendered in accordance with the Local Government Regulation.

**Environmental issues:**

In preparing the Program, and in preparing the detailed quotation specifications for plant, council officers assess the environmental impacts of available options. The objective is to minimise the whole of life environmental impact of the plant operations.

**Stakeholders:**

Council Staff. The Program is strategic in nature. Detail consultation is had with Directors, and through them Managers, and Operators as relevant during the procurement process for each plant item.

**Financial Implications:**

The Strategic Plan is funded through internal hire rates charged to users/program/project areas.

Proposed expenditure for 2010-2011 is within/close to the approved budget allocation of \$2,485,000.

Expenditures will be maintained within approved limits by, if necessary, delaying replacement of one or two items until 2011-2012 or revising the specification downwards of less critical plant items.

The forecast expenditure for 2011-2012 are still higher than average due to the backlog of replacements required. This may require further consideration during the formulation of the 2011-2012 Operation Plan / Budget.

**Alternative Solutions/Options:**

Consideration was given at the workshop to a number of different options, their cost, operation and the legality of their use.

**Conclusion:**

Council should endorse the acquisition of the remaining plant items exceeding \$150,000 for 2010-2011 – namely a road train rated Prime Mover, fitted with quick release side tipping dirt/gravel body

**Strategic Plant Replacement Program 2010 – 2024 – Call Tender Approval**

**Recommendations:**

1. Council should endorse the acquisition of the remaining plant items exceeding \$150,000 for 2010-2011 – namely a road train rated Prime Mover, fitted with quick release side tipping dirt/gravel body

**Moved:**

**Seconded:**

**Attachments:**

Nil

**Reports of Committees**

Nil

**Questions for the next Meeting**

Nil

**Confidential Reports/Closed Council meeting**

Nil

**Close of Meeting**