



AGENDA FOR ORDINARY COUNCIL MEETING

19 February, 2013

NOTICE IS HEREBY GIVEN pursuant to clause 7 of Council's Code of Meeting Practice that the Ordinary Council Meeting of Walgett Shire Council will be held in the **Walgett Shire Council Chamber** on **19 February, 2013** commencing at 10.00am to discuss the items listed in the Agenda.

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**

Representatives from Walgett & District Sporting Club

### **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**

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### **15. Close of Meeting**

**Note:** At 2:00pm Ms Judith Burns from Burns Aldis Community Development in attendance to discuss the Far West Medicare Local

## **Apologies**

Clr Jane Keir

## **Welcome to Visitors**

N/A

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

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

### **Minutes of Council meeting – 18 December 2012**

#### **Recommendation:**

That the minutes of the Council meeting held 18 December 2012 having been circulated, be confirmed as a true and accurate record of that meeting.

#### **Moved:**

#### **Seconded:**



## **MINUTES FOR ORDINARY COUNCIL MEETING**

**18<sup>th</sup> December, 2012**

**NOTICE IS HEREBY GIVEN** pursuant to clause 7 of Council's Code of Meeting Practice that the Ordinary Council Meeting of Walgett Shire Council was held in the **Walgett Shire Council Chambers** on **18<sup>th</sup> December, 2012** commencing at 10:20am to discuss the items listed in the Agenda.

Don Ramsland  
**GENERAL MANAGER**

## WALGETT SHIRE COUNCIL MINUTES

### CONFLICT OF INTERESTS

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

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**No Interest in the Matter**

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

**Disclosure and participation in meetings**

- A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
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## WALGETT SHIRE COUNCIL MINUTES

### MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD AT WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY 18TH DECEMBER, 2012 AT 10:20AM

#### PRESENT

Clr B Murray (Mayor)  
Clr R Greenaway  
Clr J Keir  
Clr D Lane  
Clr D Cooper  
Clr M Taylor  
Clr L Walford  
Clr I Woodcock  
Don Ramsland (General Manager)  
Stephen Holland (Director Corporate Services)  
Andrew Wilson (Acting Director Planning & Regulatory Services)  
Raju Ranjit (Director Engineering Services)  
Fred Coralde (Director Urban & Infrastructure Services)  
Yasmin Jones (Minute Secretary)

#### Welcome to Visitors

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

#### **12/2012/1 APOLOGIES –18<sup>th</sup> December 2012**

##### **Resolved:**

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

**Moved:** Clr Woodcock

**Seconded:** Clr Walford

**CARRIED**

#### Declaration of Pecuniary/Non Pecuniary Interests

Clr Keir declared a Pecuniary Interest in item 24- Monthly Flood works report from Director Engineering Services as her family is currently operating contract plant.

#### Confirmation of Minutes

#### **12/2012/2 Minutes of Council meeting- 8<sup>th</sup> & 27<sup>th</sup> November 2012**

##### **Resolved:**

That the minutes of the Extraordinary Council meeting held 8<sup>th</sup> November 2012 and the Ordinary Council meeting held 27<sup>th</sup> November 2012 having been circulated, be confirmed as a true and accurate record of that meeting.

**Moved:** Clr Walford

**Seconded:** Clr Cooper

**CARRIED**

## WALGETT SHIRE COUNCIL MINUTES

### Mayoral Minutes

#### **12/2012/3 Matters Generally for Brief Mention or Information only from Mayor**

##### **Resolved:**

That the Matters listed by the Mayor for brief mention or information only be received and noted.

**Moved:** Cllr Keir

**Seconded:** Cllr Taylor

**CARRIED**

### Matters Arising

Nil

### Motions of which Notice has been given

Nil

### Presentation of Petitions

N/A

### Councillors Questions From Last Meeting

#### Cllr Walford

##### **Question 1**

When will the Lightning Ridge netball courts be finalised?

##### **Response:**

The Director Engineering Services advised this has been postponed until 8<sup>th</sup> December, 2012 due to recent rain.

#### Cllr Taylor

##### **Question 1**

Can a second rubbish bin be placed at the Dick O'Brien Bridge (one for each end of the stop)?

##### **Response:**

The Director Engineering Services has issued an instruction to install a second bin.

##### **Question 2**

Can Council investigate the current cost of electricity for the street lighting in the towns within the Shire and complete a cost comparison of the current street lighting to solar or LED.

##### **Response:**

The Director Urban Infrastructure Services has advised investigation are currently being undertaken.

## WALGETT SHIRE COUNCIL MINUTES

### Clr Lane

#### **Question 1**

Can Council investigate the use of ipads for the distribution of the Council Business Paper?

#### **Response:**

The General Manager has issued an instruction for the cost and use of ipads to be the subject of a report to the February 2013 meeting.

### Clr Woodcock

#### **Question 1**

Can the Lightning Ridge subdivision be expedited?

#### **Response:**

The General Manager has commenced negotiations with Western Lands for the acquisition of the land and is also obtaining quotations for survey and design works.

### Clr Keir

#### **Question 1**

Has any discussion taken place with the street sweeper in regards to his services provided?

#### **Response:**

The General Manager advised that the matter will be listed for consideration at the next Plant Committee and prior to that meeting discussions will be held with the current operator / contractor.

#### **Question 2**

Has the Carinda Cemetery re-gravelling commenced?

#### **Response:**

The Director Engineering Services has advised work has not commenced as of yet due to water in the local gravel pit preventing access. If at all possible the work will be completed prior to Christmas.

#### **Question 3**

When will the Burren Junction Bore Baths be closed?

#### **Response:**

The Director Urban Infrastructure Services has advised the Bore Baths closed on the 07/12/2012.

#### **Question 4**

Have we decided on the format the Dick Colless Memorial scholarship will take?

#### **Response:**

The General Manager advised that applications for the Dick Colless Memorial Scholarship will be called early in January, 2013. A copy of the application form will be tabled at the December Council Meeting.

### Reports of Delegates and Representatives

#### **12/2012/4 Walgett Local Traffic Facilities Committee Meeting Minutes**

#### **Resolved:**

That the minutes of the Walgett Local Traffic Facilities Committee Meeting held 18 October 2012, be received and noted.

**Moved:** Clr Cooper

**Seconded:** Clr Greenaway

**CARRIED**

## WALGETT SHIRE COUNCIL MINUTES

### **12/2012/5 Walgett Shire Local Emergency Committee Meeting**

**Resolved:**

That the minutes of the Walgett Shire Local Emergency Committee Meeting held 10 December 2012, be received and noted.

**Moved:** Cllr Woodcock

**Seconded:** Cllr Keir

**CARRIED**

### **Reports of Officers**

### **12/2012/6 Council Decisions Action Report – November 2012**

**Resolved:**

That the Resolution Register for November 2012 be received and noted.

**Moved:** Cllr Walford

**Seconded:** Cllr Cooper

**CARRIED**

### **12/2012/7 Circulars Received From The NSW Local Government and Shires Associations of NSW**

**Resolved:**

That the information contained in the weekly circulars numbers 46-48 from the NSW Local Government and Shires Association be received and noted.

**Moved:** Cllr Greenaway

**Seconded:** Cllr Cooper

### **12/2012/8 Circular received from the Division of Local Government – December 2012**

**Resolved:**

That the information contained in the following Departmental circulars 12-42 to 12-43 from the Local Government Division Department of Premier and Cabinet be received and noted.

**Moved:** Cllr Lane

**Seconded:** Cllr Walford

**CARRIED**



WALGETT SHIRE COUNCIL MINUTES

**12/2012/9 Monthly Calendar – December 2012 – February 2013**

**Resolved:**

That Council receive and note the regular monthly calendar for the period December 2012 to February 2013.

**Moved:** Cllr Greenaway

**Seconded:** Cllr Walford

**CARRIED**

**12/2012/10 Motions for Consideration at NSW Shires Association's Annual Conference**

**Resolved:**

That Council submit motions for consideration at the forth coming Division Committee meetings in February / March 2013 in relation to the following:

1. The follow up of funding for "betterment" improvements following natural disasters.
2. Changes to Natural Disaster Funding at a Commonwealth Level that will see the Commonwealth withdraw from joint funding arrangements for repairs to important community assets including sporting and recreational facilities under Category B grants.
3. The need for relief funding under Category C to be tightened to ensure only those in need of support are recognised as quickly as can be arranged after an emergency situation arises.
4. The State Government's decision to reduce the level of funding available for Local Emergency Management Committees to run appropriate training exercises.

**Moved:** Cllr Woodcock

**Seconded:** Cllr Lane

**CARRIED**

*Fred Coralde left the meeting at 10:37am*

*Fred Coralde returned to the meeting at 10:44am*

**12/2012/11 RDAF Round 3 – Expression of Interest – MainStreet Makeovers**

**Resolved:**

That the action taken by the General Manager in preparing and submitting the Expression of Interest for Round 3 RDAF grant – "MainStreet Makeovers" be endorsed.

**Moved:** Cllr Woodcock

**Seconded:** Cllr Walford

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

**12/2012/12 Walgett Shire Local Emergency Management Committee – DisPlan Review Report**

**Resolved:**

That Council adopt the revised Walgett Shire Disaster Plan, December 2012 and for the revised Plan to be forwarded to the District Emergency Management Committee for endorsement.

**Moved:** Cllr Cooper

**Seconded:** Cllr Greenaway

**CARRIED**

**12/2012/13 Rate Pegging Legislation – IPART Application**

**Resolved:**

That Council endorse the action taken in indicating to IPART that Council may consider lodging an application for a rate increase above the rate pegging limit in 2013 and that a further report be prepared for Council's February 2013 meeting in this regard.

**Moved:** Cllr Keir

**Seconded:** Cllr Cooper

**CARRIED**

**12/2012/14 Wilcox Report – Consideration of State Government Recommendations**

**Resolved:**

That Council make a detailed submission by 3 February 2013 to protect the interests of Walgett Shire and local residents and ratepayers.

**Moved:** Cllr Lane

**Seconded:** Cllr Woodcock

**CARRIED**

**12/2012/15 MATTER FOR BRIEF MENTION OR INFORMATION ONLY**

**Resolved:**

That the General Manager's Report on matters for brief mention or information only be received, noted and further that Council endorse the action being taken to prepare applications for Local Infrastructure Renewal Scheme (LIRS) for Council's Work Depot redevelopment and for a timber bridge replacement program.

**Moved:** Cllr Woodcock

**Seconded:** Cllr Cooper

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

**12/2012/16 Cash On Hand and Investment Report as at 30 November 2012**

**Resolved:**

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

**Moved:** Cllr Keir  
**Seconded:** Cllr Cooper

**CARRIED**

**12/2012/17 Proposed Off Leash Area for Dogs, Lightning Ridge**

**Resolved:**

This matter be deferred and a new report be brought to Council's February Meeting as further investigation is required.

**Moved:** Cllr Greenaway  
**Seconded:** Cllr Lane

**CARRIED**

**12/2012/18 Development & Complying Development Certificate Applications**

**Resolved:**

It is recommended that Walgett Shire Council resolve to:

Note the report on Development and Complying Development Certificate applications dealt with by Council staff under delegated authority during November 2012.

**Moved:** Cllr Greenaway  
**Seconded:** Cllr Walford

**CARRIED**

*Fred Coraide left the meeting at 11:33am*

*Cllr Walford left the meeting at 11:40am*

*Cllr Walford returned at 11:44am*

WALGETT SHIRE COUNCIL MINUTES

**12/2012/19 Rural Residential Land Use Strategy**

**Recommendation:**

That Walgett Shire Council resolve to:

1. Request the General Manager to obtain Light Detection and Ranging (LIDAR) data from the NSW Land and Property Information (LPI) to prepare detailed contour maps of land within a 6 km radius of Walgett, Lightning Ridge and Collarenebri at the earliest opportunity.
2. When the LIDAR data becomes available, obtain quotes from a minimum of three suitably qualified planning firms to prepare a 'Rural Residential Strategy for Walgett, Lightning Ridge and Collarenebri' to identify within the proposed RU1 Primary Production zone and within a 6 kilometre radius of those towns that is suitable for rezoning for rural residential purposes. It is intended that the rezoned land will be able to subdivided to create lots ranging from 10 to 40 hectares.
3. Consider the quotes for a 'Rural Residential Strategy for Walgett, Lightning Ridge and Collarenebri' once they have been obtained.

**Moved:** Cllr Lane

**Seconded:** Cllr Greenaway

**CARRIED**

**Division**

**In Favour**

Cllr B Murray (Mayor)  
Cllr R Greenaway  
Cllr J Keir  
Cllr D Lane  
Cllr D Cooper  
Cllr M Taylor  
Cllr L Walford  
Cllr I Woodcock

**Against**

Nil

**Absent**

Cllr M Martinez

## WALGETT SHIRE COUNCIL MINUTES

### 12/2012/20 Western Lands Lease Amalgamation Proposal

#### Recommendation:

Walgett Shire Council resolve to write to the Department of Lands and state that:

1. It objects to the application on the basis that the area being sought is larger than 2,500 square metres.
2. Council's policy regarding such matters was established at a Council meeting held on 21 September 2006, and there is no reason to vary from that policy in this case.

**Moved:** Cllr Lane

**Seconded:** Cllr Walford

#### CARRIED

##### In Favour

Cllr B Murray (Mayor)

Cllr R Greenaway

Cllr J Keir

Cllr D Lane

Cllr D Cooper

Cllr M Taylor

Cllr L Walford

Cllr I Woodcock

##### Against

Nil

##### Absent

Cllr M Martinez

*Fred Coralde returned to the meeting at 12:01pm*

### 12/2012/21 Draft Walgett Local Environmental Plan 2012

#### Resolved:

That Walgett Shire Council resolve to:

1. Note the submission dated 19 September 2012 from NSW Office of Environment and Heritage regarding the draft Walgett Local Environmental Plan 2012 (LEP).
2. Write to the Department of Planning and Infrastructure and request that the following amendments be made to the draft Walgett Local Environmental Plan 2012 document in response to the submission from the NSW Office of Environment and Heritage:
  - (a) Zoning maps be amended so that land gazetted, acquired (but not yet gazetted) or vested in the Minister under the National Parks and Wildlife Act 1974 is zoned "National Parks and Nature Reserves". This will require the following zoning map amendments:
    - An extension to the Narran Lake Nature Reserve (about 1,226 Ha).
    - An extension to the Ginghet Nature Reserve (about 2,687 Ha).
    - An extension to the Barwon Nature Reserve and Barwon State Conservation Area (about 5,606 Ha).
    - The Gilwarney Nature Reserve which replaces part of the Gilwarney State Forest (about

## WALGETT SHIRE COUNCIL MINUTES

1,223 Ha).

- The new Warrinilla nature Reserve (about 12,090 Ha).

Reason: The land is effectively under the exclusive control of the Minister for National Parks and Wildlife and has been set aside for use as part of the National Park estate.

3. Note that the changes to the LEP document and mapping are consistent with the Walgett Shire Growth Management Study and Strategy dated June 2010 and do not alter the intent of the exhibited LEP. As a result, additional public consultation is not required.

4. Request the General Manager to arrange for Council's Planning and Community Services staff to meet with the NSW Office of Environment and Heritage's archaeologist to discuss how aboriginal cultural heritage values can be addressed in a future Local Environmental Plan.

5. Write to the NSW Office of Environment and Heritage and:

- (a) Apologise for the delay in considering its submission dated 19 September 2012 regarding the draft Walgett Local Environmental Plan 2012 which resulted from an administrative error.
- (b) Provide it with a copy of the Council report regarding its submission.
- (c) Provide it with a copy of the Council resolution regarding its submission.

Moved: Cllr Lane

Seconded: Cllr Walford

### CARRIED

### DIVISION

#### In Favour

Cllr B Murray (Mayor)  
Cllr R Greenaway  
Cllr J Keir  
Cllr D Lane  
Cllr D Cooper  
Cllr M Taylor  
Cllr L Walford  
Cllr I Woodcock

#### Against

Nil

#### Absent

Cllr M Martinez

## WALGETT SHIRE COUNCIL MINUTES

### 12/2012/22 Gingie Water Supply Upgrade

**Resolved:**

That the Council invite a single quotation from BHC Plumbing Pty Ltd to undertake the Gingie Water Supply Upgrade on the following basis;

- a) 'Because of extenuating circumstances and remoteness of locality the Council is of the view that a satisfactory result would not be achieved by inviting tenders.
- b) Lack of availability of suitable contractors.
- c) The need to engage a contractor as soon as possible so that the work can be completed in the current financial year.
- d) The quotation will be assessed by both Council and NOW In relation to value for money.

**Moved:** Cllr Lane

**Seconded:** Cllr Keir

**CARRIED**

*Matthew Goodwin left the meeting at 12:20pm*

*Matthew Goodwin returned to the meeting at 12:22pm*

### 12/2012/23 Storm Water Drainage Asset Management Plan December 2012

**Resolved:**

That the draft Storm Water Drainage Asset Management Plan, be placed on public exhibition for the prescribed period.

**Moved:** Cllr Greenaway

**Seconded:** Cllr Cooper

**CARRIED**

*Cllr Keir declared a pecuniary interest in the following item and left the meeting at 12:20pm*

### 12/2012/24 Monthly flood works Report from Director Engineering Services

**Resolved:**

That Council receive and note the monthly flood restoration works report for December 2012

**Moved:** Cllr Greenaway

**Seconded:** Cllr Lane

**CARRIED**

*Cllr Keir returned to the meeting at 12:24pm*

WALGETT SHIRE COUNCIL MINUTES

**12/2012/25 Monthly RMCC works Report from Director Engineering Services – December 2012**

**Resolved:**

That Council receive and note the monthly RMCC works report for December 2012.

**Moved:** Cllr Cooper

**Seconded:** Cllr Greenaway

**CARRIED**

**12/2012/26 Rural Fire Fighting North West Zone Service Funding budget 2012/2013**

**Resolved:**

That Council receive and approves the contribution of \$ 183,189.13 to Rural Fire Services fund for 2012/2013.

**Moved:** Cllr Cooper

**Seconded:** Cllr Taylor

**CARRIED**

**12/2012/27 February 2012 Flood restoration works on Local Roads 2012/2013 – December 2012**

**Resolved:**

1. That Council note and accept the revised funding.
2. That Council approves the revised vote of \$5,397,221.00

**Moved:** Cllr Woodcock

**Seconded:** Cllr Lane

**CARRIED**

**Questions for the next Meeting**

Cllr Taylor

**Question 1:**

Can the sign for the Narran Lakes road on the road from Walgett to Brewarrina be fixed as the previous sign has been knocked down?

**Response:**

The Director of Engineering is to investigate.

Cllr Cooper

**Question 1:**

Can a shade structure be installed over Walgett Shire Council's main pool in the shallow end?

**Response:**

The Director of Urban Infrastructure Services is to investigate.



## WALGETT SHIRE COUNCIL MINUTES

Clr Kier

**Question 1:**

Can the lawn mower at Carinda be investigated as Pat Regan has advised it is currently experiencing mechanical difficulty?

**Response:**

The Director of Urban Infrastructure Services is to investigate.

**Confidential Reports/Closed Council meeting**

**12/2012/28 MOVE INTO CLOSED SESSION AT 12:50PM**

**Resolved:**

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

- (c) that information that would, if disclosed confer a commercial advantage on a person with whom the Council is conducting business (or proposed to conduct business)
- (d) that the matter and information is commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**Moved:** Clr Lane

**Seconded:** Clr Walford

**CARRIED**

**12/2012/29 Collarenebri Precinct Committee Meeting Minutes**

**Resolved:**

That the minutes of the Collarenebri Precinct Committee held 4 December 2012, be received and noted and the following response made:

Council believes it is inappropriate for any precinct Committee to attack the integrity of any Council employee and that the chairperson should have ruled the discussion at the 4 December 2013 out of order.

1) Noted.

2) Council now has a process in place to deal with the slashing of overgrown town blocks and the Committee should in future observe this procedure.

3) Noted, but this matter needs further development particularly with regards safety and insurance liability issues.

4) Noted. Drainage is required for all properties regardless of whether they are occupied or vacant land.

5) Noted. This is a maintenance issue.

6) Poor water pressure reflects too high water usage in summer which will be addressed through appropriate water restrictions.

## WALGETT SHIRE COUNCIL MINUTES

7) The Committee needs to understand that other towns are already subsidising the water supply in Colliarenebri. The actual cost of supply per assessment would be in the order of \$1800 - \$2000 and this needs to be considered in light of actual water charges being only approximately half of this amount.

8) It is believed that complaints are coming from residents whose street numbers have been changed during the addressing scheme. GPS information does not relate to any town property addresses.

9) There are strict environment protocols with regards carved/ heritage trees that need to be observed.

10) This is a re-occurring issue. Seats previously installed have been removed because of social issues.

11) This proposal needs to be thought through carefully.

12) It is assumed the Committee is referring to the Netwaste group. Council is preparing a Solid Waste Management Programme in 2013 to address solid waste issues Shire wide.

13) Noted.

14) Council will not be in a position to contribute to any production costs.

**Moved:** Cllr Woodcock

**Seconded:** Cllr Greenaway

**CARRIED**

### **12/2012/30 Engagement of IMF (Australia) Ltd to act on behalf of Council to lodge a claim against Lehman Brothers (Asia) Ltd**

#### **Resolved:**

That Council endorse the action of the General Manager in completing the revised agreement with IMF (Australia) to include the action against Lehman Bros (Australia) to act on behalf of Walgett Shire Council and that the update in relation to the Dante investment be noted.

**Moved:** Cllr Greenaway

**Seconded:** Cllr Lane

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

**12/2012/31 Section 713 Sale of Properties**

**Resolved:**

1. That Council resolve to sell the properties as listed in the General Manager's Certificate (Appendix A of this report) at auction in accordance with the provisions of the Local Government Act 1993
2. That the only arrangement acceptable to the Council for withdrawal of the property from sale is payment of all rates and charges in full.
3. That Council delegate the appointment of an auctioneer to conduct the sale to the General Manager.

**Moved:** Cllr Greenaway  
**Seconded:** Cllr Cooper

**CARRIED**

**12/2012/32 Overdue Rates – Assessment 6189 Estate of the late N.C Wheate**

An amendment moved by Cllr Greenaway:

To accept (Option C) Advise Mr Weate that the Council would agree to write off a proportion of the interest (say 50%) on the basis that all outstanding rates and remaining interest as at the date of payment are paid in full.

Lapsed for want of a seconder.

**Resolved:**

To accept (Option B) the offer from Mr Wheate to pay all outstanding rates on the basis that accrued interest (as at 16 November 2012 \$7406.26 after applying payments in accordance with sec 588) is written off.

**Moved:** Cllr Keir  
**Seconded:** Cllr Cooper

**12/2012/33 ICAC Investigation – "Operation Jarek"**

**Resolved:**

That Council endorse the action taken/being taken by the General Manager to implement the recommendations of the findings of the ICAC Investigation

**Moved:** Cllr Woodcock  
**Seconded:** Cllr Walford

**CARRIED**

*Stephen Holland left the meeting at 1:25pm  
Stephen Holland returned to the meeting at 1:27pm*

WALGETT SHIRE COUNCIL MINUTES

**12/2012/34 Organisational Structure Review Process**

**Resolved:**

That the information be noted.

**Moved:** Cllr Woodcock

**Seconded:** Cllr Keir

**CARRIED**

**12/2012/35 Health "Pit-stops"**

**Resolved:**

1. That Council send a letter to the AMS Board and CEO Christine Corby expressing concerns regarding the Health "Pit-stops" held in Collarenebri and Walgett and the lack of communication with local health services.

2. A copy of the letter sent to the AMS is to be forwarded to Mark Coulton MP and Kevin Humphries MP.

**Moved:** Cllr Keir

**Seconded:** Cllr Greenaway

**CARRIED**

**12/2012/36 Return To Open Session at 1:30pm**

**Resolved:**

That Council return to open session.

**Moved:** Cllr Woodcock

**Seconded:** Cllr Walford

**CARRIED**

**WALGETT SHIRE COUNCIL MINUTES**

**12/2012/37 Adoption of Closed Session Reports**

**Resolved:**

That Council adopt the following recommendation of the Closed Committee:

- Collarenebri Precinct Committee Meeting Minutes
- Engagement of IMF (Australia) Ltd to act on behalf of Council to lodge a claim against Lehman Brothers (Asia) Ltd
- Section 713 Sale of Properties
- Overdue Rates – Assessment 6189 Estate of the Late N.C. Wheate
- ICAC Investigation- "Operation Jarek"
- Organisational Structure Review Process
- Health "Pit-Stops"

**Moved:** Cllr Greenaway

**Seconded:** Cllr Woodcock

**CARRIED**

**Close of Meeting**

The meeting closed at 1:34pm

To be confirmed at the meeting of Council to be held on 12 February 2013.

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Mayor General Manager

**Workplace Health & Safety Minutes – 7 November 2012****Recommendation:**

That the minutes of the Walgett Shire Council Workplace Health & Safety Committee Meeting held on 7 November 2012 be received and noted.

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

## **MINUTES OF THE MEETING**

### **WALGETT SHIRE COUNCIL WORKPLACE HEALTH & SAFETY COMMITTEE**

The following are minutes of the Walgett Shire Council Workplace Health & Safety Committee Meeting held on Wednesday, 7<sup>th</sup> November 2012 in the Walgett Council Chambers, meeting room commencing at 9.00am.

#### **1. PRESENT**

|                 |                                   |
|-----------------|-----------------------------------|
| Ramesh Sharma   | Committee Member                  |
| Yasmin Jones    | Committee Member                  |
| Rebecca Jones   | Committee Member                  |
| Dallas Williams | Committee Member                  |
| Barry Maher     | Committee Member (arrived 9.40am) |
| Donald Ramsland | Management Representative         |
| Raju Ranjit     | Management Representative         |
| David Callander | Ex Offio                          |
| Bronwyn Newton  | Secretary                         |

#### **2. APOLOGIES**

Prafulla KC Committee Member (Chairperson)

#### **3. ELECT DEPUTY CHAIRPERSON**

The Committee discussed the need to nominate a Deputy Chairperson to manage the meetings in the absence of the Chairperson.

Deputy Chairperson – Dallas Williams was nominated unopposed and accepted.

#### **4. MINUTES – 3<sup>RD</sup> NOVEMBER 2012**

The Minutes from the meeting held on the 3<sup>rd</sup> November 2012 were unavailable and are to be tabled at the next meeting.

Therefore no business arising from the minutes could be dealt with.

#### **5. GENERAL BUSINESS**

##### **5.1 Training New Committee Members**

The Committee discussed the need to train the new committee members. It was advised the training could be achieved by a one (1) day course effective from January 2013.

Mr Don Ramsland, General Manager advised that he had discussions with Bryson Rees, Wellington Council in regards to WH&S new Committee member training and "Due Diligence" training for Management and Supervisory staff.

**ACTION:**

**Ms Bronwyn Newton, Human Resources Manager to arrange training with Bryson Rees for new Committee members and "Due Diligence" training for Management and Senior Staff.**

**5.2 Schedule of Meetings**

The Committee discussed arranging a schedule of meetings for the Workplace health & Safety Committee on a monthly basis and to have the meetings prior to Council meeting to allow any items to be reported to Council if required.

The Committee discussed the option of having the meetings at remote locations to allow inspections to be carried out prior to the commencement of meetings.

**RECOMMENDATION:**

**The Committee recommended that the meetings would be set for the first pay Thursday monthly commencing at 2.30pm**

**5.3 Schedule of Inspections**

The Committee discussed creating an inspection list to ensure that workstations are being inspected and reported to the WH&S Committee.

It was agreed that all Committee members would undertake inspections and that a roster would be drawn up to nominate Committee members to inspect workstations/depots.

The Committee was advised the last inspection completed was the Collarenebri Depot and the next Work place to inspect is the Lightning Ridge Depot.

Mr Don Ramsland, General Manager requested Mr David Callander draft a list of items that need inspecting.

**RECOMMENDATION:**

**The Committee recommend that an inspection schedule be created advising inspection location and Committee members nominated to carry out inspections.**

**David Callander to draft a list of items that need inspecting and report at the next meeting.**

**6. OTHER BUSINESS**

**6.1 Summary of Incident/Accidents**

David Callander advised that he was unable to table a summary of Incident/Accident reports to the Committee due to his computer being fixed and not all the data has been transferred across to his current computer.



**ACTION:**

**Mr David Callander to prepare a summary report of Incident/Accidents at the next meeting.**

**6.2 Outdoor Staff Representation on the Committee**

David Callander raised with the Committee the need for more outdoor staff representation on the Committee and the suggested the proposal of having the meeting coincide with the Urban & Rural monthly divisional meetings to enable outdoor staff to attend the meetings.

The Committee were advised under the current Constitution there are Three (3) employee representative places available.

It was also noted that nominations had been called for twice within the last few months and that outdoor staff members had not nominated.

**ACTION:**

**The Committee members promote and encourage outdoor staff members to nominate to be on the Workplace Health & Safety Committee.**

**Ms Bronwyn Newton, Human Resources Manager to circulate the nomination forms calling for further employee representatives.**

**6.3 National Asbestos Week**

The Committee were advised that next week is National asbestos awareness week, 26<sup>th</sup> – 30<sup>th</sup> November 2012 and that Council could get involved a publicity campaign to promote awareness. It was agreed that this would be a positive campaign to get involved with to promote information to the Community.

**6.4 Walgett Works Depot Issues**

The Committee were advised of issues within the Walgett Works Depot such as signage. The new Committee members were advised of the previous inspection carried out at the Walgett Works Depot. It was agreed that David Callander would circulate the inspections paperwork to the Committee which would be reviewed and follow up action taken.

Dallas Williams was advised to speak to Mr Greg Leersen, Support Services Coordinator to commence rectifying action where able and to update the Inspection. The Inspection reports are to be tabled at the next meeting.

*Barry Maher arrived at the meeting 9.40am*

Mr Raju Ranjit advised that there are a number of issues at the Walgett Depot and Council are continuing to make progress with a new Works Depot. Dallas asked what timeframe for new depot.

Don Ramsland advised the Committee of the process and ideas with the proposal to include SES, Rural Fire Service, County Council and Council to be on one site.

The Committee was advised that new depot layout will be forwarded to the Committee to be involved in reviewing and discussing proposal on the layout.

#### **6.5 Next meeting**

The Committee were advised the next meeting will be Thursday, 13<sup>th</sup> December 2012 – 2.30pm.

The following items are to be placed on the agenda:-

Depot Inspection Review

New Depot Progress First Aid

Allowances Incident/Accident

Reports summary

#### **6.6 Heath Pit Stops**

The Committee were reminded of the Health Pit Stop being run by the Walgett Aboriginal Medical Service at the RSL Hall. The Committee were encouraged to promote attendance throughout the staff.

**There being no further business the meeting closed at 10.05am**

I advise that in accordance with my delegated authority, the determinations of the Workplace Health & Safety Committee contained in this report are approved.

Signed: \_\_\_\_\_ Mr Don Ramsland, General Manager

## **Reserve Trust Management Committee Reports**

Nil

## **Mayoral Minutes**

Nil

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

Nil

## **Presentation of Petitions**

## **Councillors Questions From Last Meeting**

Clr Taylor

### **Question 1:**

Can the sign for the Narran Lakes road on the road from Walgett to Brewarrina be fixed as the previous sign has been knocked down?

### **Response:**

The Director of Engineering has advised a temporary sign has been installed.

Clr Cooper

### **Question 1:**

Can a shade structure be installed over Walgett Shire Council's main pool in the shallow end?

### **Response:**

The Director of Urban Infrastructure Services advised quotes for the work is currently being sought.

Clr Kier

### **Question 1:**

Can the lawn mower at Carinda be investigated as Pat Regan has advised it is currently experiencing mechanical difficulty?

### **Response:**

The Director of Urban Infrastructure Services advised Council is awaiting a replacement.

## **Reports of Delegates and Representatives**

### ***COUNCIL'S DECISION ACTION REPORT – December 2012***

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

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#### **Summary:**

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

#### **Background:**

Attached is the Resolution Register which summaries outstanding action in respect of all resolutions as well as any other matters raised at the last Meeting which required action. The Resolution Register also lists any matters from previous meetings (as of May 2012) that have not been finalised.

#### **Current Position:**

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

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

Resolution Register 18 December 2012

#### **Governance issues:**

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

#### **Environmental issues:**

Nil

#### **Stakeholders:**

Council and Manex Team

#### **Financial Implications:**

Nil

**Alternative Solutions/Options:**

Nil

**Conclusion:**

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

**COUNCIL DECISIONS ACTION REPORT – December 2012**

**Recommendation:**

That the Resolution Register for December 2012 be received and noted.

**Moved:**

**Seconded:**

**Attachments:**

Resolution Register for – December 2012

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**Resolution Actions for Ordinary Meeting 18<sup>th</sup> December 2012**

|                                      |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                 |                           |                 |  |
|--------------------------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|---------------------------|-----------------|--|
| 18 <sup>th</sup><br>December<br>2012 | 12/2012/10 | <p>That Council submit motions for consideration at the forth coming Division Committee meetings in February / March 2013 in relation to the following:</p> <ol style="list-style-type: none"> <li>1. The follow up of funding for "betterment" improvements following natural disasters.</li> <li>2. Changes to Natural Disaster Funding at a Commonwealth Level that will see the Commonwealth withdraw from joint funding arrangements for repairs to important community assets including sporting and recreational facilities under Category B grants.</li> <li>3. The need for relief funding under Category C to be tightened to ensure only those in need of support are recognised as quickly as can be arranged after an emergency situation arises.</li> <li>4. The State Government's decision to reduce the level of funding available for Local Emergency Management Committees to run appropriate training exercises.</li> </ol> <p><b>Moved:</b> Cllr Woodcock<br/><b>Seconded:</b> Cllr Lane</p> | General Manager | Motions Darfted           | General Manager |  |
| 18 <sup>th</sup><br>December<br>2012 | 12/2012/11 | <p>That the action taken by the General Manager in preparing and submitting the Expression of Interest for Round 3 RDAF grant – "MainStreet Makeovers" be endorsed.</p> <p><b>Moved:</b> Cllr Woodcock<br/><b>Seconded:</b> Cllr Walford</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | General Manager | Awaiting decision by RDAF | General Manager |  |
| 18 <sup>th</sup><br>December<br>2012 | 12/2012/12 | <p>That Council adopt the revised Walgett Shire Disaster Plan, December 2012 and for the revised Plan to be forwarded to the District Emergency Management Committee for endorsement.</p> <p><b>Moved:</b> Cllr Cooper<br/><b>Seconded:</b> Cllr Greenaway</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | General Manager | Plan Forwarded            | General Manager |  |
| 18 <sup>th</sup><br>December<br>2012 | 12/2012/13 | <p>That Council endorse the action taken in indicating to IPART that Council may consider lodging an application for a rate increase above the rate pegging limit in 2013 and that a further report be prepared for Council's February 2013 meeting in this regard.</p> <p><b>Moved:</b> Cllr Keir<br/><b>Seconded:</b> Cllr Cooper</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | General Manager | IPART Application pending | General Manager |  |

# WALGETT SHIRE COUNCIL AGENDA

|                    |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                         |                                           |                                         |  |
|--------------------|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------------|-----------------------------------------|--|
| 18th December 2012 | 12/2012/14 | <p>Wilcox Report – Consideration of State Government Recommendations. That Council make a detailed submission by 3 February 2013 to protect the interests of Walgett Shire and local residents and ratepayers.</p> <p><b>Moved:</b> Clr Lane<br/><b>Seconded:</b> Clr Woodcock</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | General Manager                         | Report to February Meeting                | General Manager                         |  |
| 18th December 2012 | 12/2012/15 | <p>That the General Manager's Report on matters for brief mention or information only be received, noted and further that Council endorse the action being taken to prepare applications for Local Infrastructure Renewal Scheme (LIRS) for Council's Work Depot redevelopment and for a timber bridge replacement program.</p> <p><b>Moved:</b> Clr Woodcock<br/><b>Seconded:</b> Clr Cooper</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | General Manager                         | Application lodged.                       | General Manager                         |  |
| 18th December 2012 | 12/2012/17 | <p>Proposed Off Leash Area for Dogs, Lightning Ridge. This matter be deferred and a new report be brought to Council's February Meeting as further investigation is required.</p> <p><b>Moved:</b> Clr Greenaway<br/><b>Seconded:</b> Clr Lane</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Director Planning & Regulatory Services |                                           | Director Planning & Regulatory Services |  |
| 18th December 2012 | 12/2012/19 | <p>That Walgett Shire Council resolve to:</p> <ol style="list-style-type: none"> <li>1. Request the General Manager to obtain Light Detection and Ranging (LIDAR) data from the NSW Land and Property Information (LPI) to prepare detailed contour maps of land within a 6 km radius of Walgett, Lightning Ridge and Collarenebri at the earliest opportunity.</li> <li>2. When the LIDAR data becomes available, obtain quotes from a minimum of three suitably qualified planning firms to prepare a 'Rural Residential Strategy for Walgett, Lightning Ridge and Collarenebri' to identify within the proposed RU1 Primary Production zone and within a 6 kilometre radius of those towns that is suitable for rezoning for rural residential purposes. It is intended that the rezoned land will be able to subdivided to create lots ranging from 10 to 40 hectares.</li> <li>3. Consider the quotes for a 'Rural Residential Strategy for Walgett, Lightning Ridge and Collarenebri' once they have been obtained.</li> </ol> <p><b>Moved:</b> Clr Lane<br/><b>Seconded:</b> Clr Greenaway</p> | Director Planning & Regulatory Services | 13/02/2013 Awaiting supply of LIDAR data. | Director Planning & Regulatory Services |  |
| 18th December 2012 | 12/2012/21 | <p>That Walgett Shire Council resolve to:</p> <ol style="list-style-type: none"> <li>1. Note the submission dated 19 September 2012 from NSW Office of Environment and Heritage regarding the draft Walgett Local Environmental Plan 2012 (LEP).</li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Director Planning & Regulatory Services |                                           | Director Planning & Regulatory Services |  |

## WALGETT SHIRE COUNCIL AGENDA

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|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|
|  | <p>2. Write to the Department of Planning and Infrastructure and request that the following amendments be made to the draft Walgett Local Environmental Plan 2012 document in response to the submission from the NSW Office of Environment and Heritage:</p> <p>(a) Zoning maps be amended so that land gazetted, acquired (but not yet gazetted) or vested in the Minister under the National Parks and Wildlife Act 1974 is zoned "National Parks and Nature Reserves". This will require the following zoning map amendments:</p> <ul style="list-style-type: none"> <li>• An extension to the Narran Lake Nature Reserve (about 1,226 Ha).</li> <li>• An extension to the Ginghet Nature Reserve (about 2,687 Ha).</li> <li>• An extension to the Barwon Nature Reserve and Barwon State Conservation Area (about 5,606 Ha).</li> <li>• The Gilwarney Nature Reserve which replaces part of the Gilwarney State Forest (about 1,223 Ha).</li> <li>• The new Warrinilla nature Reserve (about 12,090 Ha).</li> </ul> <p>Reason: The land is effectively under the exclusive control of the Minister for National Parks and Wildlife and has been set aside for use as part of the National Park estate.</p> <p>3. Note that the changes to the LEP document and mapping are consistent with the Walgett Shire Growth Management Study and Strategy dated June 2010 and do not alter the intent of the exhibited LEP. As a result, additional public consultation is not required.</p> <p>4. Request the General Manager to arrange for Council's Planning and Community Services staff to meet with the NSW Office of Environment and Heritage's archaeologist to discuss how aboriginal cultural heritage values can be addressed in a future Local Environmental Plan.</p> <p>5. Write to the NSW Office of Environment and Heritage and:</p> <p>(a) Apologise for the delay in considering its submission dated 19 September 2012 regarding the draft Walgett Local Environmental Plan 2012 which resulted from an administrative error.</p> <p>(b) Provide it with a copy of the Council report regarding its submission.</p> <p>(c) Provide it with a copy of the Council resolution regarding its submission.</p> | <p>1. No action required<br/>Letter sent 19/12/2012</p> <p>3. No action required<br/>Not yet completed.<br/>Letter sent 18/12/2012</p> | Items 1, 2, 3 & 5 completed. |
|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|



# WALGETT SHIRE COUNCIL AGENDA

|                    |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                        |                                                                                          |                                        |  |
|--------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|------------------------------------------------------------------------------------------|----------------------------------------|--|
|                    |                                | <p><b>Moved:</b> Clr Lane<br/><b>Seconded:</b> Clr Walford</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                        |                                                                                          |                                        |  |
| 18th December 2012 | 12/2012/22                     | <p>That the Council invite a single quotation from BHC Plumbing Pty Ltd to undertake the Gingie Water Supply Upgrade on the following basis;</p> <p>a) 'Because of extenuating circumstances and remoteness of locality the Council is of the view that a satisfactory result would not be achieved by inviting tenders.</p> <p>b) Lack of availability of suitable contractors.</p> <p>c) The need to engage a contractor as soon as possible so that the work can be completed in the current financial year.</p> <p>d) The quotation will be assessed by both Council and NOW in relation to value for money.</p> <p><b>Moved:</b> Clr Lane<br/><b>Seconded:</b> Clr Keir</p> | Director Corporate Services            | 21/01/2013 NOW advised of decision. Awaiting quotations for assessment by NOW & Council. | Director Corporate Services            |  |
| 18th December 2012 | 12/2012/23                     | <p>That the draft Storm Water Drainage Asset Management Plan, be placed on public exhibition for the prescribed period.</p> <p><b>Moved:</b> Clr Greenaway<br/><b>Seconded:</b> Clr Cooper</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Director Engineering Services          | 31/01/2013 A report will be submitted to the March meeting.                              | Director Engineering Services          |  |
| 18th December 2012 | 12/2012/27                     | <p>1. That Council note and accept the revised funding.</p> <p>2. That Council approves the revised vote of \$5,397,221.00</p> <p><b>Moved:</b> Clr Woodcock<br/><b>Seconded:</b> Clr Lane</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Director Corporate Services            | 21/01/2013 Budget adjustment processed.                                                  | Director Corporate Services            |  |
| 18th December 2012 | Questions for the next Meeting | <p>Can the sign for the Narran Lakes road on the road from Walgett to Brewarrina be fixed as the previous sign has been knocked down?</p> <p><b>Clr Taylor</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Director Engineering Services          | 31/01/2013 Temporary signage has been installed                                          | Director Engineering Services          |  |
| 18th December 2012 | Questions for the next Meeting | <p>Can a shade structure be installed over Walgett Shire Council's main pool in the shallow end?</p> <p><b>Clr Cooper</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Director Urban Infrastructure Services | 06/02/2013 Seeking quotes for the work                                                   | Director Urban Infrastructure Services |  |

# WALGETT SHIRE COUNCIL AGENDA

|                    |                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                        |                                                                                       |                                        |  |
|--------------------|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------------------------------------------------------------------------------|----------------------------------------|--|
| 18th December 2012 | Questions for the next Meeting | Can the lawn mower at Carinda be investigated as Pat Regan has advised it is currently experiencing mechanical difficulty?<br><br><b>Clr Keir</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Director Urban Infrastructure Services | 06/02/2013 Mower is in workshop, waiting for replacement.                             | Director Urban Infrastructure Services |  |
| 18th December 2012 | 12/2012/29                     | <p>That the minutes of the Collarenebri Precinct Committee held 4 December 2012, be received and noted and the following response made:</p> <p>Council believes it is inappropriate for any precinct Committee to attack the integrity of any Council employee and that the chairperson should have ruled the discussion at the 4 December 2013 out of order.</p> <p>1) Noted.</p> <p>2) Council now has a process in place to deal with the slashing of overgrown town blocks and the Committee should in future observe this procedure.</p> <p>3) Noted, but this matter needs further development particularly with regards safety and insurance liability issues.</p> <p>4) Noted. Drainage is required for all properties regardless of whether they are occupied or vacant land.</p> <p>5) Noted. This is a maintenance issue.</p> <p>6) Poor water pressure reflects too high water usage in summer which will be addressed through appropriate water restrictions.</p> <p>7) The Committee needs to understand that other towns are already subsidising the water supply in Collarenebri. The actual cost of supply per assessment would be in the order of \$1800 - \$2000 and this needs to be considered in light of actual water changes being only approximately half of this amount.</p> <p>8) It is believed that complaints are coming from residents whose street numbers have been changed during the addressing scheme. GPS information does not relate to any town property addresses.</p> <p>9) There are strict environment protocols with regards carved/ heritage trees that need to be observed.</p> <p>10) This is a re-occurring issue. Seats previously installed have been removed because of social issues.</p> | General Manager                        | General Manager will be attending the next meeting of Collarenebri Precinct Committee | General Manager                        |  |

# WALGETT SHIRE COUNCIL AGENDA

|                    |            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                             |                                                                               |                             |  |
|--------------------|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|-------------------------------------------------------------------------------|-----------------------------|--|
|                    |            | <p>11) This proposal needs to be thought through carefully.</p> <p>12) I assume the Committee is referring to the Netwaste group. Council is preparing a Solid Waste Management Programme in 2013 to address solid waste issues Shire wide.</p> <p>13) Noted.</p> <p>14) Council will not be in a position to contribute to any production costs.</p> <p><b>Moved:</b> Clr Woodcock<br/><b>Seconded:</b> Clr Greenaway</p>                                                                                                                         |                             |                                                                               |                             |  |
| 18th December 2012 | 12/2012/30 | <p>That Council endorse the action of the General Manager in completing the revised agreement with IMF (Australia) to include the action against Lehman Bros (Australia) to act on behalf of Walgett Shire Council and that the update in relation to the Dante investment be noted.</p> <p><b>Moved:</b> Clr Greenaway<br/><b>Seconded:</b> Clr Lane</p>                                                                                                                                                                                          | Director Corporate Services | 31/01/2013 No further advice at this stage.                                   | Director Corporate Services |  |
| 18th December 2012 | 12/2012/31 | <p>1. That Council resolve to sell the properties as listed in the General Manager's Certificate (Appendix A of this report) at auction in accordance with the provisions of the Local Government Act 1993</p> <p>2. That the only arrangement acceptable to the Council for withdrawal of the property from sale is payment of all rates and charges in full.</p> <p>3. That Council delegate the appointment of an auctioneer to conduct the sale to the General Manager.</p> <p><b>Moved:</b> Clr Greenaway<br/><b>Seconded:</b> Clr Cooper</p> | Director Corporate Services | 31/01/2013 Arrangements for sale proceeding.                                  | Director Corporate Services |  |
| 18th December 2012 | 12/2012/32 | <p>To accept (Option B) the offer from Mr Wheate to pay all outstanding rates on the basis that accrued interest (\$7406.26 after applying payments in accordance with sec 588) is written off.</p> <p><b>Moved:</b> Clr Keir<br/><b>Seconded:</b> Clr Cooper</p>                                                                                                                                                                                                                                                                                  | Director Corporate Services | 31/01/2013 Rates paid in full. Report to Council for abandonment of interest. | Director Corporate Services |  |
| 18th December 2012 | 12/2012/33 | <p>That Council endorse the action taken/being taken by the General Manager to implement the recommendations of the findings of the ICAC Investigation</p> <p><b>Moved:</b> Clr Woodcock<br/><b>Seconded:</b> Clr Walford</p>                                                                                                                                                                                                                                                                                                                      | General Manager             | Action being taken as necessary                                               | General Manager             |  |

# WALGETT SHIRE COUNCIL AGENDA

|                          |            |                                                                                                                                                                                                                                                                                                                                                                                                               |                 |                              |                 |  |
|--------------------------|------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|------------------------------|-----------------|--|
| 18th<br>December<br>2012 | 12/2012/34 | <p>Organisational Structure Review Process- For Council's Information.</p> <p><b>Moved:</b> Cllr Woodcock<br/><b>Seconded:</b> Cllr Keir</p>                                                                                                                                                                                                                                                                  | General Manager | For report to March meeting. | General Manager |  |
| 18th<br>December<br>2012 | 12/2012/35 | <p>1. That Council send a letter to the AMS Board and CEO Christine Corby expressing concerns regarding the Health "Pit-stops" held in Collarenebri and Walgett and the lack of communication with local health services.</p> <p>2. A copy of the letter sent to the AMS is to be forwarded to Mark Coulton MP and Kevin Humphries MP.</p> <p><b>Moved:</b> Cllr Keir<br/><b>Seconded:</b> Cllr Greenaway</p> | General Manager | Letters drafted.             | General Manager |  |

***CIRCULARS RECEIVED FROM THE NSW LOCAL GOVERNMENT AND  
SHIRES ASSOCIATION OF NSW – DECEMBER 2012/ JANUARY 2013***

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

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**Summary:**

Copies of weekly circulars number 49-6 received from the Local Government and Shires Association since the October 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 49/12

Item 4 – Local Government Review – Second Paper  
Item 18 – Review of Review of Local Government Financial Assistance Grants

Issue 50/12

Item 3 – Constitutional Recognition of Local Government Joint Selection Committee – Call for submissions  
Item 12 – Draft Model Code of Conduct

Issue 1-13

Nil

Issue 2 -13

Item 3 – Cr Pat Dixon Memorial Scholarship Applications 2013  
Item 7 – Taskforce to Drive Government Decentralisation  
Item 9 – New NSW State Emergency Management Plan  
Item 10 – Natural Disaster Relief and Recovery Arrangements

Issue 3 -13

Item 9 – Decentralisation Taskforce Open for Submissions  
Item 10 – Local Land Service Consultations  
Item 19 – Planning Reform Funding (22/02/2013)

## WALGETT SHIRE COUNCIL AGENDA

### Issue 4 - 13

Item 2 – Independent Local Government Review Panel

### Issue 5 -13

Item 9 – Community Landcare Grants (20/03/2013)

Item 11 – Cost Shifting Survey 2010/2011

### Issue 6 -13

Item 7 – Youth Opportunities Funding (04/03/2013)

Item 9 – Small Grants for Small Communities (02/03/2013)

Item 15 – Model Code of Conduct – Complaint Record Workshops

Item 18 – Certificate FBT Compliance

Item 26 – NSW 2021 Regional Action Plans

### **Current Position:**

Senior Management Staff and Councillors need to peruse these circulars and raise any matters of interest with the General Manager prior to the Meeting. Staff also have the task of following up and lodging application for grant funding where funding for Council projects may be available.

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

Nil

### **Governance issues:**

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

### **Environmental issues:**

Nil

### **Stakeholders:**

Councillors

Walgett Shire Council staff

### **Financial Implications:**

Nil

### **Legal Issues:**

Nil

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

Not Applicable

## WALGETT SHIRE COUNCIL AGENDA

### Conclusion:

Both Senior Management Staff and 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 ASSOCIATIONS OF NSW**

#### **Recommendation:**

That the information contained in the weekly circulars numbers 49-6 from the NSW Local Government and Shires Association be received and noted.

#### **Moved:**

#### **Seconded:**

### **Attachments:**

Nil

***CIRCULARS RECEIVED FROM THE LOCAL GOVERNMENT  
DEPARTMENT OF PREMIER AND CABINET – DECEMBER 2012/  
JANUARUY 2013***

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

---

**Summary:**

Copies of circulars received 12-44 to 13-04 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 12-44 Local Infrastructure Renewal Scheme – Round Two – Application Lodged  
Circular 12-45 The New Model Code of Conduct Framework – Report February Meeting  
Circular 12-46 Re-making of the Impounding Regulation 2012 – Report February Meeting  
Circular 13-01 NSW protocol for homeless people in public placed - Information  
Circular 13-02 Boarding Houses Act 2012 - Information  
Circular 13-03 Revised Model Privacy Management Plan for Local Government – Report March meeting  
Circular 13-04 Introduction of the State Emergency Management Plan - Information

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

**Current Position**

Circular 12-44 Local Infrastructure Renewal Scheme – Round Two  
Circular 12-45 the New Model Code of Conduct Framework  
Circular 12-46 Re-making of the Impounding Regulation 2012  
Circular 13-01 NSW protocol for homeless people in public placed  
Circular 13-02 Boarding Houses Act 2012  
Circular 13-03 Revised Model Privacy Management Plan for Local Government  
Circular 13-04 Introduction of the State Emergency Management Plan

**Relevant Reference Documents:**

Nil

**Governance Issues:**

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



## **WALGETT SHIRE COUNCIL AGENDA**

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

### **Environmental issues:**

Nil

### **Stakeholders:**

Councillors  
Walgett Shire Council staff

### **Financial Implications:**

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

### **Legal Issues:**

Nil

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

Nil

### **Conclusion:**

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

### **CIRCULAR RECEIVED FROM THE DIVISION OF LOCAL GOVERNMENT – December 2012 / January 2013**

#### **Recommendation:**

That the information contained in the following Departmental circulars 12-44 to 13-04 from the Local Government Division Department of Premier and Cabinet be received and noted.

#### **Moved:**

#### **Seconded:**

### **Attachments:**

Circulars received 12-44 to 13-04 from the Local Government Division Department of Premier and Cabinet

## WALGETT SHIRE COUNCIL AGENDA



**Premier & Cabinet**  
Division of Local Government

## Circular to Councils

Circular No. 12-44  
Date 12 December 2012  
Doc ID A308431

Contact Coordinator – Infrastructure  
(02) 4428 4100

### LOCAL INFRASTRUCTURE RENEWAL SCHEME – ROUND TWO

#### Purpose

To remind councils and county councils to submit their applications for funding under the second round of the Local Infrastructure Renewal Scheme (LIRS) by December 31<sup>st</sup> 2012.

#### Issue

- After a successful first round of LIRS, \$63.5 million in funding is now available to support both backlog infrastructure projects as well as projects providing infrastructure to enable new housing development.
- The second round of the scheme will provide a 3% interest subsidy on loans taken out to undertake projects that fit the guidelines available on the LIRS section of the DLG internet website:  
[http://www.dlg.nsw.gov.au/dlg/dlg/home/dlg\\_generalindex.asp?sectionid=1&mi=6&mi=22&AreaIndex=LIRS](http://www.dlg.nsw.gov.au/dlg/dlg/home/dlg_generalindex.asp?sectionid=1&mi=6&mi=22&AreaIndex=LIRS).
- Applications for round two must be received online via the LIRS Project Management Portal by 31<sup>st</sup> December 2012:  
<http://www.dlg.nsw.gov.au/dlg/lirs/projectmanagement/PMIndex.asp?mi=24&mi=42&AreaIndex>Login>

#### Action

Councils are encouraged to:

- consider the LIRS Round Two Guidelines to identify appropriate projects
- register on the LIRS Project Management Portal to apply for LIRS funding online by 31 December 2012.

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

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

## WALGETT SHIRE COUNCIL AGENDA



**Premier & Cabinet**  
Division of Local Government

## Circular to Councils

Circular No. 12-45  
Date 19 December 2012  
Doc ID: A296794

Contact Council Governance  
02 4428 4100

### THE NEW MODEL CODE OF CONDUCT FRAMEWORK

#### Purpose

To advise councils of the new Model Code of Conduct framework and implementation arrangements.

#### Issue

- The new Model Code of Conduct for Local Councils in NSW, Procedures for the Administration of the Model Code and Summary of the Model Code are now available on the Division of Local Government (the Division) website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).
- The code and procedures are supported by new provisions in the *Local Government Act 1993* to more effectively deal with serious or repeated breaches of the Code through expanded and strengthened penalties. Key changes to the code are summarised at Appendix A.
- The key features of the new code framework include:
  - Greater flexibility to resolve non-serious complaints, minimising costs to councils
  - Improved complaints management, with complaints about councillors and the general manager managed from start to finish by qualified and independent conduct reviewers
  - Greater fairness and rigour in the investigation process through clearer procedures
  - Stronger penalties for ongoing disruptive behaviour and serious misconduct to more effectively deter and address such behaviour, allowing councils to get on with the business of serving their communities.
- The proposed commencement date for the new model code framework is 1 March 2013.
- The following transitional arrangements will apply:
  - Complaints made or yet to be finalised before 1 March 2013 are to be dealt with under the current Model Code of Conduct and Procedures.
  - Complaints received after 1 March 2013 but where the alleged conduct occurred prior to this date are to be assessed against the standards

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

## WALGETT SHIRE COUNCIL AGENDA

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prescribed under the current Model Code but dealt with under the new Procedures.

- Complaints relating to alleged conduct that occurred after 1 March 2013 are to be assessed against the new Code and Procedures.
- The Division will provide further information in early 2013 to assist councils implement the new code and procedures.

### **Actions**

Councils should make the following administrative arrangements in preparation for commencement of the Code:

- Adopt the new Model Code and Procedures by 1 March 2013
- Appoint members of staff other than the General Manager to act as a complaints coordinator and alternate complaints coordinator before 1 March 2013
- Ensure panels of conduct reviewers, appointed using the selection process prescribed under the new procedures, are in place by 30 September 2013. Councils without existing panels should establish a panel by 1 March 2013.



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

## WALGETT SHIRE COUNCIL AGENDA

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### APPENDIX A

#### NEW MODEL CODE OF CONDUCT AND PROCEDURES - KEY CHANGES

- In the interests of clarity and simplicity, standards of conduct and procedures for dealing with breaches will be separately prescribed.
- Minor changes have been made to the standards prescribed under the code in relation to binding caucus votes, the disclosure of political donations, loss of quorum, the management of significant non-pecuniary conflicts of interests in relation to principal planning instruments, gifts, relationships between councillors and staff and use of council resources for re-election purposes.
- New standards have been included to address misuse of the code and other conduct intended to undermine its implementation.
- New provisions have been included to improve all councils' access to suitably skilled conduct reviewers.
- Under the new procedures, complaints will be managed from start to finish by an independent conduct reviewer at arms length from the council if they are not informally resolved at outset.
- There will be an increased focus on informal resolution of less serious matters.
- Code of conduct matters will be dealt with confidentially. However, where a conduct reviewer determines that a councillor has breached the code and a sanction is imposed by the council, this will be made public via the minutes of the meeting.
- There will be limited rights of review to the Division where a person is subject to an adverse outcome.
- The Division will have more options for dealing with matters directly under the misconduct provisions. This will enable it to directly police the administration of the code and address issues such as misuse or failure to cooperate.
- Penalties for misconduct will be expanded and increased to improve deterrence.
- Both the Division and the Pecuniary Interest and Disciplinary Tribunal will be able impose stronger penalties for repeated misconduct. This will enable the more effective management of ongoing disruptive behaviour by individual councillors to enable councils to get on with the core business of serving their communities.

These changes have been made as a result of extensive consultation with councils and other key stakeholders, and based on feedback, have broad support.

## WALGETT SHIRE COUNCIL AGENDA



**Premier & Cabinet**  
Division of Local Government

### Circular to Councils

Circular No. 12-46  
Date 21 December 2012  
Doc ID: A306033

Contact Innovation  
(02) 4428 4100

#### RE-MAKING OF THE IMPOUNDING REGULATION 2012

##### **Purpose**

To seek councils' views on the Impounding Regulation 2008.

##### **Issue**

- The Impounding Regulation 2008 is due for automatic repeal on 1 September 2013 and requires re-making.
- The Impounding Act enables officers of impounding authorities in the Impounding Act and the Impounding Regulation and officers of NSW Police to impound and deal with unattended or trespassing animals and unattended or abandoned articles (including motor vehicles) in public places. The Act also provides for the release of impounded animals and articles that are claimed by their owners and for the disposal or the disposal of the proceeds of the sale of impounded animals or articles that are not claimed by their owners.
- Councils are asked to comment on the appropriateness of the list of impounding authorities and the penalty notice offence amounts in the Impounding Regulation 2008.

##### **Action**

Councils are encouraged to make a submission by sending an email to [impoundingregulation2012@dlg.nsw.gov.au](mailto:impoundingregulation2012@dlg.nsw.gov.au) by 5pm on Friday, 8 February 2013.

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

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 rty 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 563 195

## WALGETT SHIRE COUNCIL AGENDA



**Premier & Cabinet**  
Division of Local Government

## Circular to Councils

Circular No. 13-01  
Date 14 January 2013  
Doc ID: A307610

Contact Innovation  
02 4428 4100

### NSW PROTOCOL FOR HOMELESS PEOPLE IN PUBLIC PLACES

#### Purpose

To inform councils of the publication of the updated *Protocol for Homeless People in Public Places* (Protocol) and associated *Guidelines for Implementation* (Guidelines).

#### Issue

- The Protocol, which forms an important part of the NSW Government's *NSW Homelessness Action Plan*, provides a framework for interactions between Government agencies and homeless people in public places.
- The Protocol has been strengthened to include guidance on:
  - mandatory reporting of homeless children and young people
  - responses to Aboriginal people, people from culturally and linguistically diverse backgrounds and people with complex needs, including people with mental health and/or substance use issues.
- The Protocol may help local councils respond to homeless people in public places.
- The Protocol and associated Guidelines may be viewed on Housing NSW's website at:  
<http://www.housing.nsw.gov.au/Help%2Bwith%2BHousing/Homelessness/Protocol%2Bfor%2BHomeless%2BPeople%2Bin%2BPublic%2BPlaces.htm>.
- Further information and queries about the Protocol and Guidelines should be directed to Ms. Sally Gibson, from Housing NSW, on 02 8753 8768 or at [sally.gibson@facn.nsw.gov.au](mailto:sally.gibson@facn.nsw.gov.au).

#### Action

- General Managers are asked to bring the Protocol and Guidelines to the attention of staff who may have contact with homeless people.
- Councils are invited to consider adopting the Protocol.

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

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

## WALGETT SHIRE COUNCIL AGENDA



**Premier & Cabinet**  
Division of Local Government

## Circular to Councils

Circular No 13-02  
Date 14 January 2013  
Doc ID: A306549

Contact Innovation  
(02) 4428 4100

### BOARDING HOUSES ACT 2012

#### Purpose

To inform councils of new responsibilities under the Boarding Houses Act 2012.

#### Issue

- The Act seeks to ensure the health, safety and welfare of boarding house residents through mandatory registration and inspection of boarding houses.
- Boarding House proprietors are required to register their registrable boarding house on a register administered by NSW Fair Trading within 6 months of 1 January 2013 or within 28 days, where a proprietor takes over an existing, or begins operating a new, registrable boarding house.
- Under the Act councils will be required to:
  - Conduct initial inspections of all registered boarding houses within 12 months of registration or re-registration (unless inspected within the previous 12 months) or on a change of proprietor.
  - Develop a boarding house inspection program, including an appropriate inspection fee amount, in consultation with their local communities.
- Further details of the Act, the role of councils under the Act and available support for implementation are provided at Attachment A.

#### Action

General Managers are asked to ensure that relevant council staff and councillors are made aware of the responsibilities of council under the Act.

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

Division of Local Government  
5 O Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195



## WALGETT SHIRE COUNCIL AGENDA

### Attachment A

#### Background

The Boarding Houses Act 2012 represents the NSW Government's response to long-standing concerns about the condition and operation of some boarding houses and associated risks to the health, safety and well-being of residents. The Act introduces a number of key reforms, including:

- Compulsory registration and inspection of registrable boarding houses
- Enhanced occupancy rights for residents
- Enhanced powers of entry for authorised service providers and advocates
- Increased penalties for existing offences
- New offences relating to registration
- Screening of licensees and staff of 'assisted boarding houses' for criminal records
- The introduction of a circumstantial evidence provision.

#### The role of councils under the Act

- Councils must inspect 'general boarding houses'<sup>1</sup> and 'assisted boarding houses'<sup>2</sup>, registered by proprietors on the Register of Boarding Houses administered by NSW Fair Trading, for compliance with relevant standards relating to building and fire safety.
- Councils must also inspect 'general boarding houses' for compliance with standards relating to places of shared accommodation (Ageing, Disability and Home Care). NSW Department of Family and Community Services, is responsible for inspecting 'assisted boarding houses' for compliance with accommodation and service standards specific to 'assisted boarding houses'.
- Initial compliance inspections must be carried out within 12 months of registration or re-registration (unless the boarding house has been inspected in the preceding 12 months) and within 12 months of a change of proprietor.
- Councils will be able to charge an inspection fee for conducting initial compliance inspections.
- Councils may issue penalty notices for new offences relating to the registration of boarding houses.
- If a council suspects that a boarding house is operating illegally as an 'assisted boarding house', it should contact Ageing, Disability and Home Care immediately because of the increased risk to residents' health, safety and welfare.

<sup>1</sup> A 'general boarding house' is a boarding house that accommodates five or more residents for fee or reward and does not fall under the list of exclusions in the Act, which includes hotels and motels, backpackers' hostels and aged care homes.

<sup>2</sup> An 'assisted boarding house' (currently known as a licensed residential centre) is a boarding house accommodating two or more persons with additional needs for fee or reward and requiring authorisation by Ageing, Disability and Home Care.

## WALGETT SHIRE COUNCIL AGENDA

Attachment A

### Implementation of the Act

The Act is being implemented in stages:

1. Development and commencement of the Register (by 1 January 2013)
2. Registration of existing registrable boarding houses (from 1 January 2013)
3. Mandatory initial inspection of registered boarding houses for compliance with relevant standards (within 12 months of registration or re-registration, unless inspected in the preceding 12 months, and within 12 months of a change of owner or manager).

### Support for councils

Ageing, Disability and Home Care has produced a fact sheet on the Act. It may be viewed on Ageing, Disability and Home Care's website at:

[http://www.adhc.nsw.gov.au/sp/delivering\\_disability\\_services/boarding\\_house\\_program](http://www.adhc.nsw.gov.au/sp/delivering_disability_services/boarding_house_program) (a link to the fact sheet is located on the right-hand side of the webpage under 'ADHC publications').

Councils with policy-related queries should contact the Boarding House Reform Team, Ageing, Disability and Home Care, Department of Family and Community Services at: [BoardingHouseReform@facs.nsw.gov.au](mailto:BoardingHouseReform@facs.nsw.gov.au) or on (02) 9377 6064.

During 2013, NSW Fair Trading will develop a system to provide councils with password-protected access to the Register. In addition, emails will be issued to councils advising them of changes to the Register.

Councils with Register-related queries should email NSW Fair Trading at: [policy@services.nsw.gov.au](mailto:policy@services.nsw.gov.au).



## Ministerial Circular

Circular No. M13-01  
Date 18 January 2013  
Doc ID A309013

### GARAGE SALE TRAIL

NSW Councils are encouraged to become involved in an event that will increase recycling and reduce landfill tonnages – Garage Sale Trail 2013.

The NSW Government is committed to protecting the natural environment and supporting sustainability by encouraging communities to look after their own neighbourhoods and environments.

Garage Sale Trail – a national not-for-profit initiative – assists residents, businesses and community groups exchange assets, resources and money on a local level. It provides a platform for anyone who wants to earn money or raise money for a cause. It is also an avenue for people who want to connect with their community.

The initiative has received a number of awards, including the International Green Award, a NSW Green Globe Award and Green Marketing of the Year Award. Garage Sale Trail is set to be launched across the United Kingdom later this year.

Positive spin-offs include the reduction in unwanted items ending up in landfill sites as well as giving community groups, schools and charity organisations the opportunity to raise money that can supplement funding from local government. Last year the second national garage sale held generated 7,767 sale registrations spanning 150,000 participants with more than \$2.5 million in funds raised.

Councils can encourage ratepayers to become involved in the annual Garage Sale Trail through "Messages from the Mayor" published on council websites or Council Circulars printed in local newspapers. Some councils provide Garage Trail "Participant Packs" through their Customer Service Centres.

The next Garage Sale Trail will be held on 26 October 2013. Information on the Garage Sale Trail and how to get involved can be found at [www.garagesaletrail.com.au](http://www.garagesaletrail.com.au) or by viewing Garage Sale Youtube clips at: [youtube.com/garagesaletrail](http://youtube.com/garagesaletrail).

Information sessions are scheduled for March 2013 across the State. Councils wishing to participate in the Trail can contact Darryl Nichols at [darryl@garagesaletrail.com.au](mailto:darryl@garagesaletrail.com.au) or call 0422 665 088 to register for an information session.

Councils choosing to promote or participate in Garage Sale Trail events should remind the community not to obstruct public walkways and take down promotional signs when the garage sale has concluded.

**The Hon Don Page MP**  
Minister for Local Government  
Minister for the North Coast

**The Hon Victor Dominello MP**  
Minister for Citizenship and Communities  
Minister for Aboriginal Affairs

## WALGETT SHIRE COUNCIL AGENDA



**Premier & Cabinet**  
Division of Local Government

## Circular to Councils

Circular No. 13-03  
Date 22 January 2013  
Doc ID A307753

Contact Council Governance Team  
02 4428 4100

### REVISED MODEL PRIVACY MANAGEMENT PLAN FOR LOCAL GOVERNMENT

#### Purpose

To advise councils of the release of a new Model Privacy Management Plan for Local Government.

#### Issue

- The *Privacy and Personal Information Protection Act 1998* (the PPIPA) requires all councils to prepare a Privacy Management Plan.
- The Model Privacy Management Plan for Local Government (the Model Plan), prepared in consultation with the Office of the Privacy Commissioner and the Local Government and Shires Associations of NSW, has been updated to:
  - Incorporate the requirements of the *Health Records and Information Privacy Act 2002* (the HRIP Act), which commenced on 1 September 2004
  - Include references to the *Government Information (Public Access) Act 2009* (GIPA Act), which commenced on 1 July 2010.
- The Model Plan is available [here](#)
- In developing a Privacy Management Plan, a council should ensure that it informs:
  - The community about how their personal information will be used, stored and accessed after it is collected by the council
  - Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

#### Action

- Councils should adopt a new Privacy Management Plan, based on the new Model Privacy Management Plan for Local Government or develop their own Privacy Management Plan based on the requirements outlined above.
- Councils must provide a copy of the updated Privacy Management Plan to the Privacy Commissioner as soon as practicable.

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

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

## WALGETT SHIRE COUNCIL AGENDA



**Premier & Cabinet**  
Division of Local Government

## Circular to Councils

Circular No. 13-04  
Date 23 January 2013  
Doc ID: A311043

Contact

### INTRODUCTION OF THE STATE EMERGENCY MANAGEMENT PLAN (EMPLAN)

#### Purpose

To inform councils of the release of the State Emergency Management Plan (EMPLAN).

#### Issue

- The Minister for Police and Emergency Services has approved the State Emergency Management Plan (EMPLAN), which replaces the State Disaster Plan (DISPLAN).
- The EMPLAN seeks to ensure a coordinated emergency management effort to enhance the resilience of communities and to reduce vulnerability to disaster. It is supported by Sub Plans and Supporting Plans, which detail the response to specific hazards and the roles and responsibilities of specific New South Wales Government Agencies.
- Key changes include:
  - a high level statement about how the NSW emergency management system works
  - coverage of prevention and preparation, in addition to response and recovery.
- Templates and guidelines will be prepared to assist in the preparation of Regional and Local Emergency Management Plans.
- EMPLAN can be found on the website of the Ministry for Police and Emergency Services at:  
<http://www.mpes.nsw.gov.au/publications/plans/emplan>.

#### Action

General Managers/Chairs of Local Emergency Management Committees are requested to familiarise themselves with the new plan.

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

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 553 195

## **MONTHLY CALENDAR – FEBRUARY 2013**

**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 February 2013 to April 2013 is attached. Councillors are requested to raise any queries prior to the meeting.

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

Nil

### **Governance issues:**

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

### **Environmental issues:**

Not applicable

### **Stakeholders:**

Councillors  
Walgett Shire Council staff

**WALGETT SHIRE COUNCIL AGENDA**

**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 – February 2013 – April 2013**

**Recommendation:**

That Council receive and note the regular monthly calendar for the period February 2013 to April 2013.

**Moved:**

**Seconded:**

**Attachments:**

Calendar for February 2013 to April 2013

# WALGETT SHIRE COUNCIL AGENDA

**February 2013**

| Date of Meeting     | Time                         | What                                                                           | Who                                             |
|---------------------|------------------------------|--------------------------------------------------------------------------------|-------------------------------------------------|
| Fri 1 Feb           |                              |                                                                                |                                                 |
| Sat 2 Feb           |                              |                                                                                |                                                 |
| Sun 3 Feb           |                              |                                                                                |                                                 |
| Mon 4 Feb           |                              |                                                                                |                                                 |
| Tues 5 Feb          |                              |                                                                                |                                                 |
| Wed 6 Feb           |                              |                                                                                |                                                 |
| Thurs 7 Feb         |                              |                                                                                |                                                 |
| Fri 8 Feb           |                              | <b>GMAC - Dubbo</b>                                                            | <b>General Manager</b>                          |
| Sat 9 Feb           |                              |                                                                                |                                                 |
| Sun 10 Feb          |                              |                                                                                |                                                 |
| Mon 11 Feb          |                              | <b>Cabinet Meeting Dubbo</b>                                                   | <b>General Manager</b>                          |
| <b>Tues 12 Feb</b>  | <b>10:00am</b>               | <b>Macquarie Weed Advisory Meeting / CMCC</b>                                  | <b>Clr Woodcock &amp; Clr Greenaway</b>         |
| Wed 13 Feb          |                              |                                                                                |                                                 |
| <b>Thurs 14 Feb</b> | <b>9:30 am<br/>3:30pm</b>    | <b>Traffic Committee Meeting<br/>Walgett HACC Meeting</b>                      | <b>Clr Martinez &amp; Clr Keir<br/>Clr Keir</b> |
| <b>Fri 15 Feb</b>   | <b>9:00am</b>                | <b>OROC Meeting Coonamble</b>                                                  | <b>General Manager</b>                          |
| <b>Sat 16 Feb</b>   | <b>TBA</b>                   | <b>Meeting with Independent Local Government Review Panel (Mr Glen Inglis)</b> | <b>Brewarrina, Bourke &amp; Walgett Shires</b>  |
| Sun 17 Feb          |                              |                                                                                |                                                 |
| Mon 18 Feb          |                              |                                                                                |                                                 |
| Tues 19 Feb         |                              |                                                                                |                                                 |
| <b>Wed 20 Feb</b>   | <b>10:00am</b>               | <b>CMCC Meeting (Warren)</b>                                                   | <b>Clr Woodcock &amp; Clr Greenaway</b>         |
| <b>Thurs 21 Feb</b> | <b>11:30 am-<br/>2:30 pm</b> | <b>2013 Local Land Services Consultation Workshop - Bourke</b>                 | <b>General Manager</b>                          |
| Fri 22 Feb          |                              |                                                                                |                                                 |
| Sat 23 Feb          |                              |                                                                                |                                                 |
| <b>Sun 24 Feb</b>   |                              | <b>Western Division Conference - Nyngan</b>                                    | <b>Mayor &amp; General Manager</b>              |
| <b>Mon 25 Feb</b>   |                              | <b>Western Division Conference - Nyngan</b>                                    | <b>Mayor &amp; General Manager</b>              |
| <b>Tues 26 Feb</b>  |                              | <b>Western Division Conference - Nyngan</b>                                    | <b>Mayor &amp; General Manager</b>              |
| Wed 27 Feb          |                              |                                                                                |                                                 |
| Thurs 28 Feb        |                              |                                                                                |                                                 |



# WALGETT SHIRE COUNCIL AGENDA

March 2013

| Date of Meeting       | Time                      | What                                       | Who                                    |
|-----------------------|---------------------------|--------------------------------------------|----------------------------------------|
| Fri 1 March           |                           |                                            |                                        |
| Sat 2 March           |                           |                                            |                                        |
| Sun 3 March           |                           |                                            |                                        |
| Mon 4 March           |                           |                                            |                                        |
| Tues 5 March          |                           |                                            |                                        |
| Wed 6 March           |                           |                                            |                                        |
| Thurs 7 March         |                           |                                            |                                        |
| Fri 8 March           |                           |                                            |                                        |
| Sat 9 March           |                           |                                            |                                        |
| Sun 10 March          |                           |                                            |                                        |
| Mon 11 March          |                           |                                            |                                        |
| Tues 12 March         |                           |                                            |                                        |
| Wed 13 March          |                           |                                            |                                        |
| <b>Thurs 14 March</b> | <b>12 Noon<br/>3:30pm</b> | <b>REMO Dubbo<br/>Walgett HACC Meeting</b> | <b>General Manager<br/>Clr Keir</b>    |
| Fri 15 March          |                           |                                            |                                        |
| Sat 16 March          |                           |                                            |                                        |
| Sun 17 March          |                           |                                            |                                        |
| Mon 18 March          |                           |                                            |                                        |
| Tues 19 March         |                           |                                            |                                        |
| Wed 20 March          |                           |                                            |                                        |
| Thurs 21 March        |                           |                                            |                                        |
| Fri 22 March          |                           |                                            |                                        |
| Sat 23 March          |                           |                                            |                                        |
| Sun 24 March          |                           |                                            |                                        |
| Mon 25 March          |                           |                                            |                                        |
| <b>Tues 26 March</b>  | <b>10:00am</b>            | <b>Council Meeting Lightning Ridge</b>     | <b>All Councillors &amp; Directors</b> |
| Wed 27 March          |                           |                                            |                                        |
| Thurs 28 March        |                           |                                            |                                        |
| Fri 29 March          |                           | Good Friday – Public Holiday               | All Staff                              |
| Sat 30 March          |                           | Easter Saturday – Public Holiday           | All Staff                              |
| Sun 31 March          |                           | Easter Sunday – Public Holiday             | All Staff                              |

# WALGETT SHIRE COUNCIL AGENDA

**April 2013**

| Date of Meeting       | Time            | What                                      | Who                                                      |
|-----------------------|-----------------|-------------------------------------------|----------------------------------------------------------|
| Mon 1 April           |                 | <b>Easter Monday – Public Holiday</b>     | <b>All Staff</b>                                         |
| Tues 2 April          |                 |                                           |                                                          |
| Wed 3 April           |                 |                                           |                                                          |
| Thurs 4 April         |                 |                                           |                                                          |
| Fri 5 April           |                 |                                           |                                                          |
| Sat 6 April           |                 |                                           |                                                          |
| Sun 7 April           |                 |                                           |                                                          |
| Mon 8 April           |                 |                                           |                                                          |
| Tues 9 April          |                 |                                           |                                                          |
| Wed 10 April          |                 |                                           |                                                          |
| <b>Thurs 11 April</b> | <b>3:00 pm</b>  | <b>Walgett HACC Meeting</b>               | <b>Clr Keir</b>                                          |
| Fri 12 April          |                 |                                           |                                                          |
| Sat 13 April          |                 |                                           |                                                          |
| <b>Sun 14 April</b>   |                 |                                           |                                                          |
| <b>Mon 15 April</b>   |                 |                                           |                                                          |
| Tues 16 April         |                 |                                           |                                                          |
| <b>Wed 17 April</b>   | <b>10:00 am</b> | <b>CMCC Council Meeting Coonabarabran</b> | <b>Clr Greenaway, Clr Woodcock &amp; General Manager</b> |
| Thurs 18 April        |                 |                                           |                                                          |
| Fri 19 April          |                 |                                           |                                                          |
| <b>Sat 20 April</b>   |                 |                                           |                                                          |
| Sun 21 April          |                 |                                           |                                                          |
| Mon 22 April          |                 |                                           |                                                          |
| <b>Tues 23 April</b>  | <b>10:00</b>    | <b>Council Meeting - Collarenebri</b>     | <b>All Councillors &amp; Directors</b>                   |
| <b>Wed 24 April</b>   |                 |                                           |                                                          |
| <b>Thurs 25 April</b> |                 | <b>ANZAC Day</b>                          |                                                          |
| <b>Fri 26 April</b>   |                 |                                           |                                                          |
| Sat 27 April          |                 |                                           |                                                          |
| Sun 28 April          |                 |                                           |                                                          |
| Mon 29 April          |                 |                                           |                                                          |
| Tues 30 April         |                 |                                           |                                                          |

**WILCOX REPORT – REVIEW OF STATE GOVERNMENT  
RECOMMENDATIONS – ENDORSEMENT OF COUNCIL'S  
SUBMISSION**

**REPORTING SECTION:** Executive  
**AUTHOR:** Don Ramsland General Manager  
**FILE NUMBER:** 11/298

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**Summary:**

To endorse Council's draft submission addressing the State Government's Recommendations with regards the Wilcox Report into Opal Mining at Lightning Ridge.

**Background:**

The former NSW State Government commissioned the Wilcox Report into Opal Mining at Lightning Ridge in late 2010. The Report was completed in July 2011 but has not been released by the State Government until November 2011. On 30 November 2012 the new State Government released its response to the report.

**Current Position:**

On Wednesday/Thursday 5/6 December 2012 the State Government held a series of consultative briefings at Lightning Ridge for key stakeholders.

Council was represented at the briefing for Walgett Shire on 5 December 2012 by Councillors Murray, Keir, Woodcock, Lane and Walford together with various senior management staff.

Councillor Murray, the General Manager, Director of Corporate Services and Town Planner also attended two further briefings for local miner and landholders as did Councillors Woodcock, Walford and Lane because of their interest from a mining perspective.

The following comments/observations are made in respect of the various issues either detailed in the State Government's recommendations or raised by various stakeholders during the various briefing sessions:

1. Although reference is made in the Government's response to having "commenced consultation with Walgett Shire on the establishment of an opal mining and rehabilitation and compensation fund managed by the Council" it is desired to refute this claim as the only contact made with Council, Councillors or Council staff was by way of informal telephone contact making arrangements leading up to the briefing sessions conducted on 5/6 December, 2013.
2. Council's preferred option is for any rehabilitation or compensation fund to be managed by the appropriate State Government agency.

## WALGETT SHIRE COUNCIL AGENDA

3. Council should be compensated for any additional dog controlling functions to be introduced on a "do and charge" basis.
4. Following the abolition of the Mining Warden's position, the Department of Mineral Resources and its successors has been unable to adequately discharge functions relating to the issuing of mining titles, collection application and compensation fees, collection of security deposits and distribution of compensation.
5. The various issues raised by both miners and landholders alike have many common threads which should be able to be resolved through full and frank discussions between all parties, although there are other contentious issues that would best be resolved through legislation.
6. The local landholders have expressed a view that the miners' expectations with regards the cost of managing mining administration issues, road access and the like are unrealistic having regard to the existing departmental staffing structure. Application fees need to cover cost involved and, if they are to be set at \$40/\$100 pa, then there may need to be a significant downsizing of departmental staffing levels
7. To avoid ongoing conflict the various fees, charges and compensation amounts should be set by an independent body such as the Independent Pricing and Regulatory Tribunal (IPART).
8. There needs to be more detailed discussions before consideration is given to any changes in existing planning legislation. Now the process has been commenced, it should be brought to a satisfactory outcome at the earliest possible opportunity.

At its meeting on 18 December 2012 Council resolved:

| 12/2012/14 Wilcox Report – Consideration of State Government Recommendations                                                             |                     |
|------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>Resolved:</b>                                                                                                                         |                     |
| That Council make a detailed submission by 3 February 2013 to protect the interests of Walgett Shire and local residents and ratepayers. |                     |
| <b>Moved:</b>                                                                                                                            | <b>Clr Lane</b>     |
| <b>Seconded:</b>                                                                                                                         | <b>Clr Woodcock</b> |
| <b>CARRIED</b>                                                                                                                           |                     |

When the draft submission was circulated for Councillors comment on 31 January 2013, there were some concerns as to its content and so, after discussions with various Councillors the Mayor instructed the General Manager to request an extension until 28 February 2013 for the lodgement of its submission and to prepare an amended draft document which addressed the issues subsequently being raised by Councillors and for the revised submission to be placed before Council's February, 2013 for Council endorsement prior to it being lodged.

## **WALGETT SHIRE COUNCIL AGENDA**

The revised submission is attached.

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

Wilcox Report, July 2011

NSW State Government Response to the Wilcox Report into Lightning Ridge Opal Mining, November 2012.

### **Governance issues:**

The State Government Recommendations could have major impacts on Council operations and ongoing viability and sustainability

### **Environmental issues:**

The State Government recommendations, if adopted, could have major impacts on the ongoing management of the local environment

### **Stakeholders:**

Walgett Shire

Opal Miners

Landholders

Government agencies

Lightning Ridge residents and ratepayers

### **Financial Implications:**

It is believed that the State Government recommendations, if adopted could have serious impacts on Council's future financial viability and sustainability.

### **Legal Issues:**

Many and varied

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

Do nothing

Prepare a detailed submission.

### **Conclusion:**

It is imperative that Council make a detailed submission by the extended closing date of 28 February 2013 to protect the interests of Council and local residents and ratepayers.

**WALGETT SHIRE COUNCIL AGENDA**

**Wilcox Report – Consideration of State Government Recommendations**

**Recommendation:**

That Council consider, amend as necessary, and lodge by 28 February, 2013 its submission addressing the State Government's Recommendations with regards the Wilcox Report into Opal Mining at Lightning Ridge.

**Moved:**

**Seconded:**

**Attachments:**

Submission attached.



**Draft Submission by Walgett Shire Council**

**State Government's Response and Recommendations to the  
Wilcox Report into Lightning Ridge Opal Mining**

Walgett  
19 February 2013.

**Draft Submission by Walgett Shire Council – State Government's Response and Recommendations to the Wilcox Report into Lightning Ridge Opal Mining**

On 30 November, 2012 The NSW Government released its response and recommendations to the Wilcox Report into Lightning Ridge Opal Mining.

After participating in briefing sessions for key stakeholders in Lightning Ridge on 5/6 December, 2012 Council considered both the Wilcox Report and the State Government's Response in detail at its meetings on 18 December, 2012 and 19 February 2013 respectively and resolved:

*"That Council make a detailed submission by 28 February 2013 to protect the interests of Walgett Shire and local residents and ratepayers".*

This submission has been prepared pursuant to that direction by Council and deals with the following issues highlighted in the Government's Response:

**Introduction**

Lightning Ridge is the only place in the World where black opal has been found. As such a unique resource appropriate processes and procedures should be put in place to ensure proper management of this valuable gemstone.

**Land Access Compensation**

Council believes that to avoid ongoing conflict between key stakeholders the various fees, charges and compensation amounts should be set by an independent body such as Independent Pricing and Regulatory Tribunal (IPART).

**Collection of Compensation**

Council's preferred option is for any rehabilitation or compensation fund to be managed by the appropriate State Government agency. Obviously the Mineral Resources Division of NSW Trade and Investment should manage mining issues and the Western Lands Commissioner be responsible for local crown and leased land management. If both agencies work co-operatively there should be no instances where issues are allowed to fall through the cracks in legislation.

**Security Deposits**

Council believes that to avoid ongoing conflict security deposit amounts should be set by an independent body such as IPART.



## **WALGETT SHIRE COUNCIL AGENDA**

### **Dispute Resolution**

Following the abolition of the Mining Warden's position, the Mineral Resources division of NSW Trade and Investment and its successors has been unable to adequately discharge functions relating to the issuing of mining titles, collection of security deposits and distribution of compensation.

Council believes the various issues raised by both miners and landholders alike have many common threads which should be able to be resolved through full and frank discussions between all parties, although there are other contentious issues that would best be resolved through legislation.

There is a need for legislation identified by the Department as flawed to be revisited and appropriate amendments made to that legislation to make it workable.

### **Mining Operations Plans**

Council believes the development of a standard template for Mining Operations Plans would overcome the majority of concerns in this area.

### **Notification to Landholders**

Council believes the introduction and use of modern technology, including online access, emails and texting, would solve the majority of concerns in this area.

### **Access Rules and Identification**

Council believes a revised system utilising identification cards and vehicles stickers, together with an appropriate educational programme outlining the rights of access to mineral claims, would address any areas of concern. Fact sheets outlining access rights should also be available on-line.

### **Dogs on Claims**

Council should be compensated for any additional dog controlling functions to be introduced on a "do and charge" basis.

### **Sunset Provisions**

The need for the introduction of sunset provisions could be avoided by the Crown progressively acquiring land where mining operations are being conducted.

### **Administration Levy**

Application fees need to cover cost involved and if set at \$40/\$100 pa, there may need to be a review of Departmental staffing levels unless the government is prepared to meet any shortfall.

To avoid ongoing conflict between the key stakeholders the various fees and charges related to administration should be set by an independent body such as IPART. Such a body, in making a

## **WALGETT SHIRE COUNCIL AGENDA**

determination, would carry out its own research including seeking appropriate input from the key stakeholders.

### **A Comprehensive Planning Process for Opal Mining**

There needs to be more detailed discussions before consideration is given to any changes in existing planning legislation.

### **Longer Term Proposal for Regulation of Opal Mining**

Now that the review process has been commenced, it should be brought to a satisfactory outcome at the earliest possible opportunity.

Ideally, any land where opal mining takes place should be owned by the Crown as this would remove any conflict between mining and normal farming/pastoral activities. Past fees in the order of \$400,000 collected from mining operators should be returned from Treasury to the Division for the purpose of land acquisition.

### **Walgett Shire Council**

Walgett Shire Council would be open to negotiating with the State Government in relation to having a greater role in overseeing Opal Mining activities as part of the current review of local government's role in the delivery of State and Federal services in western NSW.

However, any such negotiations must be on the basis of full cost recovery.

## **INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL UPDATE**

**REPORTING SECTION:** Executive

**AUTHOR:** Don Ramsland General Manager

**FILE NUMBER:** 11/298

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### **Summary:**

To update Council with the activities of the Independent Local Government Review Panel.

### **Background:**

The Independent Local Government Review Panel has been task with reviewing the operations of local government throughout NSW.

Council will recall that Panel Member Mr Glen Inglis addressed Council's meeting at Burren Junction in November, 2012 indicating that he had been task to investigate new models of operation and structures for what he called the "River Councils"

### **Current Position:**

Since that time the panel has released the following documents/discussion papers:

Better, Stronger Local Government – The case for sustainable change - November 2012

Options to Enhance Regional Collaboration amongst Council in NSW: the role of Regional Organisations November 2012

Mr Inglis will address the meeting of OROC on Friday 15 February, 2013 and has requested a meeting with the Mayors and General Managers of Bourke, Brewarrina and Walgett Shires in Dubbo on Saturday morning 16 February, 2013.

It is quite obvious that alternative modes of service delivery for both state and federal services are now high on the agenda.

A further report will be tabled at the coming meeting of Council.

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

Better, Stronger Local Government – The case for sustainable change - November 2012

Options to Enhance Regional Collaboration amongst Council in NSW: the role of Regional Organisations November 2012

### **Governance issues:**

Nil

## WALGETT SHIRE COUNCIL AGENDA

### Environmental issues

Nil

### Stakeholders:

Council  
Walgett Shire Community

### Financial Implications:

Nil

### Legal Issues

Yet to be identified.

### Alternative Solutions/Options:

Nil.

### Conclusion:

Council needs to be closely examining ways in which it can make a positive contribution to the future models and structure local government in western NSW.

### Independent Local Government Review Panel – Update.

#### Recommendation:

For Council's Information.

**Moved:**

**Seconded:**

### Attachments:

Nil.

## **IDENTIFICATION AND QUARANTINING OF FUNDING FOR LOCAL ROAD BETTERMENT PROJECTS**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 11/298

---

### **Summary:**

To consider the identification and quarantining of funding for local road “betterment” projects, 2013/2014 and beyond.

### **Background:**

The issue of seeking “betterment” funding for local road projects has been raised with Council on many occasions.

As Council is aware, “betterment” funding may be sourced following natural disasters such as flooding to improve the standards of infrastructure and associated facilities to reduce the danger of repeated future damage.

A number of general and specific projects including the raising of the level of the Wilby Wilby Road which provides direct access to Grawin and surrounding locations, replacement of the causeway at Old Burren with pipe/culvert, as well as the upgrading and sealing or concreting of various causeways on black soil roads which are school bus routes in the eastern part of the shire immediately come to mind.

If an application for “betterment” funding were to be successful, then the cost of the works involved would be shared on a \$:\$:\$ basis by Council and the State and Federal Governments.

An essential element of successfully implementing the “betterment” approach requires Council to have almost immediate access to its share of the funding involved as it is more often than not necessary to be able to commence improvement works as part of the actual re-instatement/recovery process.

To do this, Council would need to create a reserve it would be able to call upon in such circumstances.

One way to set up such a reserve would be to set aside a fixed percentage of rate income each year, but to be able to set say 3% of rates aside each year it would be necessary to seek a rate increase above the standard rate pegging limit to start such a fund/reserve.

### **Current Position:**

This year there is a one-time transitional opportunity for Council to apply for a special rate variation in 2013/2014 through IPART. Action was taken to flag the possibility that Council may take such a step with IPART in December last year. However, a formal application will need to be lodged by 31 March, 2013.

## **WALGETT SHIRE COUNCIL AGENDA**

The application process is rather detailed and time consuming but there will be a certain level of flexibility allowed during the 2013/2014 transition period.

Council needs to consider whether it is prepared to consider this course of action now to allow the appropriate application to be completed in a timely fashion.

Approval of the special rate variation is not automatic and would be considered on its merits by IPART. Preliminary discussions with IPART representatives indicate that the approach being considered by Council – a special variation quarantined specifically for “betterment” projects on local roads – would meet the guidelines involved.

Were Council to resolve to proceed on this basis, a programme of “betterment” works to be undertaken by Council would be put before Council's March, 2013 meeting. This would include the works outlined above.

### **Relevant Reference Documents:**

“Betterment” guidelines of Natural Disaster Funding provisions

### **Stakeholders:**

Council  
Walgett Shire community  
State/Federal Agencies

### **Governance Issues:**

Council would need to identify how and why the projects put forward should be part of the proposed programme.

### **Environmental Issues:**

Quite obviously environmental considerations would be involved when considering project priorities.

### **Financial Implications:**

The suggested 3% of general rate income would allow a reserve in the order of \$120,000/\$130,000 to be created. When matched with funds from other tiers of government on a \$:\$:\$ basis this would enable specific work of between \$300,000 and \$400,000 to be undertaken annually.

There would also be the added benefit that such works would reduce Council's future road maintenance liability.

### **Legal Issues:**

Nil

## WALGETT SHIRE COUNCIL AGENDA

### Alternatives/Options:

Do nothing

### Conclusion:

This is a one-time opportunity to set up the reserve outlined above during the 2013/2014 transitional period and it is believed that this approach would be well received by all sections of the community.

### Identification and Quarantining of Funding – IPART application

#### Recommendation:

1. That Council endorsed the proposal to lodge an application for a special rate variation of 3% over and above the standard rate pegging limit of 3.4% set for 2013/2014 to be used to establish a reserve for an ongoing programme of betterment funding for rural local roads within the Shire.
2. That a "betterment" works programme be prepared for Council's consideration at the March, 2013 meeting.

**Moved:**

**Seconded:**

### Attachments:

Nil.

## 2013 JUDGING / INTERVIEW PANEL FOR THE DICK COLLESS MEMORIAL SCHOLARSHIP

**REPORTING SECTION:** Governance  
**AUTHOR:** Yasmin Jones – Executive Assistant  
**FILE NUMBER:** 11/306

---

### **Summary:**

The applications for the inaugural Dick Colless Memorial Scholarship will close 15 February 2013. The judging / interview panel for the awarding of the scholarship needs to be appointed.

### **Background:**

Four scholarships, up to \$2,500 each, will be awarded annually in February to student entering their second and / or subsequent years of study being undertaken at a recognised tertiary institutions and TAFE Colleges.

Scholarships will only be awarded to those who have their principal place of abode within the Walgett Shire.

### **Current Position:**

The applications for the inaugural Dick Colless Memorial Scholarship will close 15 February 2013; the judging panel for the appointing of the scholarship needs to be appointed to ensure judging can take place within two weeks of the application closing date.

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

Guidelines for Dick Colless Memorial Scholarships

### **Governance issues:**

Nil

### **Environmental issues:**

Nil

### **Stakeholders:**

Council  
Walgett Shire Residents  
Applicant for the Scholarship

### **Financial Implications:**

Council has a budget of \$10,000 annually for the awarding of scholarships



## WALGETT SHIRE COUNCIL AGENDA

### Legal Issues:

Nil

### Alternative Solutions/Options:

Nil

### Conclusion:

Council needs to appoint the judging / interview panel for the Dick Colless Memorial Scholarships.

### 2013 Judging Panel for the Dick Colless Memorial Scholarship

#### Recommendation:

That:

3. The Mayor, the General Manager and Clr Keir be members of the Judging / interview panel for the 2013 awarding of the Dick Colless Memorial Scholarship.
4. The Mayor be the chairperson of the Judging panel.

**Moved:**

**Seconded:**

### Attachments:

N/A

## **CODE OF CONDUCT REVIEW – NEW MODEL CODE**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Don Ramsland – General Manager  
**FILE NUMBER:** 11/298

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### **Summary:**

To consider adopt a new Code of Conduct incorporating the requirements of the new model code of conduct.

### **Background:**

The Division of Local Government has released a new Model Code of Conduct which comes into force from 1 March 2013.

The Model Code of Conduct is made for the purposes of Section 440 of the *Local Government Act 1993* which requires that all councils adopt a code of conduct that incorporates the provisions of the Model Code.

Councillors, administrators, members of staff, independent conduct reviewers and members of council committees including delegates of the council must comply with the provisions of council's code of conduct in carrying out their functions as council officials.

Failure to comply with the provisions of the code of conduct constitutes misconduct for the purposes of the Act and penalties that can be imposed for misconduct include suspension or disqualification from civic office.

Procedures for the Administration of the Model Code of Conduct have also been developed.

Amendments to the 2008 Model Code of Conduct include:

1. Binding caucus voting is prohibited in relation to matters to be considered by a council or committee meetings but does not apply to the election of the Mayor or Deputy Mayor.
2. Councillors that have received or knowingly benefited from a reportable political donation made by a major political donor in the previous four years or that has a matter before council must declare a non-pecuniary conflict of interest. Major political donor is defined in Section 84 of the *Election Funding, Expenditure and Disclosure Act 1981*. This will not prohibit a councillor from participating in a decision to delegate council's decision making role to council staff through the General Manager or appointing another person or body to make the decision.
3. Where council does not have a quorum to consider a matter the council or committee must resolve to delegate the matter in question to another person.
4. Where the Director General allows a council to make a decision where a quorum cannot be formed for the matter, all councillors must still disclose any interest in the matter.

## WALGETT SHIRE COUNCIL AGENDA

5. Personal benefits will now include the receipt of any gift or benefit even when they are a prize of token value and cash like gifts include gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, memberships or entitlements to discounts.
6. Council's external auditors or the Chair of Council's audit committee may request information from individual councillors so they can perform their functions.
7. Council staff must ensure that any participation in political activity outside the service of the council does not conflict with the performance of their official duties.
8. Councillors and administrators will only be able approach staff and staff organisations to discuss broad workplace policy issues. The same will apply to staff approaching councillors.
9. Council staff will not be able to meet with Development Approval (DA) objectors alone and outside office hours to discuss DAs or proposals.
10. The GM and the Public officer will be responsible for access to the *Government Information (Public Access) Act 2009*.
11. Council resources, property or facilities will not be allowed to be used for assisting in the election campaigns unless those facilities are available for use or hire by the public and any applicable fee is paid.
12. Council letterheads, crests or other information that may be give the appearance that it is official council material must not be used for election campaign or other non-official purposes.
13. The Model Code of conduct is not to be used for an improper purpose and this includes trivial, frivolous, vexatious purposes or not made in good faith. It must not be used to intimidate or harass or damage another councillor's reputation or to gain a political advantage.
14. Detrimental action must not be taken against any person in reprisal for a complaint that has been made by way of the Model Code.
15. Breaches of the provisions of the Model Code dealing with maintaining the integrity of the Code are to be reported to the Division of Local Government.

### Current Position:

The only change suggested to the draft model code is the identification of "token gifts" as being gifts with a value below \$50.

### Relevant Reference Documents:

Model Code of Conduct – 2012.

### Stakeholders:

Councillors  
General Manager,  
Staff  
Ratepayers

### Governance issues:

Council should follow Departmental guidelines with regards the adoption of the provision of the new model code.

## WALGETT SHIRE COUNCIL AGENDA

### **Environmental issues:**

Nil

### **Financial Implications:**

Minimal

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

Nil

### **Conclusion:**

That Council adopt the new Model Code of Conduct in its entirety with the only change being the identification of "token gifts" as being gifts with a value below \$50.

### **Model Code of Conduct – Adoption of Code**

#### **Recommendation:**

That Council adopt the new Model Code of Conduct in its entirety with the only change being the identification of "token gifts" as being gifts with a value below \$50.

**Moved:**

**Seconded:**

### **Attachments:**

Model Code of Conduct (circulated under separate cover)  
Departmental Circular 12/45

## WALGETT SHIRE COUNCIL AGENDA



Premier & Cabinet  
Division of Local Government

## Circular to Councils

Circular No. 12-45  
Date 19 December 2012  
Doc ID: A296794

Contact Council Governance  
02 4428 4100

### THE NEW MODEL CODE OF CONDUCT FRAMEWORK

#### Purpose

To advise councils of the new Model Code of Conduct framework and implementation arrangements.

#### Issue

- The new Model Code of Conduct for Local Councils in NSW, Procedures for the Administration of the Model Code and Summary of the Model Code are now available on the Division of Local Government (the Division) website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).
- The code and procedures are supported by new provisions in the *Local Government Act 1993* to more effectively deal with serious or repeated breaches of the Code through expanded and strengthened penalties. Key changes to the code are summarised at Appendix A.
- The key features of the new code framework include:
  - Greater flexibility to resolve non-serious complaints, minimising costs to councils
  - Improved complaints management, with complaints about councillors and the general manager managed from start to finish by qualified and independent conduct reviewers
  - Greater fairness and rigour in the investigation process through clearer procedures
  - Stronger penalties for ongoing disruptive behaviour and serious misconduct to more effectively deter and address such behaviour, allowing councils to get on with the business of serving their communities.
- The proposed commencement date for the new model code framework is 1 March 2013.
- The following transitional arrangements will apply.
  - Complaints made or yet to be finalised before 1 March 2013 are to be dealt with under the current Model Code of Conduct and Procedures.
  - Complaints received after 1 March 2013 but where the alleged conduct occurred prior to this date are to be assessed against the standards

Division of Local Government  
5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541  
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209  
E [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au) W [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) ABN 99 567 863 195

## WALGETT SHIRE COUNCIL AGENDA

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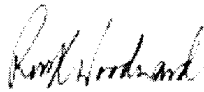
prescribed under the current Model Code but dealt with under the new Procedures.

- Complaints relating to alleged conduct that occurred after 1 March 2013 are to be assessed against the new Code and Procedures.
- The Division will provide further information in early 2013 to assist councils implement the new code and procedures.

### **Actions**

Councils should make the following administrative arrangements in preparation for commencement of the Code:

- Adopt the new Model Code and Procedures by 1 March 2013
- Appoint members of staff other than the General Manager to act as a complaints coordinator and alternate complaints coordinator before 1 March 2013
- Ensure panels of conduct reviewers, appointed using the selection process prescribed under the new procedures, are in place by 30 September 2013. Councils without existing panels should establish a panel by 1 March 2013.



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

**APPENDIX A**

**NEW MODEL CODE OF CONDUCT AND PROCEDURES - KEY CHANGES**

- In the interests of clarity and simplicity, standards of conduct and procedures for dealing with breaches will be separately prescribed.
- Minor changes have been made to the standards prescribed under the code in relation to binding caucus votes, the disclosure of political donations, loss of quorum, the management of significant non-pecuniary conflicts of interests in relation to principal planning instruments, gifts, relationships between councillors and staff and use of council resources for re-election purposes.
- New standards have been included to address misuse of the code and other conduct intended to undermine its implementation.
- New provisions have been included to improve all councils' access to suitably skilled conduct reviewers.
- Under the new procedures, complaints will be managed from start to finish by an independent conduct reviewer at arms length from the council if they are not informally resolved at outset.
- There will be an increased focus on informal resolution of less serious matters.
- Code of conduct matters will be dealt with confidentially. However, where a conduct reviewer determines that a councillor has breached the code and a sanction is imposed by the council, this will be made public via the minutes of the meeting.
- There will be limited rights of review to the Division where a person is subject to an adverse outcome.
- The Division will have more options for dealing with matters directly under the misconduct provisions. This will enable it to directly police the administration of the code and address issues such as misuse or failure to cooperate.
- Penalties for misconduct will be expanded and increased to improve deterrence.
- Both the Division and the Pecuniary Interest and Disciplinary Tribunal will be able impose stronger penalties for repeated misconduct. This will enable the more effective management of ongoing disruptive behaviour by individual councillors to enable councils to get on with the core business of serving their communities.

These changes have been made as a result of extensive consultation with councils and other key stakeholders, and based on feedback, have broad support.

**MATTERS FOR BRIEF MENTION OR INFORMATION ONLY REPORT**

**REPORTING SECTION:** General Manager

**AUTHOR:** Don Ramsland – General Manager

**FILE NUMBER:** 09/1455

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**Summary:**

To advise Council of the following matters/issues which are for brief mention or information only.

**1. Letter from Rex Wilson OAM regarding “C” Division Shires Association of NSW**

This year will see the amalgamation of the Shires Association and the Local Government Association as a result of the mid 2012 vote of the members of each organisation which overwhelmingly supported such a merger.

The new association will be known as “Local Government New South Wales” and will commence from the 1<sup>st</sup> March 2013 with a provisional board consisting of presidents and office bearers from both associations. The first conference (combined) is to be held at Sydney Town Hall from 1<sup>st</sup> to 3<sup>rd</sup> October 2013 at which a new board will be elected.

The constitution of Local Government NSW means that Divisions of the Shires Association will cease to exist from 1<sup>st</sup> March 2013.

**2. Letter from John Walkom Chair Orana RDA**

RDA Orana recently undertook an “Expression of Interest” process with the purpose of engaging a consultant to look into establishing a “Skills Mining Centre of Excellence”, in the Orana region.

The establishment of such a Centre will bring many economic benefits, such as skilling up and retaining workers in the region, providing new opportunities for service industries, retaining youth in education and training through providing VET courses which will be accessible through high school years, providing a boost to residence levels and potentially local infrastructure, securing economic growth & sustainability into the future and generally diversifying the region's economic base.

The successful consultant on this project is “Seed Business Solutions” a local, Dubbo-based business that has established contacts and extensive experience in this area. The Director, Megan Dixon, has accepted the job and has already commenced work on the project.

I am writing to advise you that Megan, or another employee of Seed Business Solutions, may be in contact with LGA General Managers or Economic Development Officers on the Orana.



**3. Letter from Kerrie Mather Chief Executive Officer Sydney Airport Corporation Limited**

There has been speculation about Sydney Airport wanting to restrict access for regional airlines- the following response was received from Kerrie Mather Chief Executive Officer Sydney Airport Corporation Limited.

Ms Mather advised this is untrue, advising under the current plans for Sydney Airport, they can handle additional regional growth; however the current regulations do not reflect the evolution of the industry over the past decades.

Sydney Airport Corporation Limited are now in the process of preparing a new master plan, a preliminary draft version of which is expected for public comment in 2013. A copy of the preliminary draft master plan will be issued to Council once it is placed on public exhibition.

All queries are to be directed to Sydney Airport's Manager Government and Community Relations, Mr Ted Plummer, on (02) 9667 6182 or email [ted.plummer@syd.com.au](mailto:ted.plummer@syd.com.au)

**4. Media Release 31 January 2013 regarding Councils cough up nearly \$500 million to cover government cost shifting**

The Local Government and Shires Association of NSW (LGSA) have called for an end to cost shifting onto NSW councils after their annual survey found councils were out of pocket nearly \$500 million in the 2010/11 financial year due to cost shifting by the NSW and Australian Governments.

Refer to the Media Release attachment for further information.

**5. Letter from Victor Dominello MP Minister for Citizenship and Communities and Minister for Aboriginal Affairs**

Letter received on the 8 February 2013 from Victor Dominello MP advised a grant of \$1230.00 will be provided to Walgett Shire Council to assist with the funding of Council's program for Youth Week 2013.

The grant will be provided to Council as an electronic transfer, if further information is required regarding this matter Ms Amanda Scott, NSW Youth Week Co-ordinator in the Office of communities can be contacted on (02) 8762 9824 or [youthweek@youthweek.nsw.gov.au](mailto:youthweek@youthweek.nsw.gov.au).

**6. Information regarding the Preliminary Needs Assessment Far West NSW Medicare Local (FWML) & Burns Aldis**

A Preliminary Needs Assessment Far West NSW Medicare Local (FWML) is being conducting across the region and Walgett Shire Council has been invited to contribute to the process by putting forward the views of Council about the primary health care needs of the communities within the Shire.

The Commonwealth Government recently established Medicare Locals across Australia with a view to delivering more integrated and equitable primary health care services. FWML's purpose in undertaking the Preliminary Needs Assessment is to identify the health needs of the population, and to identify locally effective services and strategies that have the potential to improve health outcomes and reduce inequalities. The Needs Assessment will have a broad Primary Health Care focus, and will aim to identify issues that FWML may be in a position to address or influence. FWML has engaged Burns Aldis to assist with the consultation and documentation process. Please refer to the attached flyer for further information about the Needs Assessment, and the letter serves as an introduction to Burns Aldis.

**7. 2013 National General Assembly of Local Government – Call for Motions**

The Australian Local Government Association (ALGA) Board is calling for motions for the 2013 NGA under this year's theme 'foundations for the Future – twenty 13'. To be eligible for inclusion in the NGA Business Paper motions must follow the principles:

1. Fall under the NGA theme
2. Be relevant to the work of local government nationally; and
3. Complement or build on the policy objectives of state and territory associations.

To assist Councils in preparing motions, a Discussion Paper has been prepared and is available on the ALGA website [www.alga.asn.au](http://www.alga.asn.au)

Motions should be submitted electronically via the online form on the website [www.alga.asn.au](http://www.alga.asn.au) and should be received by ALGA no later than 26 April 2013.

**MATTER FOR BRIEF MENTION OR INFORMATION ONLY**

**Recommendation**

That the General Manager's Report on matters for brief mention or information only be received and noted.

**Moved:**

**Seconded:**

## **WALGETT SHIRE COUNCIL AGENDA**

### **Attachments:**

Letter from Rex Wilson OAM regarding "C" Division Shires Association of NSW

Media Release 31 January 2013 regarding Councils cough up nearly \$500 million to cover government cost shifting

Invitation and information regarding the Preliminary Needs Assessment Far West NSW

Medicare Local (FWML) & Burns Aldis

RECEIVED 14 JAN 2013

**"C" Division  
Shires Association of NSW**

Comprising the Shires of Bogan, Coonamble, Gilgandra, Narramine, Walgett,  
Warren, Warrumbungle, Wellington, Dubbo City Council  
and Castlereagh-Macquarie County Council

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

8<sup>th</sup> January 2013

Dear Don

I would like to take this opportunity to bring you up to speed with what is happening in relation to the Shires Association, its future and other issues pertaining to Local Government and will expand on these issues further at the commencement of the OROC Board meeting scheduled for Friday 15<sup>th</sup> February in Dubbo.

**One Association**

The year 2013 will see the amalgamation of the Shires Association and the Local Government Association as a result of the mid 2012 vote of the members of each organisation which overwhelmingly supported such a merger.

The new association will be known as 'Local Government New South Wales' and will commence from the 1<sup>st</sup> March 2013 with a provisional board consisting of presidents and office bearers from both associations. The first conference (combined) is to be held at Sydney Town Hall from 1<sup>st</sup> to 3<sup>rd</sup> October 2013 at which a new board will be elected.

The constitution of Local Government NSW means that Divisions of the Shires Association will cease to exist from the 1st March 2013. It should be noted that this does not mean that groups of councils cannot organise area meetings.

Good will, common-sense and understanding will hopefully dictate a relatively seamless transition for Local Government NSW. I am sure that all councils should be confident that Local Government will not only be strengthened by representation from one organisation but will also earn the respect of the State and Federal governments, enabling better outcomes for our communities regardless of a council's population or location across the State.

## WALGETT SHIRE COUNCIL AGENDA

Page 2

### Constitutional Recognition

In December all councils would have received a letter from the LGSA Presidents giving an update on the progress for achieving constitutional recognition for Local Government. I draw your attention to this letter especially the paragraph that states *"the LGSA is in favour of a referendum which recommends financial recognition of Local Government in the Australian Constitution. We are, however, only in favour of progressing a referendum at a time when it maximises the chance of success. We await the outcome of the Joint Select Committee to advise on the possible timing and the potential processes for such a referendum"*. I will update you further in February.

### Local Government Review

The 2013 year is most certainly going to be a critical year for all of us in Local Government. The Independent Local Government Review Panel (Chaired by Graham Sanson) and the Local Government Acts Task Force (Chaired by John Turner) are due to hand down their preliminary reports in mid 2013. It is important that both these reports be fully scrutinised by individual councils and feedback given to Local Government NSW Executives.

In the meantime best wishes are extended to all for 2013.

Yours faithfully



NRF (Rex) Wilson OAM  
Representative  
C Division

Media Release from Shires Association of NSW Website

## **Media Release: Councils cough up nearly \$500 million to cover government cost shifting**

**Thursday, 31 January 2013**

The Local Government and Shires Associations of NSW (LGSA) have called for an end to cost shifting onto NSW councils after their annual survey found councils were out of pocket nearly \$500 million in the 2010/11 financial year due to cost shifting by the NSW and Australian Governments.

President of the Shires Association of NSW, Cr Ray Donald, said \$499 million worth of responsibilities and functions of the State and Australian Governments had been shifted to councils. This equates to 5.72 per cent of the total income of Local Government in NSW, before capital amounts.

"Findings of the LGSA's cost shifting survey for 2010/11 are consistent with results of the last five surveys carried out over the previous five financial years, highlighting the continual moves by the state and federal governments to palm their responsibilities on to Local Government without the corresponding funding," said Cr Donald.

"The LGSA has asked the same 23 questions in the past five surveys, with an additional two questions added to the 2009/10 survey and again in collecting the 2010/11 data."

"If we include those two additional questions, which relate to revenue raising restrictions on council managed Crown lands and the shortfall of cost recovery as a result of fee regulation when assessing development applications, cost shifting is estimated at 6.37 per cent of Local Government's total income before capital amounts – or \$555 million."

"This survey confirms that cost shifting continues to be a burden on the financial situation of NSW councils and is impeding Local Government's ability to deliver services and maintain infrastructure."

President of the Local Government Association of NSW, Cr Keith Rhoades AFSM, said 86 councils participated in the survey, which was conducted between May and November 2012, clearly indicating that cost shifting is a significant issue impacting on their operations.

"Some of the major cost shifting items identified in the survey include mandatory contributions to Fire and Rescue NSW, NSW Rural Fire Services and NSW State Emergency Service, inadequate funding for public libraries and the NSW Government's failure to reimburse councils for mandatory pensioner rebates for rates," said Cr Rhoades.

"From controlling noxious weeds and managing contaminated land to enforcing the Companion Animals Act NSW (1998) – councils are constantly carrying out activities and regulatory functions for the state and federal governments without sufficient financial resources."

"This is on top of the financial restrictions placed on the 152 councils across the state, courtesy of the NSW Government's rate pegging system."

"It's not surprising the 2010/11 cost shifting amount of \$499 million is equal to the estimated annual infrastructure renewal gap of \$500 million per annum, as found in the Percy Allan Report."

"While the NSW Government says that councils are often best placed to provide these cost shifted services to communities, councils do not have the means to keep taking on new jobs without adequate resourcing."

## WALGETT SHIRE COUNCIL AGENDA



10th February 2013

Mr Don Ramsland  
General Manager  
Walgett Shire Council  
By e-mail: [dramsland@walgett.nsw.gov.au](mailto:dramsland@walgett.nsw.gov.au)

Dear Mr Ramsland,

### Invitation to contribute to the FWML Preliminary Needs Assessment

Far West NSW Medicare Local (FWML) is required by the Commonwealth Government to undertake a Preliminary Needs Assessment for the population within our catchment. To support this activity, a community and service provider engagement process will take place across the FWML catchment from February to April 2013. This process aims to identify the issues within our communities that FWML may be in a position to address or influence, with the aim of improving population health outcomes and reducing inequalities in health status. This region-wide analysis will identify primary health care needs in our community and will inform our planning and decision-making. Your input is therefore highly valued and greatly appreciated.

As part of the Health Needs Assessment and planning process, FWML is required to assess population health care needs and existing health care services, and identify locally effective and efficient services and strategies to improve health and reduce inequalities. To assist us in this process, we have engaged Community Development Consultants Burns Aldis who have extensive experience with the FWML communities and knowledge of the factors influencing health outcomes in remote areas of NSW. Judith Burns and Cliff Chenery will be working in partnership with the FWML, population health specialists and representatives from the Western and Far West Local Health Districts. They will be leading the engagement process with health and human service providers and with communities. This correspondence serves as an introduction to Burns Aldis, who will be contacting you directly to arrange a meeting.

FWML's approach to engagement with the health care community and the broader community will involve focused group discussions with:

- our key health partners including General Practitioners, Local Health Districts and Aboriginal Community Controlled Health Organisations;
- representatives from local community organisations and interest groups across our catchment, and
- health and human service providers in key population centres.

These will be supplemented by individual interviews with:

- representatives of Local Government and
- health and human service providers including HSMs, Community Health Managers, and representatives of RFDS, UDRH and other Health NGOs and human service agencies.

Web-based surveys will be available for completion by health professionals and by community members. This facility will be advertised through local media.

If you have any questions, please feel free to contact Lisa McFayden, FWML Director of Workforce Support and Planning at [lmcfayden@fwml.com.au](mailto:lmcfayden@fwml.com.au), Judith Burns at [baldis@ozemail.com.au](mailto:baldis@ozemail.com.au), or me, at [sgordon@fwml.com.au](mailto:sgordon@fwml.com.au).

[www.fwml.com.au](http://www.fwml.com.au)  
28 Oxley Street Bourke NSW 2840  
P.O Box 10 Bourke NSW 2840  
t 02 6872 4777 f 0 0872 4888

Medicare Locals gratefully acknowledge the financial and other support from the Australian Government Department of Health and Ageing  
Far West NSW Medicare Local Limited (ABN 28158509623)

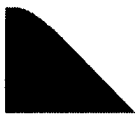
## WALGETT SHIRE COUNCIL AGENDA

Attached is an Information Sheet announcing our commencement of this Preliminary Needs Assessment, which we are required to complete by May, 2013. The FWML is keen to ensure your organisation is aware of these planning activities and has an opportunity to be involved. More comprehensive information, including links to relevant documents and survey instruments, will be available on our web site ([www.fwml.com.au](http://www.fwml.com.au)).

Kind regards



Stuart Gordon  
Chief Executive Officer



[www.fwml.com.au](http://www.fwml.com.au)  
248 Oxide Street Broken Hill NSW 2880  
P.O. Box 714 Broken Hill NSW 2880  
t 08 8087 9330 f 08 8087 9332  
Page 2



# INFORMATION SHEET

medicare  
local

FAR WEST NSW

*Connecting health to meet local needs*



## Needs Assessment

Far West NSW Medicare Local (FWML) is undertaking a Preliminary Needs Assessment to identify the health needs of our population, and to identify locally effective services and strategies that will improve health and reduce inequalities.

The Needs Assessment will have a broad Primary Health Care focus, and will aim to identify issues in our communities that FWML may be in a position to address or influence.

We will be interpreting the notion of 'health care needs' broadly, with an emphasis on the social and economic determinants of health, as well as the direct provision of primary health care services.

To engage with communities and service providers, FWML will be undertaking a series of interviews and focus groups in the major population centres in our region. This will be supplemented by individual interviews with representatives of Local Government, Councils, and health and

human service providers including LHD managers, Health Service Managers, Community Health Managers, and representatives of RFDS, UDRH and ACCHOs. Web-based surveys will also be available for completion by health professionals and community members. This facility will be advertised through local media.

Consultations will commence in February 2013 after demographic and epidemiological studies are completed.

To assist us in this process, FWML has engaged Judith Burns and Cliff Chenery from Burns Aldis Community Development. Burns Aldis have a proven track record in community development services across regional NSW and are well known to many in our region.

Visit [www.fwml.com.au](http://www.fwml.com.au) for more details.



## Our Patch

**medicare  
local**  
FAR WEST NSW

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t 02 6872 4777 f 02 6872 4888

**Broken Hill** t 08 8087 9330  
**Lightning Ridge** t 02 6829 1800

## **CASH ON HAND & INVESTMENT REPORT**

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

---

### **Summary:**

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

### **Background:**

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

### **Current Position:**

As at 31 December 2012 the operational bank account's balance was \$368,141.43. The reconciliation of this balance is:

#### **Operational Account Bank Reconciliation As at 31 December 2012**

|                                                                 |                       |
|-----------------------------------------------------------------|-----------------------|
|                                                                 | \$                    |
| <b>Opening Ledger Account Balance as at 1 December 2012</b>     | <b>756,719.16</b>     |
| Add: Receipts                                                   | 3,800,758.78          |
| Add: Recalled Investments                                       | 1,000,000.00          |
| Less: New Investments                                           | (1,000,000.00)        |
| Less: Payments                                                  | (4,181,690.06)        |
| <b>Closing Ledger Balance as at 31 December 2012</b>            | <b>375,787.88</b>     |
| <br><b>Balance as per Bank Statement as at 31 December 2012</b> | <br><b>368,141.43</b> |
| Add: Receipts not banked                                        | 7,699.85              |
| Less: Payments not presented                                    | (53.40)               |
| <b>Closing Balance of Bank Account</b>                          | <b>375,787.88</b>     |

3 Term Deposits were recalled to the value of \$1,000,000.00

## WALGETT SHIRE COUNCIL AGENDA

2 new Term Deposits were made to the value of \$1,000,000.00.

1 transfer was made from the 24hour online account to the value of \$500,000.00.

1 transfer was made to the 24hour online account to the value of \$535,900.00.

As at 31 December 2012 Walgett Shire Council's investment register's balance was \$11,751,701.59. The balance as per the attached investment report comprised:

|                                                    |                 |
|----------------------------------------------------|-----------------|
| Term Deposits                                      | \$11,750,000.00 |
| Floating Rate Collateralized Debt Obligation (CDO) | \$ 1,701.59     |

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

|                                |               |
|--------------------------------|---------------|
| 24 Hour Online Account Balance | \$ 543,355.92 |
|--------------------------------|---------------|

### Relevant Reference Documents/Policies:

|                  |                                                  |
|------------------|--------------------------------------------------|
| 09/1772/0032     | December 2012 bank reconciliation ledger 11.5010 |
| 09/1460-02/00026 | Investments Report To Council 2012-2013          |

### Governance issues:

Nil

### Environmental issues:

Nil

### Stakeholders:

Walgett Shire Council  
Residents of Walgett Shire Council

### Financial Implications:

As per report

### Alternative Solutions/Options:

NIL

### Conclusion:

As at 31 December 2012 Walgett Shire Council's total available cash and invested funds were \$12,670,845.39 represented by:

|                                        |                 |
|----------------------------------------|-----------------|
| Reconciled Operational Account Balance | \$ 375,787.88   |
| Investments                            | \$11,751,701.59 |
| 24 Hour Online Saver Account           | \$ 543,355.92   |

**CASH ON HAND AND INVESTMENT REPORT AS AT 31 DECEMBER 2012**

**Recommendation:**

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

**Moved:**

**Seconded:**

**Attachments:**

Investment Report

| <u>Investment Institution</u>                               | <u>Type of Investment</u> | <u>Term</u><br>(days) | <u>Rate %</u> | <u>Ref</u> | <u>Reset Date</u> | <u>Maturity Date</u> |                             |
|-------------------------------------------------------------|---------------------------|-----------------------|---------------|------------|-------------------|----------------------|-----------------------------|
| <b>Term Deposits</b>                                        |                           |                       |               |            |                   |                      |                             |
| Credit Union Australia                                      | Term Deposit              | 322                   | 5.95          | 763/12     |                   | 09-Jan-13            | \$250,000.00                |
| Suncorp                                                     | Term Deposit              | 322                   | 5.80          | 764/12     |                   | 09-Jan-13            | \$250,000.00                |
| Credit Union Australia                                      | Term Deposit              | 343                   | 6.05          | 769/12     |                   | 13-Feb-13            | \$250,000.00                |
| National Australia Bank                                     | Term Deposit              | 195                   | 5.17          | 785/13     |                   | 16-Jan-13            | \$500,000.00                |
| Bank of Queensland                                          | Term Deposit              | 195                   | 5.20          | 787/13     |                   | 23-Jan-13            | \$500,000.00                |
| Suncorp                                                     | Term Deposit              | 189                   | 5.02          | 791/13     |                   | 20-Feb-13            | \$250,000.00                |
| Bank of Queensland                                          | Term Deposit              | 182                   | 5.15          | 793/13     |                   | 27-Feb-13            | \$250,000.00                |
| Bank of Queensland                                          | Term Deposit              | 188                   | 5.15          | 794/13     |                   | 06-Mar-13            | \$500,000.00                |
| Suncorp                                                     | Term Deposit              | 196                   | 5.15          | 796/13     |                   | 13-Mar-13            | \$500,000.00                |
| Suncorp                                                     | Term Deposit              | 182                   | 5.15          | 798/13     |                   | 06-Mar-13            | \$250,000.00                |
| IMB                                                         | Term Deposit              | 146                   | 4.90          | 801/13     |                   | 30-Jan-13            | \$500,000.00                |
| IMB                                                         | Term Deposit              | 189                   | 4.80          | 802/13     |                   | 20-Mar-13            | \$500,000.00                |
| IMB                                                         | Term Deposit              | 182                   | 4.80          | 803/13     |                   | 27-Mar-13            | \$500,000.00                |
| Credit Union Australia                                      | Term Deposit              | 210                   | 5.96          | 804/13     |                   | 28-Aug-13            | \$250,000.00                |
| IMB                                                         | Term Deposit              | 189                   | 5.60          | 805/13     |                   | 10-Apr-13            | \$500,000.00                |
| Newcastle Permanent Building Society                        | Term Deposit              | 91                    | 4.34          | 806/13     |                   | 30-Jan-13            | \$250,000.00                |
| Bankwest                                                    | Term Deposit              | 70                    | 4.50          | 807/13     |                   | 23-Jan-13            | \$250,000.00                |
| National Australia Bank                                     | Term Deposit              | 182                   | 4.65          | 808/13     |                   | 22-May-13            | \$500,000.00                |
| National Australia Bank                                     | Term Deposit              | 189                   | 4.65          | 809/13     |                   | 29-May-13            | \$500,000.00                |
| National Australia Bank                                     | Term Deposit              | 195                   | 4.65          | 810/13     |                   | 05-Jun-13            | \$500,000.00                |
| Bank of Queensland                                          | Term Deposit              | 153                   | 4.80          | 811/13     |                   | 24-Apr-13            | \$500,000.00                |
| Bankwest                                                    | Term Deposit              | 69                    | 4.45          | 812/13     |                   | 29-Nov-12            | \$500,000.00                |
| Newcastle Permanent Building Society                        | Term Deposit              | 90                    | 4.50          | 813/13     |                   | 29-Nov-12            | \$500,000.00                |
| National Australia Bank                                     | Term Deposit              | 91                    | 4.40          | 814/13     |                   | 29-Nov-12            | \$500,000.00                |
| Newcastle Permanent Building Society                        | Term Deposit              | 91                    | 4.40          | 815/13     |                   | 08-Mar-13            | \$500,000.00                |
| Newcastle Permanent Building Society                        | Term Deposit              | 91                    | 4.40          | 816/13     |                   | 13-Mar-13            | \$500,000.00                |
| Bank of Queensland                                          | Term Deposit              | 132                   | 4.70          | 817/13     |                   | 01-May-13            | \$500,000.00                |
| Bankwest                                                    | Term Deposit              | 61                    | 4.35          | 818/13     |                   | 20-Feb-13            | \$500,000.00                |
|                                                             |                           |                       |               |            |                   |                      | <u>\$11,750,000.00</u>      |
| <b>Floating Rates Collateralized Debt Obligations (CDO)</b> |                           |                       |               |            |                   |                      |                             |
| Zircon Finance Ltd                                          | Floating Rate CDO         |                       | 0.00          |            |                   | 20-Sep-14            | \$0.00                      |
| Morgan Stanley Aces SP                                      | Floating Rate CDO         | 91                    | 6.95          |            | 20-Mar-12         | 20-Jun-15            | \$1,701.59                  |
| Helium Capital Ltd                                          | Floating Rate CDO         |                       | 0.00          |            |                   | 23-Jun-14            | \$0.00                      |
|                                                             |                           |                       |               |            |                   |                      | <u>\$1,701.59</u>           |
|                                                             |                           |                       |               |            |                   |                      | Term Deposit Ledger Balance |
|                                                             |                           |                       |               |            |                   |                      | \$11,751,701.59             |
|                                                             |                           |                       |               |            |                   |                      | 24 hour Online Bank Account |
|                                                             |                           |                       |               |            |                   |                      | <u>\$543,355.92</u>         |
|                                                             |                           |                       |               |            |                   |                      | <u>\$12,295,057.51</u>      |

Note that this is a separate interest bearing account linked with the Main Bank Account  
Investment Report as at 31 December 2012

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

Signed

*Susan 16/1/13*

Susan Jones  
Finance Manager

Prepared and Reconciled by Julie McKeown  
Finance Officer

*J McKeown 16/1/13*

**CASH ON HAND & INVESTMENT REPORT**

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

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**Summary:**

This report summarises the cash on hand and investments held by Walgett Shire Council as at 31 January 2013.

**Background:**

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

**Current Position:**

As at 31 January 2013 the operational bank account's balance was \$377,868.13. The reconciliation of this balance is:

**Operational Account Bank Reconciliation  
 As at 31 January 2013**

|                                                                |                       |
|----------------------------------------------------------------|-----------------------|
|                                                                | \$                    |
| <b>Opening Ledger Account Balance as at 1 January 2013</b>     | <b>375,787.88</b>     |
| Add: Receipts                                                  | 1,290,265.26          |
| Add: Recalled Investments                                      | 1,500,000.00          |
| Less: New Investments                                          |                       |
| Less: Payments                                                 | (2,854,350.14)        |
| <b>Closing Ledger Balance as at 31 January 2013</b>            | <b>311,703.00</b>     |
| <br><b>Balance as per Bank Statement as at 31 January 2013</b> | <br><b>377,868.13</b> |
| Add: Receipts not banked                                       | 7,112.55              |
| Less: Payments not presented                                   | (73,277.68)           |
| <b>Closing Balance of Bank Account</b>                         | <b>311,703.00</b>     |

4 Term Deposits were recalled to the value of \$1,500,000.00

## WALGETT SHIRE COUNCIL AGENDA

No new Term Deposits were made.

2 transfers were made from the 24hour online account to the value of \$744,000.00.

2 transfers were made to the 24hour online account to the value of \$900,000.00.

As at 31 January 2013 Walgett Shire Council's investment register's balance was \$10,251,701.59. The balance as per the attached investment report comprised:

|                                                    |                 |
|----------------------------------------------------|-----------------|
| Term Deposits                                      | \$10,250,000.00 |
| Floating Rate Collateralized Debt Obligation (CDO) | \$ 1,701.59     |

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

|                                |               |
|--------------------------------|---------------|
| 24 Hour Online Account Balance | \$ 700,378.96 |
|--------------------------------|---------------|

### Relevant Reference Documents/Policies:

|                  |                                                 |
|------------------|-------------------------------------------------|
| 09/1772/0033     | January 2013 bank reconciliation ledger 11.5010 |
| 09/1460-02/00026 | Investments Report To Council 2012-2013         |

### Governance issues:

Nil

### Environmental issues:

Nil

### Stakeholders:

Walgett Shire Council  
Residents of Walgett Shire Council

### Financial Implications:

As per report

### Alternative Solutions/Options:

NIL

### Conclusion:

As at 31 January 2013 Walgett Shire Council's total available cash and invested funds were \$11,263,783.55 represented by:

|                                        |                 |
|----------------------------------------|-----------------|
| Reconciled Operational Account Balance | \$ 311,703.00   |
| Investments                            | \$10,251,701.59 |
| 24 Hour Online Saver Account           | \$ 700,378.96   |



**CASH ON HAND AND INVESTMENT REPORT AS AT 31 JANUARY 2013**

**Recommendation:**

That the cash on hand and investment report as at 31 January 2013 be received.

**Moved:**

**Seconded:**

**Attachments:**

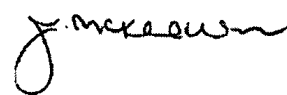
| <u>Investment Institution</u>                               | <u>Type of Investment</u> | <u>Term</u><br>(days) | <u>Rate %</u> | <u>Ref</u> | <u>Reset Date</u>           | <u>Maturity Date</u> |                        |
|-------------------------------------------------------------|---------------------------|-----------------------|---------------|------------|-----------------------------|----------------------|------------------------|
| <b>Term Deposits</b>                                        |                           |                       |               |            |                             |                      |                        |
| Credit Union Australia                                      | Term Deposit              | 343                   | 6.05          | 769/12     |                             | 13-Feb-13            | \$250,000.00           |
| Suncorp                                                     | Term Deposit              | 189                   | 5.02          | 791/13     |                             | 20-Feb-13            | \$250,000.00           |
| Bank of Queensland                                          | Term Deposit              | 182                   | 5.15          | 793/13     |                             | 27-Feb-13            | \$250,000.00           |
| Bank of Queensland                                          | Term Deposit              | 188                   | 5.15          | 794/13     |                             | 06-Mar-13            | \$500,000.00           |
| Suncorp                                                     | Term Deposit              | 196                   | 5.15          | 796/13     |                             | 13-Mar-13            | \$500,000.00           |
| Suncorp                                                     | Term Deposit              | 182                   | 5.15          | 798/13     |                             | 06-Mar-13            | \$250,000.00           |
| IMB                                                         | Term Deposit              | 189                   | 4.80          | 802/13     |                             | 20-Mar-13            | \$500,000.00           |
| IMB                                                         | Term Deposit              | 182                   | 4.80          | 803/13     |                             | 27-Mar-13            | \$500,000.00           |
| Credit Union Australia                                      | Term Deposit              | 210                   | 5.96          | 804/13     |                             | 28-Aug-13            | \$250,000.00           |
| IMB                                                         | Term Deposit              | 189                   | 5.60          | 805/13     |                             | 10-Apr-13            | \$500,000.00           |
| National Australia Bank                                     | Term Deposit              | 182                   | 4.65          | 808/13     |                             | 22-May-13            | \$500,000.00           |
| National Australia Bank                                     | Term Deposit              | 189                   | 4.65          | 809/13     |                             | 29-May-13            | \$500,000.00           |
| National Australia Bank                                     | Term Deposit              | 195                   | 4.65          | 810/13     |                             | 05-Jun-13            | \$500,000.00           |
| Bank of Queensland                                          | Term Deposit              | 153                   | 4.80          | 811/13     |                             | 24-Apr-13            | \$500,000.00           |
| Newcastle Permanent Building Society                        | Term Deposit              | 90                    | 4.50          | 813/13     |                             | 27-Feb-13            | \$500,000.00           |
| National Australia Bank                                     | Term Deposit              | 91                    | 4.40          | 814/13     |                             | 19-Jun-13            | \$500,000.00           |
| Newcastle Permanent Building Society                        | Term Deposit              | 91                    | 4.40          | 815/13     |                             | 08-Mar-13            | \$500,000.00           |
| Newcastle Permanent Building Society                        | Term Deposit              | 91                    | 4.40          | 816/13     |                             | 13-Mar-13            | \$500,000.00           |
| Bank of Queensland                                          | Term Deposit              | 132                   | 4.70          | 817/13     |                             | 01-May-13            | \$500,000.00           |
| Bank West                                                   | Term Deposit              | 61                    | 4.35          | 818/13     |                             | 20-Feb-13            | \$500,000.00           |
| Suncorp                                                     | Term Deposit              | 126                   | 4.55          | 819/13     |                             | 15-May-13            | \$250,000.00           |
| Credit Union Australia                                      | Term Deposit              | 210                   | 4.50          | 820/13     |                             | 07-Aug-13            | \$250,000.00           |
| IMB                                                         | Term Deposit              | 146                   | 4.90          | 821/13     |                             | 12-Jun-13            | \$500,000.00           |
| Bankwest                                                    | Term Deposit              | 63                    | 4.15          | 822/13     |                             | 10-Apr-13            | \$500,000.00           |
|                                                             |                           |                       |               |            |                             |                      | <u>\$10,250,000.00</u> |
| <b>Floating Rates Collateralized Debt Obligations (CDO)</b> |                           |                       |               |            |                             |                      |                        |
| Zircon Finance Ltd                                          | Floating Rate CDO         |                       | 0.00          |            |                             | 20-Sep-14            | \$0.00                 |
| Morgan Stanley Ares SP                                      | Floating Rate CDO         | 91                    | 6.95          |            | 20-Mar-12                   | 20-Jun-15            | \$1,701.59             |
| Helium Capital Ltd                                          | Floating Rate CDO         |                       | 0.00          |            |                             | 23-Jun-14            | \$0.00                 |
|                                                             |                           |                       |               |            |                             |                      | <u>\$1,701.59</u>      |
|                                                             |                           |                       |               |            | Term Deposit Ledger Balance |                      | \$10,251,701.59        |
|                                                             |                           |                       |               |            | 24 hour Online Bank Account |                      | <u>\$700,378.95</u>    |
|                                                             |                           |                       |               |            |                             |                      | <u>\$10,952,080.56</u> |

Note that this is a separate interest bearing account linked with the Main Bank Account  
Investment Report as at 31 January 2013

I hereby certify that the investments shown herein have been invested in accordance with Section 825 of the Local Government Act 1993,  
associated regulations and in accordance with Council's Policies and Procedures.  
Signed

Edmund Wiodarczyk  
Acting Finance Manager

Prepared and Reconciled by Julie McKeown  
Finance Officer



13/2/13.

## **QUARTERLY BUDGET REVIEW STATEMENT QUARTER END 31 DECEMBER 2012**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Susie Jones – Finance Manager  
**FILE NUMBER:** 10/38

### **Summary:**

An analysis of Council's actual income and expenditure to 31 December 2012 has been completed and a revised budget result is forecast for the year ended 30 June 2013 as summarised:

|                               | <b>Original Budget<br/>Surplus/(Loss) \$</b> | <b>Revised Budget<br/>Surplus/(Loss) \$</b> |
|-------------------------------|----------------------------------------------|---------------------------------------------|
| Operating budget result       | (2,899,281)                                  | (1,514,114)                                 |
| Capital Budget result         | (6,209,227)                                  | (10,590,747)                                |
| Cash flow (general fund)      | 234,440                                      | 1,122,548                                   |
| Cash flow (water/sewer/waste) | (622,353)                                    | (648,344)                                   |

### **Background:**

After conducting a review of NSW councils' quarterly budget review reports, the Division of Local Government (DLG) noted that the format and content of such reports varied significantly from council to council.

Financial information made available to councillors should adequately disclose council's overall financial position and provide sufficient information to enable informed decision making and ensure that council remains on track to meet the objectives, targets and outcomes set out in its operational plan and delivery program. Mindful of this, the DLG has developed a set of minimum requirements that will assist each council in meeting its charter with regard to its finances and related responsibilities in respect of its operational plan and delivery program.

The requirements include how Council is tracking against its original and revised annual budgets at the end of each quarter and provide explanations for major variances that result in recommendations for budget changes. They also enable the Responsible Accounting Officer to indicate if council will be in a satisfactory financial position at the end of the financial year, given the changes to the original budgeted position.

Collectively, these documents are known as a Quarterly Budget Review Statement (QBRs) and are reported to council in accordance with the relevant legislation at the end of each quarter.

The Local Government (General) Regulation 2005 - Regulation 203 made under the Local Government Act 1993 requires this report to be submitted to Council no later than 2 months after the end of the quarter.

## **WALGETT SHIRE COUNCIL AGENDA**

### **Current Position:**

Council's QBRS for the quarter ended 31 December 2012 is attached to this report

The report has been designed to highlight the following:

Major proposed variations can be found in the Capital budget, where:

- The Collarenebri to Lightning Ridge project (new road sealing) has been designed, but the work will now be delayed until further external funding becomes available. Funds allocated to this project have been re-allocated to the Come by Chance and Cryon road projects.
- The Collarenebri to Mungindi project has also been put on hold until external funds become available to pay for the project, rather than paying for the work out of Council own funds.
- Both the Come by Chance road, and the Cryon road project, and the Urban Streets and Guttering have cost more than expected, (\$67k, \$47k and \$43k respectively). This is due to a number of factors including delays due to rain, changes in design parameters and quality of existing base materials. However works have now been completed, so no further over-expenditure will occur in these projects.

Overall the proposed variations will improve the Operational budget by \$94k and will improve the Capital budget by \$285k.

All variations including those noted above, are included in the Quarterly Budget Review Statement attached.

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

The Local Government (General) Regulation 2005  
Local Government Act (1993)  
Circular 10/32 Quarterly Budget Review Statement.

### **Governance issues:**

It is noted that the revised projected cash position for the general fund has risen to \$1,122k. This cash position is very reliant on Council completing all its budgeted work including all flood damage work, all budgeted RMCC work and all capital expenditure. Delaying the two capital projects noted above will help Council to complete these works.

### **Environmental issues:**

n/a

### **Stakeholders:**

Walgett Shire Council employees  
Walgett Shire Council residents  
Division of Local Government

### **Financial Implications:**

## WALGETT SHIRE COUNCIL AGENDA

As set out in the attached Quarterly Budget Review Statement.

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

Council can choose to adopt only some, or none of the proposed variations and ask for a revised budget review on the understanding this may delay some works by another month.

### **Conclusion:**

The QBRS for the December 2012 quarter has been prepared in accordance with relevant legislation, and with the intention of providing a transparent review of Council's original budget, all revisions to date, and proposed variations in line with current events known to Council until the time of preparing this report.

### **Quarterly Budget Review Statement for the Quarter ended 31 December 2012**

#### **Recommendation:**

1. That the Quarterly Budget Review Statement for the quarter to 31 December be received and noted
2. That the proposed variations included within the Quarterly Budget Review Statement for the Quarter to 31 December be adopted.

**Moved:**

**Seconded:**

**Attachments:** (circulated under separate cover)

Quarterly Budget Review Statement for the Quarter ended 31 December 2012

## **COMMUNITY ASSISTANCE SCHEME ROUND 2**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Rebecca Jones – Administration Services Officer  
**FILE NUMBER:**

---

### **Summary:**

This report relates to applications for financial assistance through the Community Assistance Scheme 2012/2013. This is the second round of requests for the 2012/2013 financial year with four (4) organisations being recommended to receive financial assistance totalling \$1,500.

### **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 31 January 2013.

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

The Community Assistance Scheme objectives are to:

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

### **Current Position:**

An amount of \$16,000 has been provided in the 2012/2013 budget, in accordance with Section 356 of the Local Government Act 1993. A total of \$7,800 was allocated in round one and applications totalling \$6,598 were received under round two. It is recommended that one application be part funded and two applications be fully funded, for a total of \$1,500.

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

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

## **WALGETT SHIRE COUNCIL AGENDA**

### **Governance issues:**

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

### **Environmental issues:**

NIL

### **Stakeholders:**

Walgett Shire Council  
Various community organisations  
Walgett Shire Community

### **Financial Implications:**

A total of \$16,000 is budgeted for the Community Assistance Scheme. Round 1 applications totalling \$7,800 were approved and there is \$8,200 remaining in the budget. If all the Round 2 applications have their recommended amount approved, the remaining balance will be \$6,700.

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

That the recommendation be varied or not adopted.

### **Conclusion:**

A total of four applications for funding were received for funding under round 2 of the Community Assistance Scheme. The report recommends that two applicants be part funded and two applicants be fully funded.

## WALGETT SHIRE COUNCIL AGENDA

### Community Assistance Scheme Donations – Round 2 2012/2013 Applications

#### Recommendation:

That the following applicants be granted financial assistance under Section 356 of the Local Government Act 1993 for the second round of 2012/2013;

| Organisation                                          | Project                                                                                                                       | Recommended Amount |
|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Lightning Ridge Tourism Association                   | Coordinate the Lightning Ridge Easter Festival which promotes and encourages return visitors to the Walgett Shire Region.     | \$500.00           |
| Australian Opal Centre Lightning Ridge                | To purchase audio-visual equipment for the Black opal Heritage Shed, which delivers public programs, such as power points etc | Nil                |
| Yawarra Meamei Women's Group Inc                      | To hold an event - Golden Girls Lunch & Dance, for Older women to come together for an information session and enjoy a meal   | \$500.00           |
| Isolated Children's Parent's Association Inc. Walgett | Tennis Day, held in Walgett, open to any child aged between 6 and 17. BBQ lunch and trophies supplied for the children.       | \$500.00           |

#### Moved:

#### Seconded:

#### Attachments:

2012/2013 Community Assistance Scheme Schedule.



**WALGETT SHIRE COUNCIL AGENDA**

| <b>Organisation</b>                                   | <b>Project</b>                                                                                                               | <b>Cost of Project/Activity</b> | <b>Amount Requested</b> | <b>Previous Funding</b> | <b>Recommended Amount</b> | <b>Program / Activity Outcomes</b>                                                                                          | <b>Score</b> |
|-------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------------|-------------------------|---------------------------|-----------------------------------------------------------------------------------------------------------------------------|--------------|
| Lightning Ridge Tourism Association                   | Coorindate the Lightning Ridge Easter Festival which promotes and encourages return visitors to the Walgett Shire Region.    | \$20,000.00                     | \$3,000.00              | Yes                     | \$500.00                  | Funding will assist to enhance festival activities for residents and visitors. Part funding recommended.                    | 3            |
| Australian Opal Centre Lightning Ridge                | To purchase audio-visual equipment for the Black opal Heritage Shed, which delivers public programs, such as powerpoints etc | \$2,927.95                      | \$2,598.00              | Yes                     | Nil                       | Project has limited broader community benefit. Part funding recommended.                                                    | 2            |
| Yawarra Meamei Women's Group Inc                      | To hold an event - Golden Girls Lunch & Dance, for Older women to come together for an information session and enjoy a meal  | \$1,000.00                      | \$500.00                | Yes                     | \$500.00                  | Links to Council Seniors Week.                                                                                              | 4            |
| Isolated Children's Parent's Association Inc. Walgett | Tennis Day, held in Walgett, open to any child aged between 6 and 17. BBQ lunch and trophies supplied for the children.      | \$600.00                        | \$500.00                | Yes                     | \$500.00                  | Opportunity for involvement in a school holiday activity and community gathering. Has linkages to Council C.S.P objectives. | 4            |

**Totals**

**\$6,598.00**

**\$1,500.00**

**ANNUAL BUDGET**

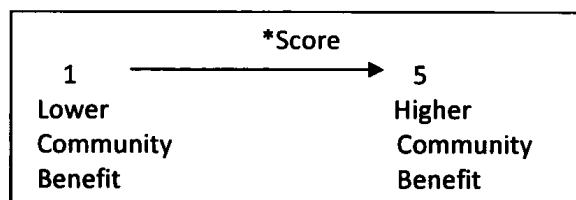
**\$16,000.00**

**Allocated in Round 1**

**\$7,800.00**

**Balance available Round 2**

**\$8,200.00**



**COMMUNITY QUARTERLY REPORT OCTOBER 2012 –  
DECEMBER 2012**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** George McCormick – Manager Community Development  
**FILE NUMBER:** 09/1763

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**Summary:**

During the period October 2012 – December 2012 Community Services facilitated projects related to community engagement, cultural development and recognition, group capacity building, collaborative events, youth & early childhood initiatives.

This report details project progress during the period October 2012 – December 2012

**Background:**

Last quarterly report submitted for the period July 2012 – September 2012

**Current Position:**

During the reporting period Council's community services team have initiated several projects and are partnering in other programs, working with service providers as outlined below:

**Youth Affairs:**

Youth services are progressing in line with the Walgett Shire Youth Development Youth Strategy 2009 – 2014. The youth development team have recorded sustained outcomes relating to implementation of Vacation Care attendance numbers across the community.

The Strong Collie Project funded through the Proceeds of Crime Act has ended and reports to funding bodies are in progress. School based traineeships are on going with a student from Lightning Ridge set to commence in February 2013.

Following a youth forum of service networks in Walgett, facilitated by NSW Office of Communities in October 2012, council's youth and community development teams will facilitate ongoing meetings and support other services relating to youth affairs in Walgett.

The Acting Youth Development Officer will provide a quarterly progress report to Council, as a separate report.

**Libraries:**

After school activities continue to prove popular with the young people across the Shire.

## WALGETT SHIRE COUNCIL AGENDA

Story Time sessions, library staff visiting (out reaching) pre schools and community playgroups are recording stable numbers receiving continued interest from families and their children. The Senior Library Officer will provide a quarterly progress report to Council, as a separate report.

### **Aboriginal Programs and Reconciliation:**

During the reporting period our Aboriginal Liaison officer has progressed and strengthened relationships with communities and Aboriginal services within the Walgett Shire. Aboriginal Liaison Officer has supported and partnering in a range of community events. The Aboriginal Liaison / Community Development Officer will provide a quarterly progress report to Council, as a separate report for March Council meeting.

### **Walgett Shire Healthy Communities Initiative (WSHCI):**

All Walgett Shire Healthy Communities Initiative (HCI) programs are well advanced, some are already in action and others are in the early implementation stage with promotion underway and facilitators identified. A large portion of programs are due to begin the delivery stage in the early months of 2013.

Positive feedback has been received from residents within the Shire during initial awareness of HCI and the Healthy Communities Coordinator (HCC) via PowerPoint presentations, face-to-face meetings and workshops. These introductory meetings have seen the HCI being well received. General feedback suggests that target group participants are looking forward to joining programs and service providers are keen to recommend and refer their clients to see them participate in relevant and suitable programs.

*National Campaigns;* 'Swap it, don't stop it' is one of the key National Healthy Living Campaigns which was identified to support the HCI during the Implementation Plan process. HCC Amanda Cheal has continued sending 'Swap of the day' tips via email to the broader Walgett Shire community. The daily 'swaps' are a simple way to rethink certain every day habits making a slight change and in turn healthier lifestyle choices. This message is continuing to make its way to recipients and positive feedback continues to be received with community members utilising the tips and passing on to their peers, colleagues and clients.

### **Program / update:**

*Beat it* – Instructor training completed in Glebe early December, the HCC, three community members representing Collarenebri and Walgett attended the 3 day workshop. Delivery of the program will be rolled out in April. Unfortunately a Lightning Ridge representative was unavailable to attend the course. A second BEAT IT course is due to be held in coming months, it is envisioned a representative from Lightning Ridge along with other potential facilitators across the Shire will be identified to participate. The attendees of the Glebe course found it to be informative, needs based and thorough.

*Aqua fitness* – Collarenebri: Interim introductory classes have begun for Teen Aqua Gym (TAG) and regular classes began mid-January. Lightning Ridge: Medicare Local provides several sessions a week and classes will continue when the school term begins. The HCI will value add to this successful program through promotion and participant access. In Walgett, an instructor is

## WALGETT SHIRE COUNCIL AGENDA

yet to be identified and once this has taken place, the program can get up and running. An expression of interest has been circulated offering training for potential instructors broadening the scope of available programs within our communities

*Cooking demonstration* – A 'bread & cheese' cooking class to be held at the Shire Chambers on February 6 provided by *I'm not fussy*. The cooking class will engage participants in a three hour session on how to cook a variety of healthy option foods on a limited budget.

*Market gardens* – Progress has been made in the partnership between Walgett Aboriginal Medical Service (WAMS) and the HCI in developing a working relationship in regards to the market garden and cooking events at Euragai Goondi.

*On for young and old* – To be launched at Lightning Ridge, Walgett and Collarenebri pools in mid-February. Entry, HCI program information, games and healthy food provided.

*Walking Heart Foundation* – In partnership with Medicare Local the HCI will launch the new *Heart Foundation Walking* season supported by 'Happy Heart'. A large scale promotional day with give-aways, food and information will be offered in May in *Lightning Ridge, Walgett and Collarenebri, dates to be advised*.

*Revise: Healthy Eating Options in food outlets* – The HCI has contracted *I'm not fussy* to continue their good work in the revision of the 'Alive and Well' initiative previously conducted throughout the Shire. The revision will be delivered from March – September 2013, focusing on 6 businesses who participated in the Alive and Well program, further developing their healthy options during this mentoring program period.

*Community Healthy and Well Being Policy* –As a key objective in the Implementation Plan of the HCI research and development of a draft Policy is underway.

*Promotion:* HCI banners have been purchased for display for promotional purposes at events and during program delivery. Promotional items including water bottles, hats, pedometers, wrist bands and shirts branded with the HCI and WSC logos have been purchased and will be distributed throughout the Shire to promote programs and used as incentives to participants.

### **National Local Government Awards 2013:**

The Walgett Shire Council Youth and community teams will nominate the Walgett Shire Youth Council as a key initiative in the 2013 National Local Government Awards for 2013 nominating in the Youth Participation and Engagement category. Staff will focus on the process of establishing and sustaining an action focused youth council. Submission due February 2013 with finalists notified April 2013

### **Strategic Planning:**

Initial planning for the development of a community consultation framework and aging strategy has commenced with reviews of the Aboriginal Reconciliation Plan and Youth Strategy scheduled for review in the second half of this year.

### **Community Strategic Plan Review- Speak Up Campaign:**

*The Speak up* campaign has been implemented and is currently on going throughout the Walgett Shire. The Speak Up campaign provides an opportunity for all residents to have their

## WALGETT SHIRE COUNCIL AGENDA

say, on the priorities for our shire over the next ten years. Our team is offering information and awareness sessions to community members and groups aiming at producing the most engaging community consultation to date for best possible outcomes of the CSP review.

**Overview of progress : displays/ surveys and Ballot Boxes are located at the following:**

*Lightning Ridge Neighbourhood Centre  
Lightning Ridge TCC  
Walgett Shire Chambers  
Walgett Library  
Ridge Library  
Collarenebri Agency  
Burren Junction  
Carinda Shop  
Grawin: Club in the Scrub  
Rowena Shop*

Along with ballot boxes Council has delivered presentations at Lightning Ridge Interagency and Walgett Shire Council meeting (Burren Junction), with engagement events also planned for all Aboriginal villages, Community Working Parties and Land Councils. Council has also offered Community groups (NSW Farmers, Youth Council) to contact Council should they wish to have the team present an overview of the CSP Plan. Council has developed an on line survey for residents to submit their views via the internet (to date near 300 surveys have been lodged). Council has also utilized their extensive email list informing hundreds of residents on the review and offered information regarding online submission and survey flyer lodgement details. In-Place info sessions have been conducted at the Walgett Markets, Collarenebri youth gathering along with extensive media in radio and newspapers. Public forums and a further consultations will be rolled out during February.

### **Up and Coming Projects:**

Seniors day: Council has been successful in securing a selection of short films from Festivals Australia for the NSW Seniors Week Event Program "Young at Heart"

Community Meet and Greets: are in planning stages and look to be rolled out in May 2013 when the weather is more appropriate.

Cultural Awareness: training program is still under development with Council in discussion with Elders at Gingie Village. It is envisaged the participants will engage in the training at Gingie with Council Aboriginal Liaison Office to support Walgett Aboriginal Land Council, Walgett Aboriginal Medical Service and other local organisations in delivery.

Live theatre: has been planned for late November 2013, world renown theatre group Monkey Baa Theatre Company to offer performances in Walgett. Funding is available to offer transport from other communities into the performances.

## WALGETT SHIRE COUNCIL AGENDA

### Relevant Reference Documents/Policies:

Walgett Shire Council Community Plan 2010 – 2014, Walgett Shire Council Aboriginal Community Development and Reconciliation Plan 2007 – 2010, Walgett Shire Youth Development Youth Strategy 2009 - 2014.

### Governance issues:

Nil.

### Environmental issues:

Nil.

### Stakeholders:

Walgett Shire community members, organisations and agencies with an interest in the social outcomes of people residing, working in, and visiting, the Walgett Shire.

### Financial Implications:

Activities conducted within available budgets and program funding.

### Alternative Solutions/Options:

Not applicable.

### Conclusion:

The Community Development team have progressed projects and programs this quarter in accordance with the Walgett Shire Council Community Plan 2010 – 2014, Walgett Shire Council Aboriginal Community Development and Reconciliation Plan 2007 – 2010, Walgett Shire Youth Development Youth Strategy 2009 - 2014.

### Community Quarterly Report October 2012 – December 2012

#### Recommendation:

That the quarterly report for October - December 2012 on Community Development be received and noted

**Moved:**

**Seconded:**

### Attachments:

Nil

## **WALGETT SHIRE COUNCIL LIBRARIES QUARTERLY REPORT OCTOBER 2012 – DECEMBER 2012**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Christine Dugan – Senior Library Officer  
**FILE NUMBER:** 09/1763

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### **Summary:**

This report outlines activities of the Walgett and Lightning Ridge libraries programs and services facilitated and delivered for the period October 2012 – December 2012.

Programs and events highlighted in this report are collaborated through Walgett Shire Council library staff, community services team and NWS & PCLS HQ.

### **Background:**

Last report submitted for the period June 2012 – September 2012

### **Current Position:**

#### **Walgett**

##### *Preschool literacy:*

The *Stories on the Floor* early literacy project is continuing at Walgett Library. The Walgett Library Outreach Program is ongoing with visits to Gingie Reserve providing early literacy services to families with limited access to the library. The outreach library officer delivers books for borrowing and art/craft activities for children to participate in. An average of 8 – 12 children with parents attends story time and art/craft sessions weekly. The outreach officer has recently begun visits to Euragai Goondi in Walgett to provide early literacy services in conjunction with other various children's service providers. Selections of books are read to children to encourage literacy from an early age. During the school holidays these activities are in recess with more activities in the library engaging families. The library officer is looking at services in Collarenebri to re-establish visits to Collarenebri Community Playgroup.

##### *Library Programs:*

In December planning was undertaken for the delivery of activities and promotions for the Summer Reading Club program which will run during January 2013 along with Library Lovers Day (Valentine's Day). Thursday Books and Babies, targeting 0-5 years is currently recording outstanding community participation. During December, 38 children and parents attended one session, with 86 visiting the library on the same morning. Monthly book awards are given to encourage children to read and participate in library programs. A book was given out to young patrons that visited the library on the last opening day prior to Christmas as an incentive to participate in reading and borrowing.

## WALGETT SHIRE COUNCIL AGENDA

The last quarter has seen more young adults, parents and grandparents using the Library for computer services, engaging in craft activities with the children, meeting and socialising.

### *Promotions*

Walgett library offered adult workshops including Christmas Cake Decorating during December with 28 attendees. These initiatives have contributed to increased borrowing of resources from the library.

### *After School and Holiday Groups:*

Children visiting the library engaged in a variety of group activities. Children decorated the library with art and craft depicting Halloween and entered competitions for book awards. Children worked on promotion materials for the "Speak Up" program during October. This demonstrates involvement in the Speak Up Campaign (Community Strategic Plan Review) from even our youngest citizens and aids in creating an awareness to their surroundings and future direction of our Shire. After school Christmas activities were offered during November/December with children making Christmas cards and gifts, learning to use cameras and with the results, making a photo calendar and Christmas snow globes.

### *Deposit Stations:*

Burren Junction, Carinda Deposit Stations and Collarenebri Library have had two exchanges this quarter. Collarenebri Library is open most Saturdays and staff are looking into providing more access to the library by opening one day a fortnight.

## **Lightning Ridge**

### *After School Activities:*

After school programs are offered to young people at Lightning Ridge on Wednesday and Thursdays as an alternative to youth centre programs. The children are engaged in various activities including Homework, computer, art and craft. October activities included Halloween craft/stories. Scare up a good book with titles such as 'The Ghost of Raven Hill', 'The Poison Plot' and 'Spider Soup'. In November children worked on 'Untangled Tales' Summer Reading Club displays, craft and stories such as 'Rapunzel Tower', 'Ariel' and 'Mulan'. During December Christmas craft, cards and decorations were created and children continued to work on the Summer Reading Club activities

### *Pre school literacy:*

Books and Babies Program targeting 0-5 age group continues on Tuesday mornings 10am to 11am with 121 children involved over this period. This program includes Sing a longs, stories and craft activities. These programs are in recess over the school holidays.

### *Collection:*

After a recess of purchases, boxes of new stock have been arriving throughout this reporting quarter enhancing our collection much to our patrons delight. New fiction as well as Audio and DVD's are now on our shelves.



## WALGETT SHIRE COUNCIL AGENDA

### Furnishing:

Lightning Ridge has purchased more shelving to help display the collections more suitably for easy selection and to enhance the appearance of the library.

### Visitation:

#### Walgett:

|                         | June/Sept | Oct/Dec |
|-------------------------|-----------|---------|
| Number of New Patrons – | 24        | 31      |
| Items Borrowed –        | 1373      | 1826    |
| Number of Visits –      | 3387      | 4407    |
| Information Requests –  | 15        | 33      |
| Internet Usage –        | 853       | 928     |
| WiFi –                  | 39        | 59      |
| Visitors                |           | 23      |
| Inter Library Loans     |           | 1       |
| Books and Babies        |           | 79      |
| After School Program    |           | 1301    |

#### Lightning Ridge:

|                         | June/Sept | Oct/Dec |
|-------------------------|-----------|---------|
| Number of New Patrons – | 27        | 12      |
| Items Borrowed –        | 1531      | 1233    |
| Number of Visits –      | 1627      | 1723    |
| Information Request     | 2         | 5       |
| Internet Usage          |           | 387     |
| WiFi -                  | 22        | 33      |
| Visitors                |           | 521     |
| Inter Library Loans     |           | 10      |
| Books and Babies        |           | 121     |
| After School Program    |           | 372     |

### Staff training:

Library Staff have attended one Managers meeting in Moree. This meeting looked at purchasing of new books, update and fit-out of other libraries visited by HQ staff and exchanges.

Two Casuals have had hands on training in the Library this quarter. Trainee, Miss Polly Haley is working towards her certificate in libraries and a trainee is soon to start at the Lightning Ridge Library.

### Relevant Reference Documents/Policies:

Walgett Shire Council Community Plan 2010 – 2014

### Governance issues:

Nil.

### Environmental issues:

Nil.

## WALGETT SHIRE COUNCIL AGENDA

### Stakeholders:

Walgett Shire Council  
Walgett Shire Community Members  
Youth in Walgett Shire  
Walgett and Lightning Ridge Staff  
Tourists travelling through the Shire

### Financial Implications:

Nil.

### Alternative Solutions/Options:

NA

### Conclusion:

The Library Services team have progressed projects and programs this quarter that are responding to the community's needs resulting in increased participation and use of library resources.

### Library Services Quarterly Report October – December 2012

#### Recommendation:

That the quarterly report, October - December 2012 on Library services be received and noted.

#### Moved:

#### Seconded:

### Attachments:

Nil

## **REPORT ON YOUTH DEVELOPMENT AND SERVICES OCTOBER 2012 – DECEMBER 2012**

**REPORTING SECTION:** Corporate Services

**AUTHOR:** Janet Mason – Youth Development Officer

**FILE NUMBER:** 09/1763

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### **Summary:**

This report provides an overview of Youth Development programs and services planned, implemented and completed for the period October 2012 – December 2012.

Programs, initiatives, events highlighted in this report are directly in line with Walgett Shire Youth Strategy - A five year plan, 2009 – 2014 action plans.

### **Background:**

Last quarterly report submitted for the period July 2012 – September 2012.

### **Current Position:**

#### **Highlights:**

Youth services have continued successful partnerships with service providers and organisations in delivery of programs targeting development, leadership, early intervention and health and wellbeing initiatives.

- Strong Collie Initiative concludes – The youth of Collarenebri were actively and enthusiastically involved in the program right up to the conclusion in December 2012. The program targeted young people's connection to culture, healthy life choices and focused on providing alternatives to youth alcohol related anti-social acts.
- Friday Night Engagement Program: Successful outcomes of Friday night engagement program run in partnership with agencies at Walgett.
- Accreditation of Walgett Shire Youth Centres in line with new National Quality Framework.
- Love Bites Program (The project focuses on building and maintaining Respectful Relationships) delivered by community services staff.
- Carer's Week 2012
- Children's Week 2012
- Boys and Girls Night in Events.

## **WALGETT SHIRE COUNCIL AGENDA**

### **After School Activities/ Youth Centres:**

All Youth Centres across the Shire are fully operational. After school care continues to be offered from 3.30pm – 6.30pm at Walgett and 3.00pm – 6.00pm at Lightning Ridge and Collarenebri. Programs for this period have included competitions, DJ equipment, cooking challenges, Wii games, pool / table tennis competitions, sports orientated games, arts and crafts including jewelry making, waste to art, painting, tie dying, screen printing and a variety of daily initiatives.

Youth Services continue to support and partner with local services and organisations to deliver quality engaging programs for the youth and young people of the Shire.

The Youth Development Team have weekly youth centre programs displayed in each community and promoted through school newsletters, via email, flyers and word of mouth to the wider community.

### **Vacation Care Services :**

Attendance numbers for the September/October school holiday period, two week program recorded 862 young people engaging with age and stage appropriate programs aimed at diversion, participatory opportunities and skill enhancement through arts, crafts, sporting initiatives, scavenger hunts and health and well-being programs. All centres participated in the Healthy Communities Gardening activity where a community garden was developed to encourage the young people to learn how to grow and prepare healthy foods for consumption.

### **Youth Council:**

The next meeting of the Youth Council will be the AGM and take place in February to plan for Youth week and programs for the 2013 year.

### **Accreditation Walgett Shire Youth Centre's:**

Youth Development staff attended Anaphylaxis and Asthma training as part of the National Quality Framework accreditation with all meeting requirements for certification.

Five members of the Youth Development team have completed several modules towards Certificate 3 children's services accreditation.

The youth development team is working toward the national quality standard requirements for each centre completing a range of improvements and modifications.

### **School to Work Initiative:**

Currently there are Six (6) students engaged in the school to work program in Collarenebri (youth services), Walgett (youth services and library) and Lightning Ridge (Library and youth services). Identification of other interested students has been undertaken and another three (3) students are expected to start initial trial process in 2013.

### **Friday Night Engagement Program - (externally funded):**

## **WALGETT SHIRE COUNCIL AGENDA**

Friday Night Engagement Initiative has been extended and takes place every second Friday Night and one Saturday a month.

Walgett Shire youth development team facilitate this project with a number of local service providers. Participation and engagement are still high with young people enthusiastically involved in positive recreational activities including netball, football, scooter riding and basketball. Dance parties and chill out sessions were held at the youth centre during periods of inclement weather. For this reporting period 1068 Young people have accessed the program.

### **Strong Collie Project - (externally funded):**

The Strong Collie project has now concluded with the young people of Collarenebri completing the project with a presentation night held in the Ridge on the 23<sup>rd</sup> December. The project targeted capacity building and leadership development to divert the participants from engaging in alcohol related offences. This involves engaging young people in a range of activities that seek to connect young Aboriginal men and women to traditional cultures, strengthening their individual capacity for self-responsibility. Some of the many activities offered to the young people throughout the program were learning the language, family trees, artifact making, dream time stories and much more. All the participants of the program have been given tools and strategies to help with everyday life and knowledge and experiences that can be passed onto future generations.

### **Healthy Relationships (Love Bites Program):**

Youth Development staff, Walgett Shire Councils Aboriginal Liaison Officer and other local organisations were part of a team that delivered a very successful anti domestic violence/ healthy relationships program. The program was held in Lightning Ridge on the 22<sup>nd</sup> October. The program aimed at building and maintaining Respectful Relationships was well received with all attendees actively participating and engaged in the programs activities. The program is designed for students in year nine and above who are attending school.

### **Boys and Girls Nights In - (self-development initiative):**

Walgett Shire Councils community development team, along with other agencies held boys and girls night in workshops at the Walgett Youth Centre in October. The program delivered age appropriate health and wellbeing programs for the Youth of Walgett. The program was well received by the young people with positive feedback given by all attending. More sessions will be staged in all communities in 2013.

### **Children's Week:**

National Children's Week 2012 was celebrated with a dance party hosted in each community at the local Youth Centres.

Over 260 young people across the Shire joined with centre staff to have a blast and dance the night away. All dance parties were incident free with all young people having a great time in a safe and friendly environment.

## **WALGETT SHIRE COUNCIL AGENDA**

### **Carer's Week:**

The Community development team joined together with Centrelink to facilitate a Carers week event in each community, each town bopped the afternoon away with Karaoke and the sounds of local band Black Feet. The event, developed to raise awareness to the important role our Carers play in our community will be an annual event following a positive response from communities and individuals involved in the initiative.

### **Up and coming events:**

Youth Council meeting  
Preparation for Youth week 2013  
Vacation care programs

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

Walgett Shire Council Management Plan 2008 / 2009 – 2012 / 2015  
Walgett Shire Youth Development Youth Strategy 2009 / 2014  
Walgett Shire Council Community Plan 2010 – 2014  
Walgett Shire Council Aboriginal Community Development and Reconciliation Plan 2007 – 2010

### **Governance issues:**

Nil

### **Environmental issues:**

Nil

### **Stakeholders:**

Walgett Shire Council  
Youth Development Team  
Youth and Young people of Walgett Shire  
Walgett Shire Communities  
Service providers and local organisations/agencies

### **Financial Implications:**

Funding is within current budget limits. It is difficult to estimate the offsets of having successful youth programs with reduction in vandalism / anti social behaviours and lack of genuine positive engagement and leadership opportunities of our young people.

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

Not applicable.

## WALGETT SHIRE COUNCIL AGENDA

### Conclusion:

The Youth Development team have successfully progressed projects and programs, this quarter in accordance with the Walgett Shire Youth Development Youth Strategy 2009 - 2014.

### Youth Development quarterly report October – December 2012

#### Recommendation:

That the quarterly report, October - December 2012 on Youth Development services be received and noted.

#### Moved:

#### Seconded:

### Attachments:

Nil

## **OPERATIONAL PLAN REVIEW AS AT 31 DECEMBER 2012**

**REPORTING SECTION:** Corporate Services  
**AUTHOR:** Stephen Holland – Director Corporate Services  
**FILE NUMBER:** 12/140

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### **Summary:**

Section 404 of the Local Government Act (1993) requires that the General Manager report to Council at least every six (6) months on progress in delivering the principal activities in the Delivery Program. The Operational Plan forms part of the Delivery Program and it is proposed to report each three months on progress in achieving the actions for each area of the plan. This report relates to progress during the second quarter to 31 December 2012.

### **Background:**

This financial year represents the first year that the Council will conduct its operations under the Integrated Planning and Reporting framework (IP&R). The operational plan is a key part of this and draws its strategies and subsequent actions from the objectives developed through the Community Strategic Plan.

### **Current Position:**

The Operational Plan Review represents an update on activities for the first three months of the financial year. Some programs and projects have only had preliminary work done and will extend over most of the year to completion. In the Community Development area, available capacity will require that the commencement of some programs be put back to 2013 / 2014.

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

Local Government Act (1993) and Regulations. Community Strategic Plan and associated plans. Division works programs.

### **Governance issues:**

Council is required to comply with the requirements of the IP&R legislation in relation to reporting on its activities. The process also adds more transparency to Councils operations in relation to information provided to the community.

### **Environmental issues:**

To be considered as relevant to particular operations and activities.

### **Stakeholders:**

Walgett Shire Community, Division of Local Government and Walgett Shire Council.



## WALGETT SHIRE COUNCIL AGENDA

### **Financial Implications:**

The effect on budget of actions under the operational plan are considered separately as part of the financial review.

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

As this is legislatively based, there are no alternative options available.

### **Conclusion:**

This report marks the halfway mark for the 2012 / 2013 year and it could be expected that a number of activities / projects would have commenced or been completed. Some activities are only in their early stages of development or are yet to commence. The report is submitted for consideration and notation.

### **Operational Plan Review as at 31 December 2012**

#### **Recommendation:**

That the Operational Plan Review to 31 December 2012 be received and noted.

#### **Moved:**

#### **Seconded:**

### **Attachments:**

## **WALGETT SHIRE COUNCIL PROPOSED TRANSFER OF LAND TO WALGETT PRESCHOOL & LONG DAY CARE CENTRE INC.**

**REPORTING SECTION:** Urban Infrastructure Services  
**AUTHOR:** Danielle Osborne – Assets Officer  
**FILE NUMBER:** 13/25

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### **Summary:**

This report recommends that Council resolve to sell Lot 20 Section 41 DP759036 to the Walgett Preschool & Long Day Care Centre Inc (Coolibah Kids) for the agreed sum of \$35,000 plus GST. The lease provides that should Council resolve to sell the land that Coolibah Kids be given first option to purchase.

Further the report recommends that the unpaid rental income payments of \$28,800 from the current lease for the period 1 February 2007 to 31 January 2013 be waived to formalise what Coolibah Kids advise was previously agreed to.

### **Background:**

In 2005, under Council resolution 282/05 the Walgett CWA Early Childhood Centre Inc was granted a Temporary Licence to occupy property, Lot 20 DP 759036. The WCWAECC occupied the Walgett Scout Hall premises on the site known as the Walgett Scouts (R88598) Reserve. The Association proposed to purchase the Crown Reserve in order to establish a Long Day Care Centre.

By resolution 278/05, Walgett Shire Council determined to acquire the land by compulsory process under the Land Acquisition (Just Terms Compensation) Act. The purchase figure for the Crown Land was \$35,000 with the intention being for the association to build a Long Day Care Centre on the site.

By resolution of Council (281/05, 20 October 2006), a loan of \$250,000 was granted to the WP&LDCC on 16 November 2006 followed by a further loan, 17 January 2007 of \$100,000.00 to enable construction of the Long Day Care Centre on property Lot 20 Section 41 DP759036 at Walgett. The WP&LDCC repaid the loan of \$350,000 to Council within 6 months with WSC meeting the cost of preparing the lease.

Walgett Shire Council entered into a 20 year lease agreement with the WP&LDCC commencing 1 February 2007 at an agreed rent of \$4,800 pa plus GST (if applicable) and annual rent review subject to CPI. The Lease included an option to purchase.

The association has advised that Council had previously agreed to not charge rental and on this basis no rent has been paid under the lease since commencement.

## **WALGETT SHIRE COUNCIL AGENDA**

### **Current Position:**

The WP&LDCC has advised by email that it is now in a position to purchase the land at the agreed value of \$35,000.00 and has requested that Council agree to sell the land.

The Lease provides that

- A) The Lessor must, prior to the 6<sup>th</sup> anniversary (31 January 2013) give notice to the Lessee (WP&LDCC) of its intention to transfer all or part of the property;  
and
- B) Within 28 days after receipt of the notice the Lessee shall have the right to purchase the property for Thirty Five Thousand Dollars (\$35,000.00) plus GST (if applicable)

The Association is exercising its rights under the lease (if Council resolves to sell the land) which will result in it having freehold title over the site rather than the current situation where in effect, it owns the improvements on the land but not the land itself.

The value of the 'Coolibah Kids' Centre to the Walgett community from both a social and economic prospective is very significant and the committee is to be commended on achieving a position where it can now acquire title to the site.

Although no record of any agreement to waive rental payments has been identified, it is recommended that the Council formally resolve to waive rental agreements under the lease agreement. A search of Council's records indicates that invoices have not been raised for rental and as such there is no amount to write off. The amount involved, not including CPI adjustments for the period 01/02/2007 – 31/01/2013 is \$28,800.00

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

Deed of Loan for \$250,000.00 dated 13 November 2006  
Deed of Loan for \$100,000.00 dated 17 January 2007  
Lease Agreement between WSC and WP&LDCC commencing 1 Feb 2007

### **Governance issues:**

The land is operational and there are no restrictions on Council disposing of its interest in the land. As the land is being disposed of to a community organisation under a lease condition, there is no obligation on Council to seek a higher commercial return.

### **Environmental issues:**

Nil.

### **Stakeholders:**

Walgett Shire Council  
Walgett Shire Ratepayers  
Walgett Preschool and Long Day Care Centre Inc

## WALGETT SHIRE COUNCIL AGENDA

### Financial Implications:

Conveyancing cost approx. \$1,100.00  
Council to receive \$35,000.00 on the sale of the land.  
Foregone rental amounting to \$28,800.00

### Alternative Solutions/Options:

That Council resolve not to sell the land.

### Conclusion:

The sale of the land to the WP & LDCC finalises the development of this site as a valued community asset and the report recommends that the Council resolve to sell the land and that it be made available to WP&LDCC in accordance with the terms of the lease.

Further, the report recommends that Council formally resolve to waive rental payments under the lease agreement.

### Proposed sale of Land to Walgett Preschool & Long Day Care Centre Inc

#### Recommendation:

1. That Council resolve to sell Lot 20 Sec 41 DP 759036 to Walgett Preschool and Long Day Care Centre for the purchase of the sum of \$35,000 plus GST.
2. That Council resolve to waive rental payments of \$28,800 under the lease agreement.
3. That Council instruct solicitors Booth, Brown Samuels and Olney to prepare a Contract of Sale between the Walgett Preschool & Long Day Care Centre for Lot 20 Section 41 DP759036 to complete the transaction.

**Moved:**

**Seconded:**


### Attachments:

Site Plan

## WALGETT SHIRE COUNCIL AGENDA

Created on Thursday, 7 February 2013 by: Walcott Street Council





**Walgett Shire Council**  
PO Box 2  
WALGETT NSW 2822  
Tel: 081428 1376  
Fax: 081428 1005  
Email: [info@walgett.nsw.gov.au](mailto:info@walgett.nsw.gov.au)

**Important Notice**  
This map is for a **PUBLIC SURVEY REQUIREMENT**.  
Accurate locations can only be determined  
by a survey on the ground.  
This information has been submitted for Council's  
financial purposes and for no other purpose.  
No statement is made about the accuracy or  
reliability of the information for use for any  
purpose other than the purpose for which it was  
submitted or used. While every care is taken to  
ensure the accuracy of this data, neither the  
Walgett Council nor the Department of Lands  
makes any representation or warranty about its  
accuracy, reliability, completeness or suitability for  
any particular purpose and neither  
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liability) in respect of its use. Examples  
include, but are not limited to, claims,  
damages, including interest or  
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profits lost as a result of the data being  
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**GO4**

Over time, the land and  
boundary facts are subject  
to modifications for the  
benefit of the village. The  
Department of Lands  
Boundary Facts is used  
to 2000, being within  
the 100m of 1000m  
point.

**Aerial  
Photography:**

**Projection:** MGA Zone 58

**Date:** Thursday 7  
February 2013

**Drawn By:** Walgett

**Map Scale:** 1:842 at A4

## Coolibah Kids - 85 Pitt Street Walgett

## **ALLOCATION OF ADDITIONAL FUNDING TO HOUSING & COMMUNITY AMENITIES CAPITAL WORKS – STAGE 2**

**REPORTING SECTION:** Urban Infrastructure  
**AUTHOR:** Danielle Osborne – Assets Officer  
**FILE NUMBER:** 09/865

---

### **Summary:**

This report recommends that Council allocate additional funding for the completion of Stage 2 (replace exterior facade & section of roofing) Council Chambers, 77 Fox Street Walgett. The work comprises:

- a) removing old roof sheets & replace new Z/A Metloc 700 roof sheets, on top high roof section an & replace old flashings & box gutter with new on top section only. This section of roof is loose & a potential hazard.
- b) removing cracked FRC sheeting to parapet walls & replace with Colorbond Panelrib complete with Colorbond cappings to the rear section of the building.
- c) removing existing roof sheeting and replace with Z/A "cliplok" roofing Colorbond flashings and Colorbond fascia gutter to walkway (Council Chambers Courtyard – adjacent to RTA. This section is rusting out.

### **Background:**

When the tender was advertised for Stage 1 to replace the front section of the exterior facade of the Council Chambers building, Far West Plumbing was the only quote received. They also quoted to replace a section of the damaged roof, however Council had insufficient funds in the budget to proceed.

### **Current Position:**

The funding required to complete the above work is as follows excluding GST

|                                                                                                                                                                      |                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| Quote no. E14306-3 remove and replace roofing on top high roof section, including flashing & guttering<br>(This section of the roof is loose and a potential hazard) | \$29,900.00        |
| Quote no. E14631 remove and replace exterior facade                                                                                                                  | \$31,350.00        |
| Quote no. E14632 replace roofing & gutter to walkway                                                                                                                 | \$ 9,508.00        |
| Subtotal                                                                                                                                                             | \$70,758.00        |
| Less: Funds allocated to capital works 77 Fox Street Walgett                                                                                                         | <u>\$18,225.00</u> |
| Additional funding required                                                                                                                                          | <u>\$52,533.00</u> |

### **Relevant Reference Documents:**

Quote no. E14306-3 Roofing section  
 Quote no. E14631 Exterior facade  
 Quote no. E14632 Walkway roofing

## WALGETT SHIRE COUNCIL AGENDA

### Governance Issues:

Nil

### Environmental Issues:

The roof sheeting on the top high roof section is loose and a potential hazard.

### Stakeholders:

Walgett Shire Council  
Walgett Shire Ratepayers

### Financial Implications

Ledger 11.03056.4013 Recreation and Culture Maintenance has a budget of \$141,000  
The funding required to complete Stage 2 of the Capital Works is \$70,758.00  
Less Ledger 11.03403.1278 Capital Maintenance (Council Chambers) \$18,255.00  
Balance required from Ledger 11.03056.4013 \$52,533.00

### Alternative Solutions/Options:

Nil

### Conclusion:

The completion of this work will finalize Stage 2 of the maintenance of the building.  
The report recommends that Council allocate additional funding for this task.  
Allocation of additional funding for completion of Stage 2.  
Walgett Shire Chambers building, 77 Fox Street Walgett.

### Allocation of Additional Funding to Housing & Community Amenities Capital Works Stage 2

#### Recommendation:

That Council approve the transfer of \$52,533.00 from Ledger 11.03056.4013 Recreation and Culture Maintenance to Ledger 11.03403.1278 (Capital Maintenance Chambers) in order to complete stage 2.

#### Moved:

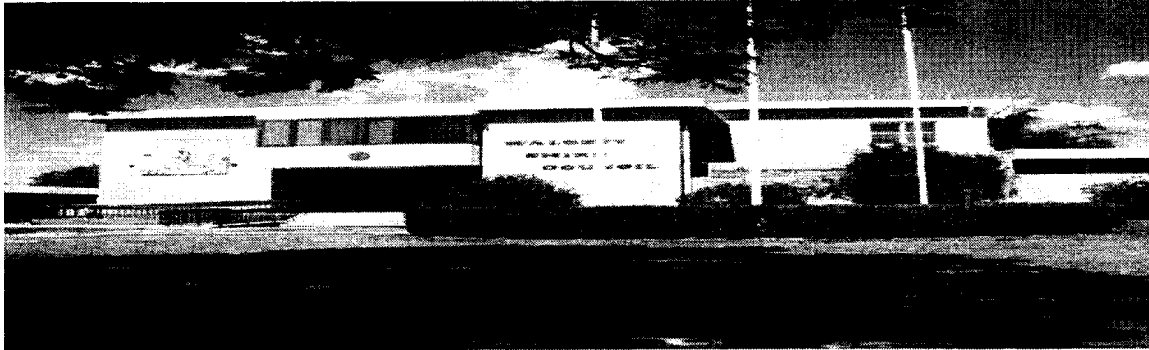
#### Seconded:

#### Attachments:

Photos of building

Completed works exterior façade WALGETT SHIRE COUNCIL CHAMBERS

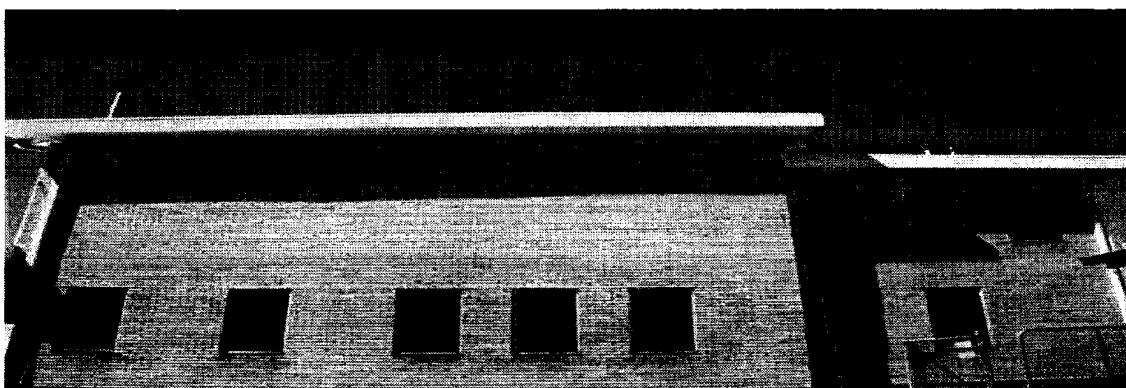
Page 3



Front of Building

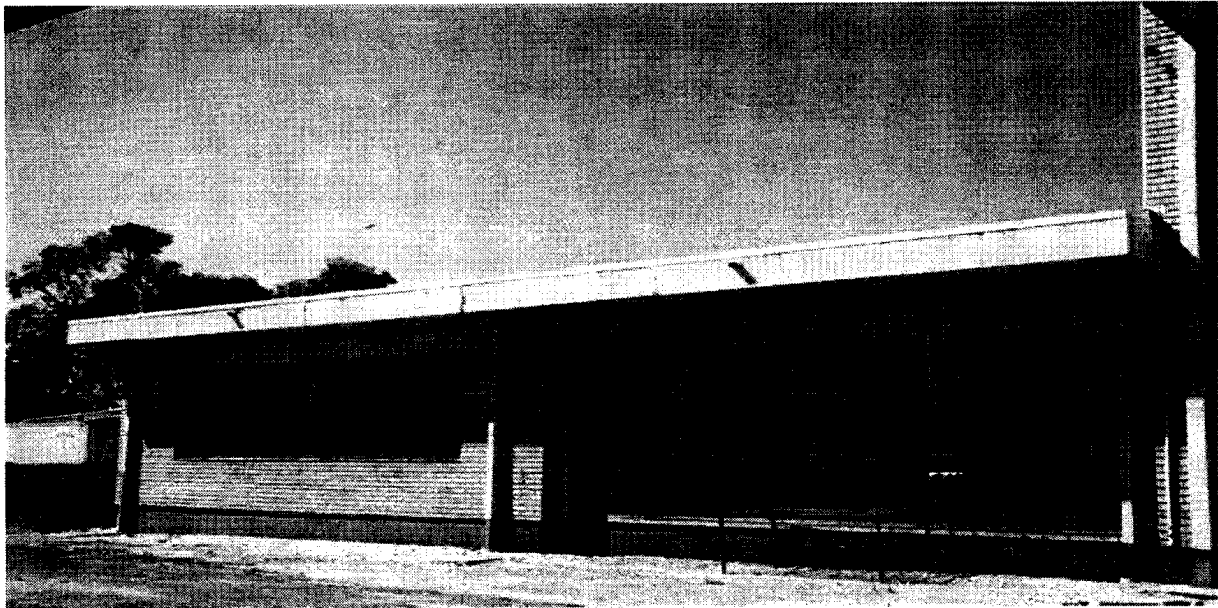


RTA side of the building



Northern side of Walgett Shire Council Chambers (Work completed)



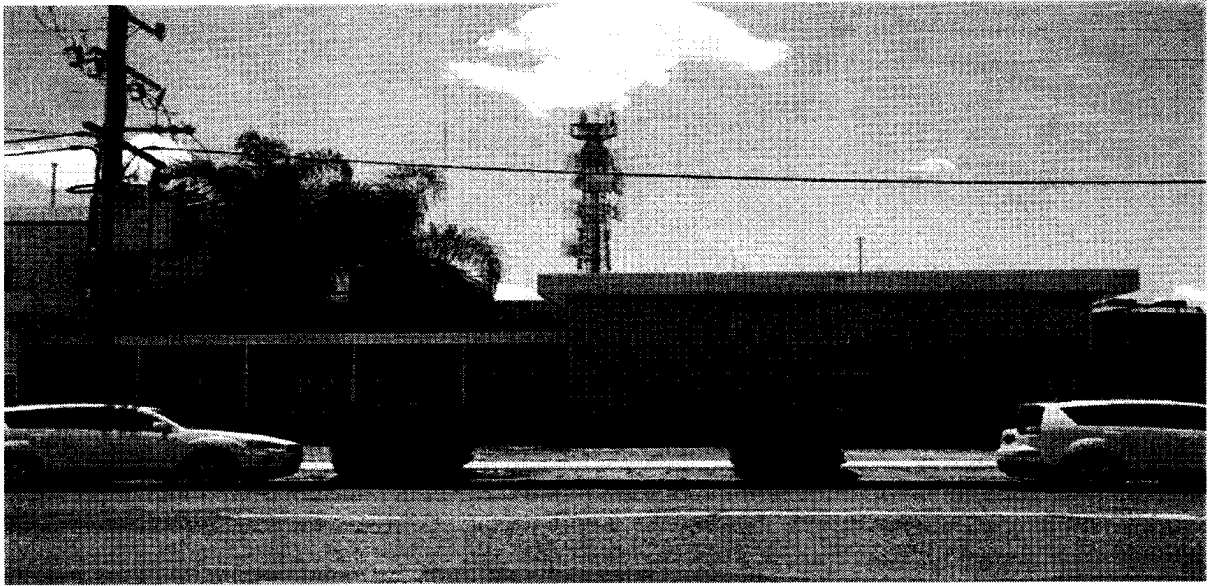


Exterior façade on northern side.

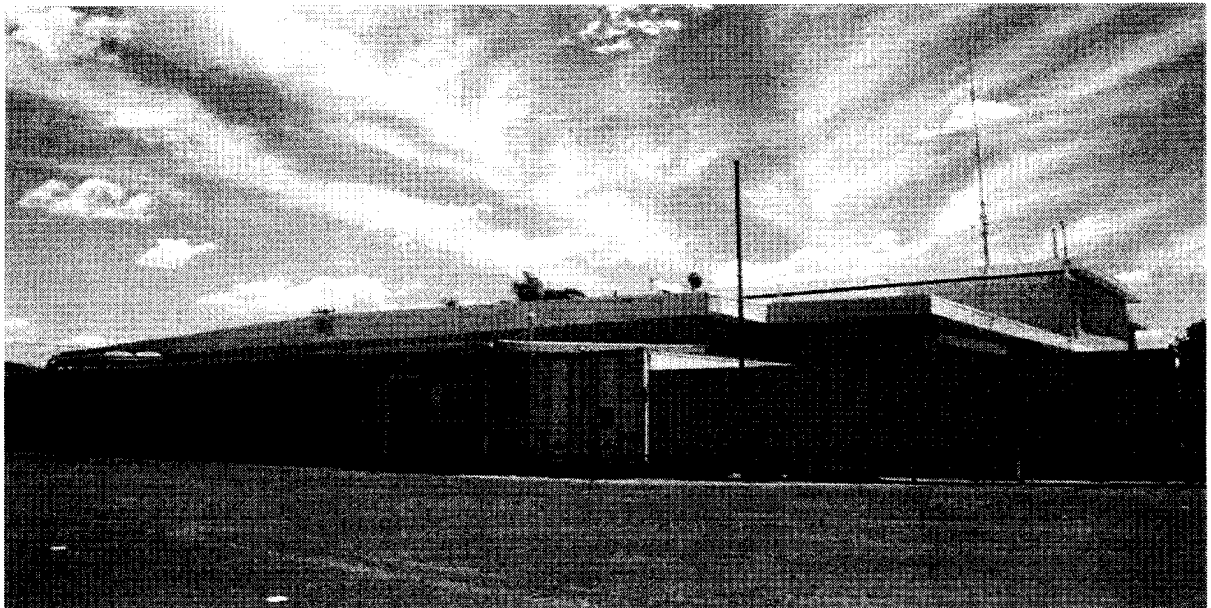


Covered Walkway adjacent to RTA (Southern side)

**WALGETT SHIRE COUNCIL AGENDA**



Southern side RTA to rear of building



Eastern side Rear of building

## **SUBMISSION – RE-MAKING OF IMPOUNDING REGULATION**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Director of Planning & Regulatory Services, Matthew Goodwin  
**FILE NUMBER:** 09/1809

---

### **Summary:**

Recently the Division of Local Government sought submissions from Councils regarding the re-making of the Impounding Regulation 2012. It is recommended that Council resolve to note and endorse a submission made by the Director of Planning and Regulatory Services on this matter.

### **Background:**

Circular 12-46 issued by the Division of Local Government specifically invited Council to comment on the penalty notice offence amounts applied under the Impounding Regulation 2008. This regulation sets the amount for the fines that can be imposed by Council on people who:

- Abandon motor vehicles in public places.
- Leave animals, other than dogs and cats, or articles in public places

The regulation is due for automatic repeal on 1 September 2013 and requires re-making.

### **Current position:**

The author made an e-mail submission to the Division of Local Government (Attachment A) which advocated that the fine which should be imposed via a penalty notice under Schedule 1 of the Impounding Regulation 2008 for:

- Abandoning a motor vehicle in a public place should increase from \$220 to \$550.
- Abandoning an article, other than a motor vehicle, in a public place should be increased from \$110 to \$220.

The core of the submission was that Walgett Shire Council incurs sporadic, but significant, costs removing abandoned cars from road verges. These costs are significantly higher than the fine that can be applied via a penalty notice.

Submissions closed on 8 February 2013.

### **Relevant reference documents/policies:**

- Circular 12-46 issued by the Division of Local Government on 21 December 2012.
- Impounding Act .
- Impounding Regulation 2012.

## WALGETT SHIRE COUNCIL AGENDA

### Governance issues:

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

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to have regard to the long term and cumulative effects of its decisions
- to engage in long-term strategic planning on behalf of the local community
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights

### Environmental issues:

Nil.

### Stakeholders:

Walgett Shire Council, Division of Local Government, public.

### Financial Implications:

Nil at this time.

### Alternative solutions/options:

Not support the submission:- This option has not been recommended because it is believed that the current fines for abandoning article and vehicles do not provide adequate incentive for people not to abandon things.

### Conclusion:

By supporting the submission Council would demonstrate that it advocates a more significant penalty to be applied to owners of abandoned vehicles, where warranted.

### Submission – Re-making of Impounding Regulation

#### Recommendation:

That Walgett Shire Council resolve to:

Note and endorse the submission to the NSW Division of Local Government dated 6 February 2013 by Council's Director of Planning and Regulatory Services advocating increased fines via penalty notices for abandoned vehicles and articles in public places.

**Moved:**

**Seconded:**

Attachments:

A – 6-2-2013 submission regarding abandoned vehicle & article fines

## WALGETT SHIRE COUNCIL AGENDA

### ATTACHMENT A – 6-2-2013 SUBMISSION REGARDING ABANDONED VEHICLE FINES

**Matt Goodwin**

---

**From:** Matt Goodwin  
**Sent:** Wednesday, 6 February 2013 12:22 PM  
**To:** 'impoundingregulation2012@dlg.nsw.gov.au'  
**Cc:** Don Ramsland; Andrew Wilson; Ned Kovacevic  
**Subject:** Submission regarding remaking of the Impounding Regulation 2012 - Fines applied via penalty notices for abandoned vehicles in public places

I wish to make a submission on behalf of Walgett Shire Council regarding the proposed re-making of the Impounding Regulation 2008. Circular 12-46 issued by the Division of Local Government specifically invited Council to comment on the penalty notice offence amounts.

The experience of Council staff in recent years has shown that:

1. Periodically motor vehicles are abandoned on the edge of public roads within the Shire. These vehicles tend to be of relatively low value (<\$500), often unregistered and located many kilometres away from towns.
2. Often the vehicles become vandalised and/or stripped of any significant parts within a day or two of being abandoned. As a result, a vehicle that may have been worth \$1,000 to \$5,000 prior to being abandoned, can soon be worth less than \$500.
3. Council will usually send a letter requesting the current registered owner, or the last registered owner, to remove the vehicle. This letter usually also invites the 'owner' to show cause why a \$220 fine under sub-section 32(1) of the Act should not be issued for abandoning the vehicle in a public place. It is quite rare for such a letter to result in the vehicle being removed.
4. Council will then usually mobilise a truck and staff to pick up the abandoned vehicle. The round trip can be 200km or more.
5. Typically Council will destroy the car because it is <\$500 in value and issue a \$220 infringement under section 32(1) of the Act.
6. Estimates for the expenses incurred by Council in impounding a vehicle would range from minimum of \$400 to more than \$800. The process typically applied by Walgett Shire requires an initial inspection by the Regulatory Officer, inquiry with Police for owner details, preparation and sending of a letter, re-inspection of site by the Regulatory Officer and finally removal of vehicle by works staff.
7. It can be argued that Council should have such matters heard in the local court where a \$550 fine can be applied and costs can be awarded. The reality is that penalty notices are a far more practical and cost effective method for encouraging compliance with the Act, especially for something that is comparatively minor.

In the above context it is suggested that the fine which should be imposed via a penalty notice under schedule 1 of the Impounding Regulation 2008 for:

- Abandoning a motor vehicle in a public place should be increased from \$220 to \$550.
- Abandoning an article, other than a motor vehicle, in a public place should be increased from \$110 to \$220.

It is expected that such a change would encourage the owners of abandoned vehicles to be more diligent about making arrangements to remove vehicles, while reducing Council's expenditure on such activities.

Matthew Goodwin  
Director Planning & Regulatory Services  
Walgett Shire Council

77 Fox St. (PO Box 31), Walgett NSW 2832  
Ph: 02 6828 6120 Fax: 6828 1608 Website: [www.walgett.nsw.gov.au](http://www.walgett.nsw.gov.au)

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## **OPAL MINING RELATED POLICY REVISION**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Director of Planning & Regulatory Services, Matthew Goodwin  
**FILE NUMBER:** 09/1436

---

### **Summary:**

This report recommends that Council adopt an amended policy regarding miscellaneous opal mining related matters.

### **Background:**

For several years Council has maintained a policy document which deals with various opal mining related matters. That policy is titled "P&R Opal Mining Related Policies" and the most recent version was adopted by Council on 25 August 2009.

Various changes in circumstances have occurred since the policy was last adopted, including:

- Crown Reserve 1024168 for opal mining, prospecting and public access was gazetted by the Land and Property Management Authority on 4 December 2009. The reserve is managed by a management committee which includes representative from community groups and government agencies.
- The gazettal of the Crown Reserve had the effect of terminating Permissive Occupancy 1985/19 held by Walgett Shire Council over about 2,658 hectares of land that included most of the 'preserved' opal fields in the immediate vicinity of Lightning Ridge.
- Currently the area of the Crown Reserve is about 4,966 hectares and includes the Sheepyard opal and part of the Grawin opal fields.
- Walgett Shire Council has adopted the Walgett Shire Local Environmental Plan 2012 (LEP). Various provisions within the LEP effectively take precedence and supersee aspects and WSC's adoption of the Walgett LEP 2012.
- Walgett Shire Council is on the verge of adopting the Walgett Shire Development Control Plan 2013 (DCP). Parts of the DCP supersede elements of the policy.

### **Current position:**

Given that there have been significant changes in the circumstances associated with administration of land use on the opal fields, Council's Town Planning staff have revised the "P&R Opal Mining Related Policies" document with regard for those changes. The draft revised policy is included as Attachment A.

## WALGETT SHIRE COUNCIL AGENDA

### Relevant reference documents/policies:

- Draft revised P&R Opal Mining Related Policies document (Attachment A).
- P&R Opal Mining Related Policies document, as adopted by Council on 25-8-2009.
- Minutes and business papers for the meeting of Walgett Shire Council held on 25-8-2009.
- Draft Walgett Local Environmental Plan 2012 (LEP), adopted by Council on 8-11-2012.
- Walgett Shire Development Control Plan 2013 (DCP), proposed to be adopted by Council on 19-2-2013.
- Walgett Shire Growth Management Study and Strategy, adopted by Council June 2011
- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.

### Governance issues:

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

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to have regard to the long term and cumulative effects of its decisions
- to engage in long-term strategic planning on behalf of the local community
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights

### Environmental issues:

No significant issues known or expected.

### Stakeholders:

Walgett Shire Council, grazing Western Lands Lease holders, mining camp holders, public, etc.

### Financial Implications:

No significant costs known or expected.

### Alternative solutions/options:

Do nothing:- If Council does nothing, then inconsistencies between the policy and current circumstances would remain. This option has not been recommended because there is a need for Council to have a documented policy on various matters related to opal mining which cannot be addressed via the LEP or DCP.

### Conclusion:

It would be appropriate for Council to adopt an updated opal mining related policy.

## WALGETT SHIRE COUNCIL AGENDA

### Opal Mining Related Policy Revision

#### Recommendation:

That Walgett Shire Council resolve to:

1. Adopt the revised P&R Opal Mining Related Policies document.
2. Write to the Mining Registrar at the Lightning Ridge office of the Mineral Resource unit of the NSW Department of Primary Industries and provide them with a copy of Council's revised P&R Opal Mining Related Policies document.
3. Write to the Western Lands Commissioner at the Dubbo office of the Crown Lands Division of the NSW Department of Primary Industries and provide them with a copy of Council's revised P&R Opal Mining Related Policies document.

**Moved:**

**Seconded:**

#### Attachments:

A – Draft P&R Opal Mining Related Policies document



## WALGETT SHIRE COUNCIL AGENDA

### ATTACHMENT A –DRAFT OPAL MINING RELATED POLICIES DOCUMENT



## P & R - OPAL MINING RELATED POLICIES

Adoption Date: DATE

Review Date: As required

Responsible Officer: Director Planning and Regulatory Services

### POLICY STATEMENT

Walgett Shire Council is committed to balancing environmental, public and private interests when dealing with opal mining as a land use within the Walgett Shire.

### OBJECTIVES:

- To avoid land use conflict between opal mining and other land uses.
- To ensure that activities associated with opal mining do not interfere with land or utility assets managed by Walgett Shire Council.

### STRATEGIES:

Council has various strategies intended to avoid unnecessary land use conflict related to opal mining activity, as detailed within the following documents:

- Draft Walgett Local Environmental Plan 2012 (LEP), adopted by Council on 8 November 2012.
- Walgett Shire Development Control Plan 2013 (DCP), adopted by Council on \_\_\_\_.
- Walgett Shire Growth Management Study and Strategy, adopted by Council June 2011.

The following management strategies will be applied by Council to address issues which arise that are outside of the scope of the above documents.

#### Preserved opal fields (Zoned 'SP1 Special Activities Mining')

Older opal fields are commonly known as 'preserved' opal fields and are zoned SP1 Special Activities Mining under the LEP. Within SP1 zones Walgett Shire Council:

1. Does not support the conversion of any Crown land to freehold title unless the land is being incorporated into the Lightning Ridge urban area or it is being used for a public purpose.
2. Supports the grant of a Western Lands Lease for residential purposes in the following circumstances:
  - a) The establishment of the new lease and associated lot is compliant with the LEP, and;  
*Note 1: Schedule 1 of the LEP effectively provides that new dwelling houses (mining camps) are permitted with development consent in Crown Reserve 1024168 for opal mining and prospecting. Outside of the Crown Reserve only existing dwelling houses (mining camps) can be rebuilt or extended with development consent.*
  - b) The granted lease is no larger than 2,500m<sup>2</sup> in area.
  - c) There is no current Western Lands Lease for grazing over the area.
3. Supports the voluntary acquisition of land by the Crown of affected parts of Western Lands Leases for grazing and the establishment of a Crown Reserve for opal mining and prospecting over these areas.
4. Does not provide urban utility services such as water mains or effluent mains to mining camps.

## WALGETT SHIRE COUNCIL AGENDA

5. Proposals for the establishment of mains electricity infrastructure will be dealt in the following manner by Council:

(a) Where it is not a directly affected landholder, it will respond by indicating that it regards opal mining and prospecting as the dominant land use within the zone. It will also request that any determining authority should take action to avoid or, where this is not possible, mitigate:

- Unnecessary sterilisation of land that is potentially opal bearing.
- The establishment of safety hazards for opal mining or prospecting.

(b) Where it is a directly affected landholder and the proposed connection is for a mining camp, Council will not agree to an easement or infrastructure over Council owned or managed land. Council is not prepared to significantly restrict the future ongoing use of the land for private dwellings.

(c) Where it is a directly affected landholder and the proposed connection is for a significant public purpose, Council may agree to an easement or infrastructure over Council owned or managed land. This agreement will only happen if Council is satisfied that any benefits substantially outweigh any potential adverse impacts on Council's use of the land or on opal mining or prospecting.

### Residential land use on new opal mining fields (Zoned 'RU1 Primary Production')

On new opal fields, which are all opal fields within RU1 Primary Production zones under the LEP, Walgett Shire Council:

6. Does not support the establishment of residential buildings in connection with opal mining activities.

*Note: Caravans and tents may be used in certain circumstances on mining titles in new opal fields. See clause 77 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.*

### Buffer zones

Walgett Shire Council seeks the assistance of the Resources and Energy unit of the NSW Department of Primary Industries to minimize the potential for inference with Council infrastructure and ensuring public safety by applying the following policies:

7. **Public Roads** - Not issuing mining titles which enable opal mining or exploration in the areas protected by the provisions of clause 17 of the Interim Development Order Shire of Walgett 1968.

*Note 1 - Clause 17 of the Interim Development Order Shire of Walgett 1968 (IDO) currently prohibits opal mines in zone "1 Non urban (a)" from being located within 20 metres of the centreline of a road and opal mines within zone "1 Non urban (b)" from being located within 150 metres of the centreline of a road.*

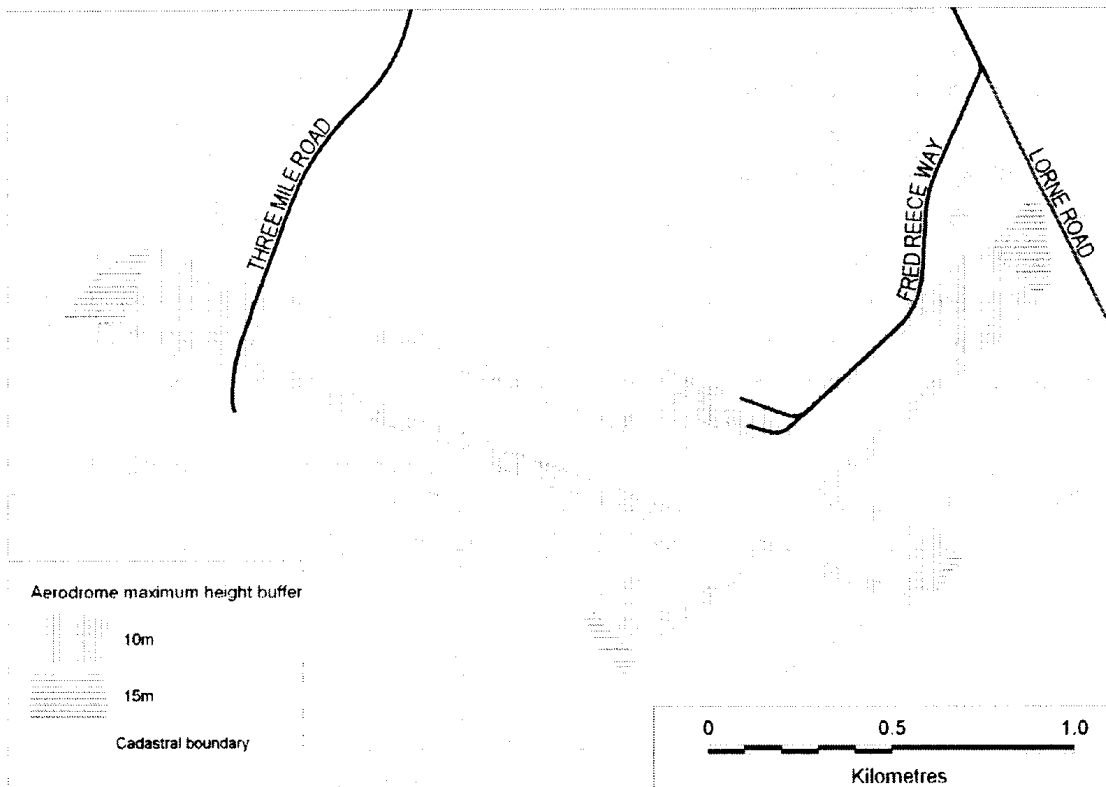
*Note 2 - The IDO is expected to be superseded by the Walgett Local Environmental Plan (LEP), early in 2013, but it does not currently contain provisions which protect public roads from mining development. It is important to protect public roads from development likely to compromise their integrity.*

*Note 3 - This matter was the subject of a letter from Walgett Shire Council to the Team Leader, Resources & Energy at Lightning Ridge dated 12 November 2012.*

8. To ensure that no mining related equipment or structures exceed the maximum height buffers for the Lightning Ridge Aerodrome as outlined in the diagram below.

*Note: Diagram updated June 2008 from a plan held by Walgett Shire Council engineering directorate (Plan23, drawer 29).*

## WALGETT SHIRE COUNCIL AGENDA



### Policy Implementation Procedures, Guidelines and Documents

N/A

#### Related WSC Policies

- Draft Walgett Local Environmental Plan 2012 (LEP).
- Walgett Shire Development Control Plan 2013 (DCP).
- Walgett Shire Growth Management Study and Strategy.

#### Version history

| Version | Date      | Author | Section     | Page | Changes                                                                                                                                                  |
|---------|-----------|--------|-------------|------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1       | 15-7-2008 | DPRS   | All         | All  | New policy adopted by Council based on a compilation and revision of established Council policies.                                                       |
| 1.1     | 25-8-2009 | DPRS   | Mains power | 2    | Revision regarding mains power on the preserved opal fields.                                                                                             |
| 2.0     | 6-2-2013  | DPRS   | All         | All  | Major revision to address issues arising from Crown Reserve 1024168 superseding Permissive Occupancy 1985/19 and WSC's adoption of the Walgett LEP 2012. |

END

**DERELICT BUILDING, 18 MCNAMARA ST, CARINDA.**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Doug McLennan – Environmental Health and Building Surveyor  
**FILE NUMBER:** 09/1498-05/0016

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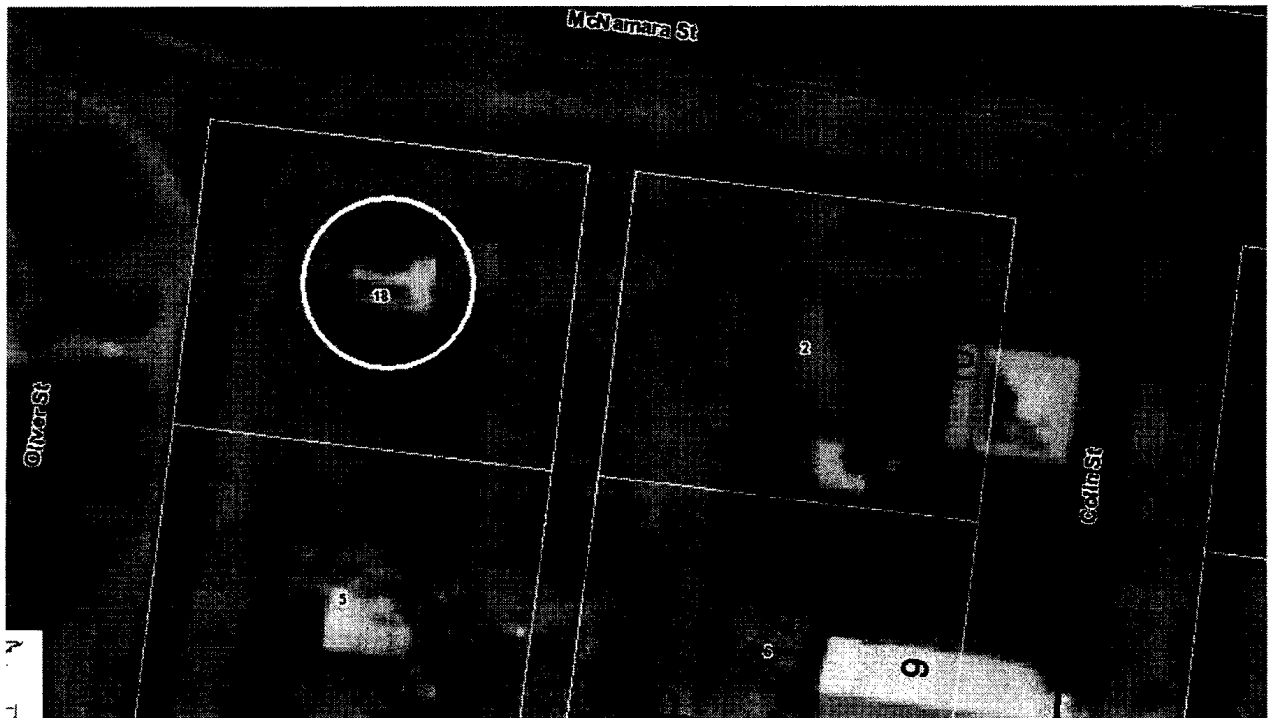
**Summary:**

This report recommends that Council endorse a quote of \$4,950 for the demolition of a vacant derelict house at 18 McNamara St, Carinda.

**Background:**

This report is to be considered by Council in a closed meeting session pursuant to section 10A(2)(b) of the Local Government Act 1993 because it deals with matters associated with *"the personal hardship of any resident or ratepayer"*.

A vacant derelict house located on Lot 1, Section 14, DP 758227 at 18 McNamara St., Carinda has prompted several complaints from the community. The building is likely to contain asbestos. The extent of building on the lot is shown on the site plan below.



In response to these complaints Council sent a 'notice of intention' to issue an order requiring the building to be demolished on 25 May 2012. A demolition order was then issued on 26 July 2012 under section 121B of the Environmental Planning and Assessment Act 1979 (see Attachment A).

## **WALGETT SHIRE COUNCIL AGENDA**

No written responses to the notice of intention or order have been received. An inspection on 31 October 2012 by Council's Environmental Health and Building Surveyor, Doug McLennan, showed that the order had not been complied with.

If a land owner does not undertake the work required by an order, Section 121ZJ of the Environmental Planning and Assessment Act 1979 provides that Council can undertake the work and apply any costs incurred as a debt against the land owners.

Subsequently a specification for the demolition and removal of the waste to the Carinda refuse depot was prepared and a request for quotations for the works was advertised from 8 November 2012 to 7 December 2012.

As of 7 February 2013 the property has outstanding rates to the value of \$7,199.80. The property has been listed for sale by Walgett Shire Council as part of the Section 713 sale for outstanding rates scheduled for 13 April 2013.

### **Current Position:**

Two inquiries and one quote were received for the demolition work advertised in November and December 2012. Lyons Earthmoving & Demolition Pty Ltd quoted a total of \$4,950 to demolish and dispose of the building.

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

- Walgett Shire Council Enforcement Policy, as adopted 24 March 2009 (Trim record 09/1409/016).
- The Environmental Planning and Assessment Act 1979, especially Part 6, Division 2A.
- Council records regarding the demolition order (Trim container 09/1498).

### **Governance issues:**

Council is not licensed by WorkCover NSW for the removal of asbestos. Subsequently Council staff cannot undertake the works.

### **Environmental issues:**

All waste subsequent of the demolition is to be disposed of the Carinda refuse depot in accordance with WorkCover NSW guidelines.

### **Stakeholders:**

Walgett Shire Council, land owner, residents of Carinda.

### **Financial Implications:**

The quote provided by Lyon's Earthmoving & Demolition Pty Ltd is \$4,950. There is no existing budget line item to allocate the expenditure against, so a budget variation will be required to fund the demolition.

## WALGETT SHIRE COUNCIL AGENDA

The existing Walgett Airport Pesticide Pit Remediation budget of \$ 55,000 can be reduced by \$4,950 to facilitate the funding of the demolition.

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

Do nothing; this is not recommended as the vacant derelict building poses a risk to public health and safety.

### **Conclusion:**

The vacant derelict building poses a risk to public health and safety. Council should carry out the work by endorsing the quote provided by Lyon's Earthmoving & Demolition Pty Ltd as it is unlikely the land owner will carry out the work.

### **Derelict building 18 McNamara St, Carinda**

#### **Recommendation:**

1. Accept the quote of \$4,950 provided by Lyon's Earthmoving & Demolition Pty Ltd for the demolition of the vacant derelict building at 18 McNamara Street Carinda and the removal of any subsequent waste to the Carinda refuse depot.
2. Establish a new budget expenditure line item for \$4,950 titled "Demolition – 18 McNamara St Carinda" and reduce the existing budget of \$55,000 for the Walgett Airport Pesticide Pit Remediation by \$4,950

**Moved:**

**Seconded:**

#### **Attachments:**

A – Order Issued requiring the demolition of the dwelling.

## WALGETT SHIRE COUNCIL AGENDA

### Attachment A

DM; MG; 09/1498-03/0049, Ass 9209

Doug McLennan

Estate of Late F Smith  
C/- W F Smith  
McNamara St  
CARINDA NSW 2831

Dear Sir/Madam,

### **ORDER NO. 2 UNDER SECTION 121B OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS**

#### **PROPERTY AFFECTED BY ORDER**

Lot 1, Section 14, DP 758227, 18 McNamara Street, Carinda, NSW 2831.

#### **LEGAL BASIS FOR ORDER**

This order is given by the Walgett Shire Council under section 121B of the Environmental Planning and Assessment Act 1979 and associated regulations. In particular Council is issuing Order 2 under Section 121B of that Act.

#### **REASONS FOR THE ORDER:**

At inspections on 21 May 2012 and 23 July 2012 Walgett Shire Council's Environmental Health and Building Surveyor, Doug McLennan, observed that a building on the above land had about half of its iron roof missing, with the remaining unsecured. The building was also unsecured with parts of the external wall cladding and glazing in window openings missing. In addition the roof had suffered a structural failure from missing roof members and the awning had suffered a structure failure from a missing support.

In this context the Director Planning and Regulatory Services has formed the opinion that:

- Building is, or is likely to become, a danger to the public
- Building is so dilapidated as to be prejudicial to its occupants or to persons or property in the neighbourhood

#### **WORK TO BE PERFORMED:**

Walgett Shire Council hereby requires you, being the owner of the abovementioned property, to carry out the following works within **TWENTY EIGHT (28)** days from the date of this Order.

1. Disconnect the premises from Council's water mains.
2. Demolish the building located on the property.
3. Remove all rubbish, refuse and materials relating to the demolition from the property to the Carinda refuse depot.

## WALGETT SHIRE COUNCIL AGENDA

4. Ensure all demolition is performed in accordance with NSW Workcover guidelines in particular as applicable, to the removal of asbestos products.

### **COUNCIL CAN UNDERTAKE WORK**

Section 121ZJ (1) of the Environmental Planning and Assessment Act 1979 and Regulation provides as follows:

*"If a person fails to comply with the terms of an order given to the person under this Division, the person who gave the order may do all such things as are necessary or convenient to give effect to the terms of the order, including the carrying out of any work required by the order."*

Section 121ZJ (7) of the Environmental Planning and Assessment Act 1979 provides that any costs incurred by the Council in undertaking the work required by the order:

*"may be recovered by the person in any court of competent jurisdiction as a debt due to the person by the person required to comply with the order"*

### **FAILURE TO COMPLY**

Section 125 (1) of the Environmental Planning and Assessment Act 1979 provides that failure to comply with this Order is an offence.

### **RIGHT OF APPEAL**

Section 121ZK of the Environmental Planning and Assessment Act 1979 and Regulation provides that an:

*"appeal must be made within 28 days after the service of the order on the person".*

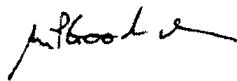
### **ADDITIONAL INFORMATION**

Please contact Council's Environmental Health & Building Surveyor, Doug McLennan, at Walgett Shire Council for any further information.

### **DATE ORDER ISSUED**

26 July 2012

### **BY ORDER**



Matthew Goodwin  
Director Planning & Regulatory Services  
For and on behalf of Don Ramsland, General Manager

**Posted by Registered Mail with Delivery Confirmation**



## **ADOPTION OF DEVELOPMENT CONTROL PLAN**

**REPORTING SECTION:** Planning & Regulatory Services

**AUTHOR:** Town Planner, Matt Clarkson

**FILE NUMBER:** 11/380

---

### **Summary:**

Recently Walgett Shire Council publicly exhibited the draft Walgett Shire Development Control Plan 2012. This report recommends that Council resolve to adopt the publicly exhibited plan with some minor amendments.

### **Background:**

At a meeting held on 27 November 2012 Walgett Shire Council considered the draft Walgett Shire Development Control Plan 2012 (DCP) document that had been prepared by Edge Land Planning (Ian Sinclair) and reviewed by Council staff. Council resolved to:

1. Publicly exhibit the draft Walgett Shire Development Control Plan 2012 for a minimum of six weeks.
2. Undertake public exhibition consultation via:
  - (a) Advertising in Council's newspaper column within the Walgett Spectator and Lightning Ridge News.
  - (b) Notification letters to Council's precinct committees and community working parties.
  - (c) Making digital (PDF) copies of the document available via Council's web site.
  - (d) Making hard copies of the document available at the Council office at Walgett, Council office at Collarenebri and the Library at Lightning Ridge.
  - (e) Holding public information sessions at Walgett and Lightning Ridge.

### **Current Position:**

Clause 18 of the Environmental Planning and Assessment Regulation 2000 required that the draft DCP be exhibited for a minimum of 28 days.

Walgett Shire Council publicly exhibited the Draft Walgett Development Control Plan 2012 (DCP) from Wednesday 28 November 2012 to Friday 18 January 2013 via:

- Advertising in Council's newspaper column within the Walgett Spectator and Lightning Ridge News.
- Notification letters to Council's precinct committees and community working parties.
- Making digital (PDF) copies of the document available via Council's web site.
- Making hard copies of the document available at the Council office at Walgett, Council office at Collarenebri and the Library at Lightning Ridge.
- Holding public information sessions at Walgett and Lightning Ridge.

The public information session in Lightning Ridge was held on 12 December 2012 at the SES Headquarters. One person attended, which was Cllr Michael Taylor. The public information session at Walgett was scheduled for 13 December 2012 in Council chambers. No community members attended the session.

## WALGETT SHIRE COUNCIL AGENDA

One submission was received from the NSW Department of Trade and Investment regarding housing in the SP1 Special Activities Mining zone (see Attachment A). The submission requested that holders of Western Lands Leases be able to fence the entirety of their land, and that new dwellings need not be located a minimum of 50 metres from an existing camp if they are replacing an existing dwelling. These requests have been incorporated into revised clauses 4.4.2 and 4.4.3 of the draft DCP.

A copy of the revised draft DCP has been emailed to Councillors and a hard copy will be provided at the 19 February 2013 Council meeting. The revised draft DCP includes amendments proposed by Council's town planning staff. These amendments are shown in red text that is underlined.

It is important to note that the DCP will not apply to any developments that are classified as exempt or complying development under a relevant State Environmental Planning Policy (SEPP), including:

- SEPP Infrastructure 2007.
- SEPP (Exempt and Complying Development Codes) 2008.
- SEPP Affordable Rental Housing 2009.

Clause 21 of the Environmental Planning and Assessment Regulation delineates the last stages of the process for Council to approve the DCP, as follows:

### **21 Approval of development control plans**

(cf clause 20 of EP&A Regulation 1994)

- (1) After considering any submissions about the draft development control plan that have been duly made, the council:
  - (a) may approve the plan in the form in which it was publicly exhibited, or
  - (b) may approve the plan with such alterations as the council thinks fit, or
  - (c) may decide not to proceed with the plan.
- (2) The council must give public notice of its decision in a local newspaper within 28 days after the decision is made.
- (3) Notice of a decision not to proceed with a development control plan must include the council's reasons for the decision.
- (4) A development control plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice.

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

DCP preparation is regulated by:

- Environmental Planning & Assessment Act 1979.
- Environmental Planning & Assessment Regulation 2000.

Other relevant documents include:

- Planning Circular PS 06-012, New Transitional Arrangements for Development Control Plans, issued 5 May 2006 by Department of Planning.
- Draft Walgett Local Environmental Plan 2012 (adopted by Council on 8-11-2012).
- Business papers and minutes for the 28 August 2012 meeting of Council.
- Business papers and minutes for the 27 November 2012 meeting of Council.

## WALGETT SHIRE COUNCIL AGENDA

### **Governance issues:**

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

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

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

### **Environmental issues:**

A DCP is important document which establishes Council's requirements for minimum development standards within the Shire.

### **Stakeholders:**

The public, developers, and Walgett Shire Council.

### **Financial Implications:**

At the 28 August 2012 meeting Walgett Shire Council resolved to engage Edge Land Planning to prepare the draft DCP document for \$7,300. An uncommitted amount of \$40,000 was available in the budget for Local Environmental Plan and Development Control Plan development at that time. The actual expenditure incurred will be less than \$7,300 because Ian Sinclair has not attended the Walgett Shire for meetings that had been initially intended as part of the project.

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

Do nothing:- This would maintain the current situation where Council's minimum development standards are not documented and readily available to the public in the format required by the Environmental Planning and Assessment Act 1979.

### **Conclusion:**

The Draft Walgett Shire Development Control Plan has been publicly exhibited prior to adoption in accordance with relevant legislative requirements. It has been revised to include appropriate and reasonable changes which reflect the minimum development standards generally required in Walgett Shire.

**Adoption of Development Control Plan**

**Recommendation:**

That Walgett Shire Council resolve to:

1. Note the submission dated 13 January 2013 by NSW Department of Trade and Investment and Council's regarding the draft Walgett Shire Development Control Plan 2012.
2. Adopt the Walgett Shire Development Control Plan 2013 with amendments to address issues raised by the NSW Department of Trade and Investment and Council's town planning staff.
3. Request that the General Manager:
  - (a) Give public notice of Walgett Shire Council's decision to adopt the Walgett Shire Development Control Plan 2013 via advertisements within the Walgett Spectator and Lightning Ridge News.
  - (b) Make the Walgett Shire Development Control Plan 2013 publicly available via Council's web site.

**Moved:**

**Seconded:**

**ATTACHMENTS:**

ATTACHMENT A - SUBMISSION FROM TRADE & INVESTMENT REGARDING DRAFT DCP

WALGETT SHIRE COUNCIL AGENDA

ATTACHMENT A - SUBMISSION FROM TRADE & INVESTMENT REGARDING DRAFT DCP



Trade &  
Investment  
Crown Lands

RECEIVED 13 JAN 2013

Reference: TRIM DOC13/003552

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

**Draft Walgett Shire Development Control Plan 2012**

Dear Mr Ramsland,

Thank you for the opportunity to comment on the Draft Walgett Shire Development Control Plan 2012.

The Crown Lands Division of the Department of Trade and Investment has no comments to make in relation to Section 3.4 (Opal Mining), however the following comments are submitted in relation to Section 4.4 (Housing in SP1 Special Activities mining zone).

**4.4.2 Fencing**

The Department prefers that the holder of a Western Lands Lease be able to fence the entirety of their leased land, to the extent that it does not interfere with the use of existing vehicle tracks. In addition, Western Lands Lease conditions contain the following clauses:

*"The lessee shall not erect any fence on the leased area or interfere with or impede the use of any existing track or road on the leased land or adjacent to the leased land, except with the permission of the Commissioner."*

This clause may obviate the need for the third and fourth points in Section 4.4.2 with regard to Western Lands Leases.

**4.4.3 Dwellings and ancillary structures**

With regard to the second point in Section 4.4.3, please see the comment above concerning the Western Lands Lease condition covering interference with access.

With regard to the fourth point in this section; the size of the current claims (being approximately 50m x 50m) and their general proximity makes this clause impractical. The Department would prefer the wording of this clause to be along the lines of the following:

*"New dwellings must be located on lots that are at least 50m away from an existing mining camp lot or residential Mineral Claim, unless they are replacing an existing dwelling."*

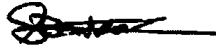
The Department's position on the grant of new residential Western Lands Leases over lands not previously occupied for residential purposes (known as Camps on Claims) is currently being formalised. Please note that a formal Departmental response will be provided in due course to the Department of Planning and Infrastructure in response to the Draft Walgett Local Environmental Plan 2012.

Far West Area, West Region  
Crown Lands Division, NSW Trade & Investment  
PO Box 1840 (45 Wingewarra Street), Dubbo NSW 2830  
Tel: 02 6883 5400 - Fax: 02 6884 2067 - [www.crownlands.nsw.gov.au](http://www.crownlands.nsw.gov.au) - ABN: 42 860 678 701

## WALGETT SHIRE COUNCIL AGENDA

If you have any further questions, please contact me on 02 6883 5411 (phone) or [shaun.barker@lands.nsw.gov.au](mailto:shaun.barker@lands.nsw.gov.au) (email).

Yours sincerely,



Shaun Barker  
Group Leader- Natural Resources and Property Services  
Far West Area, West Region

13 January 2013

## **DEVELOPMENT AND COMPLYING DEVELOPMENT CERTIFICATE APPLICATIONS**

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

---

### **Summary:**

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

### **Background:**

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

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

### **Current position:**

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

### **Relevant Reference Documents:**

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

### **Governance issues:**

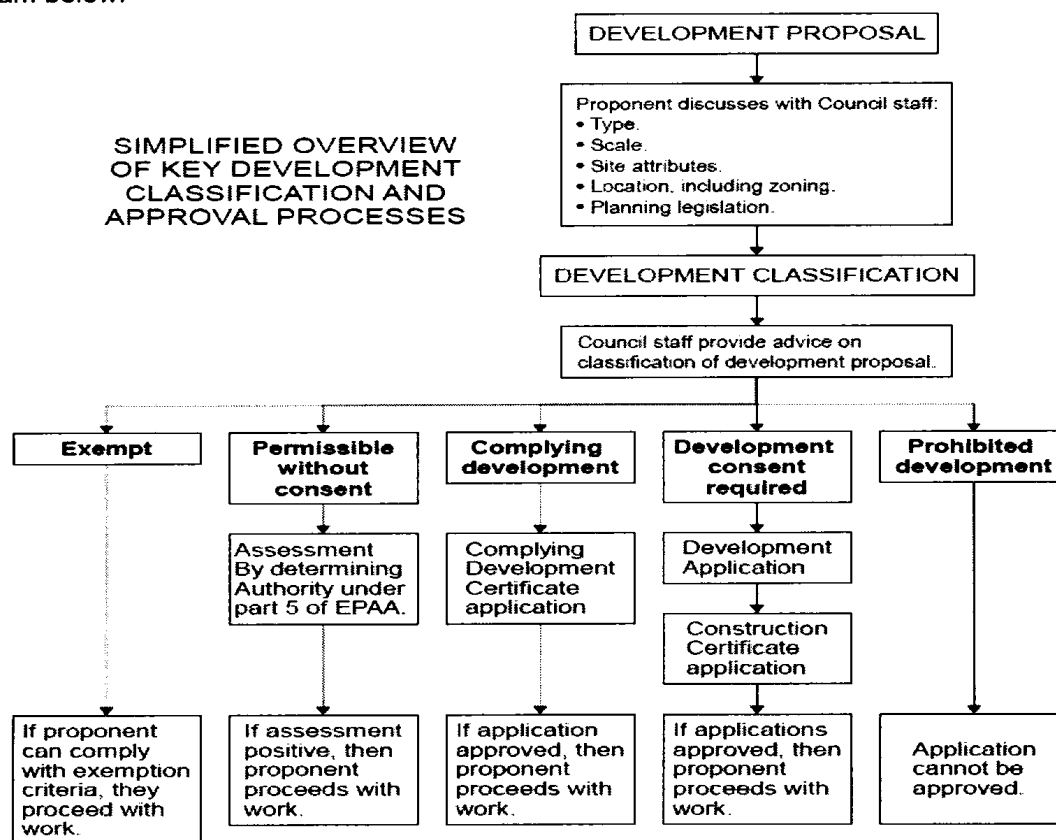
DAs: DAs are assessed under against a series of "matters for consideration" specified under section 79C of the Environmental Planning and Assessment Act 1979 and any relevant statutory requirements (such as regulations, Interim Development Order No 1 – Shire of Walgett and State Environmental Planning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

## WALGETT SHIRE COUNCIL AGENDA

conditions that are related to the nature and scale of the development, as well as the environment in which it will occur.

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

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



### Environmental issues:

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

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



## WALGETT SHIRE COUNCIL AGENDA

### Stakeholders:

Public, applicants, Council, Department of Planning & Infrastructure.

### Financial implications:

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

### Alternative solutions/options:

Nil.

### Conclusion:

It is recommended that Council note the current level of development activity within the Shire.

### Development and Complying Development Certificate Applications

#### Recommendation:

It is recommended that Walgett Shire Council resolve to:

Note the report on Development and Complying Development Certificate applications dealt with by Council staff under delegated authority during December 2012 and January 2013.

**Moved:**

**Seconded:**

### Attachments:

A - DAs & CDCs approved December 2012 & January 2013



## Determined Applications

## AUTHORITY

|            |             |                                                                            |                                                                         |        |
|------------|-------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------|--------|
| 02/04/2013 | Parameters: | Date Range:Y<br>Start Date:1/12/2012<br>End Date:31/01/2013<br>As At Date: | Document Type:<br>Officer:ALL<br>Number of Days:0<br>Stop The Clock:Yes | Page:1 |
|------------|-------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------|--------|

| Document                 | Applicant Name / Address | Development Type<br>Property Address<br>Title Owner                                                                                      | Determination               | Determined | Received   |
|--------------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------|------------|
| <b>Document Type: 20</b> |                          |                                                                                                                                          |                             |            |            |
|                          | <b>Stop the Clock</b>    | <b>Total Elapsed Calendar Days: 38<br/>Calendar Stop Days: 25<br/>Adjusted Calendar Days: 13</b>                                         |                             |            |            |
| 020/2012/00000039/001    |                          | 10 Class 1a-Single Dwelling/Dual<br>Occupancy<br>21 Halleys Corner DR LIGHTNING RIDGE<br>LOT: 49 DP: 837866<br>Aboriginal Housing Office | Approved - Staff Delegation | 20/12/2012 | 13/11/2012 |
| <b>Document Type: 20</b> |                          |                                                                                                                                          |                             |            |            |
|                          | <b>Stop the Clock</b>    | <b>Total Elapsed Calendar Days: 24<br/>Calendar Stop Days: 2<br/>Adjusted Calendar Days: 22</b>                                          |                             |            |            |
| 020/2012/00000040/001    |                          | 10 Class 1a-Single Dwelling/Dual<br>Occupancy<br>88 Peel ST WALGETT<br>LOT: 22 DP: 236733<br>Aboriginal Housing Office                   | Approved - Staff Delegation | 14/12/2012 | 21/11/2012 |
| <b>Document Type: 20</b> |                          |                                                                                                                                          |                             |            |            |
|                          | <b>Stop the Clock</b>    | <b>Total Elapsed Calendar Days: 29<br/>Calendar Stop Days: 0<br/>Adjusted Calendar Days: 29</b>                                          |                             |            |            |
| 020/2012/00000041/001    |                          | 70 Class 6 - Shop<br>21-23 Walgett ST CUMBORAH<br>LOT: 2 SEC: 8 DP: 758317<br>Mr T & Mrs S J Cummings                                    | Approved - Staff Delegation | 04/01/2013 | 07/12/2012 |
| <b>Document Type: 20</b> |                          |                                                                                                                                          |                             |            |            |
|                          | <b>Stop the Clock</b>    | <b>Total Elapsed Calendar Days: 7<br/>Calendar Stop Days: 0<br/>Adjusted Calendar Days: 7</b>                                            |                             |            |            |

## AUTHORITY

|            |             |                                                                            |                                                                         |        |
|------------|-------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------|--------|
| 02/04/2013 | Parameters: | Date Range:Y<br>Start Date:1/12/2012<br>End Date:31/01/2013<br>As At Date: | Document Type:<br>Officer:ALL<br>Number of Days:0<br>Stop The Clock:Yes | Page:2 |
|------------|-------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------|--------|

| Document                  | Applicant Name / Address | Development Type<br>Property Address<br>Title Owner                                                                     | Determination                       | Determined | Received   |
|---------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------|------------|------------|
| <b>Document Type: 20</b>  |                          |                                                                                                                         |                                     |            |            |
| 020/2012/00000043/001     |                          | 160 Subdivision/Consolidation<br>Farmland<br>LOT: 10 DP: 750297<br>Mr R L Barrett & Ms A K Galle                        | Approved - Staff Delegation         | 19/12/2012 | 13/12/2012 |
|                           | <b>Stop the Clock</b>    | <b>Total Elapsed Calendar Days: 35</b><br><b>Calendar Stop Days: 32</b><br><b>Adjusted Calendar Days: 3</b>             |                                     |            |            |
| 020/2012/00000044/001     |                          | 10 Class 1a -Single Dwelling/Dual<br>Occupancy<br>38 Euroka ST WALGETT<br>LOT: 5 DP: 218674<br>Mr P S & Mrs N I Andrews | Approved - Staff Delegation         | 22/01/2013 | 19/12/2012 |
|                           | <b>Stop the Clock</b>    | <b>Total Elapsed Calendar Days: 33</b><br><b>Calendar Stop Days: 28</b><br><b>Adjusted Calendar Days: 5</b>             |                                     |            |            |
| 020/2012/00000045/001     |                          | 120 Class 9b - Assembly Building<br>Pandora ST LIGHTNING RIDGE<br>LOT: 1 DP: 114123<br>Lightning Ridge Pre-School       | Approved - Staff Delegation         | 21/01/2013 | 20/12/2012 |
| Officer: Mr M Clarkson    |                          | Average Elapsed Calendar Days: 13.17                                                                                    | Total Elapsed Calendar Days: 166.00 |            |            |
| Number of Applications: 6 |                          | Average Calendar Stop Days: 14.50                                                                                       | Total Calendar Stop Days: 87.00     |            |            |
|                           |                          | Average Adjusted Calendar Days: 13.17                                                                                   | Total Adjusted Calendar Days: 79.00 |            |            |
| Document                  | Applicant Name / Address | Development Type<br>Property Address<br>Title Owner                                                                     | Determination                       | Determined | Received   |

## Determined Applications



|            |             |                                                                               |                                                                            |         |
|------------|-------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------|
| 02/04/2013 | Parameters: | Date Range: Y<br>Start Date: 1/12/2012<br>End Date: 31/01/2013<br>As At Date: | Document Type:<br>Officer: ALL<br>Number of Days: 0<br>Stop The Clock: Yes | Page: 3 |
|------------|-------------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------|---------|

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

## Document Type: 24

## Stop the Clock

**Total Elapsed Calendar Days: 29**  
**Calendar Stop Days: 27**  
**Adjusted Calendar Days: 2**

|                       |                                                                                           |                                 |                             |            |            |
|-----------------------|-------------------------------------------------------------------------------------------|---------------------------------|-----------------------------|------------|------------|
| 024/2012/00000012/001 | 10<br>Occupancy:<br>86 Peel ST WALGETT<br>LOT: 23 DP: 236733<br>Aboriginal Housing Office | Class 1a - Single Dwelling/Dual | Approved - Staff Delegation | 19/12/2012 | 21/11/2012 |
|-----------------------|-------------------------------------------------------------------------------------------|---------------------------------|-----------------------------|------------|------------|

Officer: Mr A R Wilson  
 Number of Applications: 1

**Average Elapsed Calendar Days: 2.00**  
**Average Calendar Stop Days: 27.00**  
**Average Adjusted Calendar Days: 2.00**

**Total Elapsed Calendar Days: 29.00**  
**Total Calendar Stop Days: 27.00**  
**Total Adjusted Calendar Days: 2.00**

## Stop the Clock

**Total Elapsed Calendar Days: 1**  
**Calendar Stop Days: 0**  
**Adjusted Calendar Days: 1**

|                       |                                                                                            |                           |                             |            |            |
|-----------------------|--------------------------------------------------------------------------------------------|---------------------------|-----------------------------|------------|------------|
| 024/2012/00000013/001 | 152<br>1177 Bonanza RD WALGETT<br>LOT: 441 DP: 761287 WLL: 2373<br>Mr A H & Mrs H E Morris | Class 10b - Swimming Pool | Approved - Staff Delegation | 05/12/2012 | 05/12/2012 |
|-----------------------|--------------------------------------------------------------------------------------------|---------------------------|-----------------------------|------------|------------|

Officer: Mrs J Noble  
 Number of Applications: 1

**Average Elapsed Calendar Days: 1.00**  
**Average Calendar Stop Days: 0.00**  
**Average Adjusted Calendar Days: 1.00**

**Total Elapsed Calendar Days: 1.00**  
**Total Calendar Stop Days: 0.00**  
**Total Adjusted Calendar Days: 1.00**

## Stop the Clock

**Total Elapsed Calendar Days: 1**  
**Calendar Stop Days: 0**  
**Adjusted Calendar Days: 1**

## Determined Applications



|            |             |                                                                            |                                                                         |        |
|------------|-------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------|--------|
| 02/04/2013 | Parameters: | Date Range:Y<br>Start Date:1/12/2012<br>End Date:31/01/2013<br>As At Date: | Document Type:<br>Officer:ALL<br>Number of Days:0<br>Stop The Clock:Yes | Page:4 |
|------------|-------------|----------------------------------------------------------------------------|-------------------------------------------------------------------------|--------|

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

## Document Type: 24

024/2013/00000001/001

120    Class 9b - Assembly Building

Approved - Private Certifier

13/01/2013

13/01/2013

Arthur ST WALGETT

LOT: 10 SEC: 28 DP: 759036

Department of Education &amp; Training

Officer: Mr M P Goodwin

Number of Applications: 1

Average Elapsed Calendar Days: 1.00

Average Calendar Stop Days: 0.00

Average Adjusted Calendar Days: 1.00

Total Elapsed Calendar Days: 1.00

Total Calendar Stop Days: 0.00

Total Adjusted Calendar Days: 1.00

Report Totals & AveragesTotal Number of Applications : 9

Average Elapsed Calendar Days: 21.89

Average Calendar Stop Days: 12.67

Average Adjusted Calendar Days: 9.22

Total Elapsed Calendar Days: 197.00

Total Calendar Stop Days: 114.00

Total Adjusted Calendar Days: 83.00

## **REVIEW OF DEVELOPMENT APPLICATION 2012/025**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin – Director of Planning and Regulatory Services  
**FILE NUMBER:** DA2012/025

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### **Summary:**

An application for a Review of a Development Determination has been received from Parthiv Mehta for Development Application 2012/025. It is recommended that Council resolve to confirm the original determination.

### **Background:**

Parthiv Mehta lodged an application for a Change of Use for the former bank building located on Lot 20 DP662667, 38 Fox Street in Walgett. The application proposed a Change of Use from neighbourhood shop to dwelling.

At a meeting held on 27 November 2012 Walgett Shire Council refused Development Application 2012/025 because the proposed development:

- Would be likely to have a significant adverse impact on the commercial streetscape.
- Is inconsistent with the objective to *"conserve and enhance the unique sense of place of business centre precincts"* for the "B2 Local centre" within the draft Walgett Local Environmental Plan 2012.
- The site is inappropriate in a context where there is inadequate legal vehicular access.
- The site is inappropriate in a context where there is no provision for off street parking, and
- Is not in the public interest to approve such a development when there are urban sites available which are more suitable for such residential development.

Section 82A of the Environmental Planning and Assessment Act 1979 provides that an applicant may request a review of a Development Application determination.

On 31 January 2013 Parthiv Mehta lodged an application for a Review of a Development Determination 2012/025 under section 82A of the Environmental Planning & Assessment Act 1979 (the Act). His application documents request that the decision to refuse the application be reversed on the basis of the security of the neighbouring IGA premises and staff safety (see Attachment A).

### **Current Position:**

Sub-section 82A(4A) of the Act provides that as a result of reviewing the development determination, Council can confirm or change the determination.

Sub-section 82A(6)(b) of the Act requires that the review application be determined by the Council as the original application was determined by Council.

## WALGETT SHIRE COUNCIL AGENDA

Council's Director of Planning and Regulatory Services, Matthew Goodwin, has considered:

- \* The original Development Application documents.
- \* The original Development Application assessment report prepared by Council's Town Planner, Matt Clarkson.
- \* The Application for a Review of a Development Determination documents (Attachment A).

After that consideration I have formed the opinion that:

- a) The applicant has not made any significant changes to the proposal.
- b) Proper process was followed under section 79C of the Environmental Planning & Assessment Act 1979 when assessing the original application.
- c) The applicant has not supplied any compelling reasons why the application should be approved.

The core assertion of the review application is that having residential use of the building is essential for the security of staff and stock associated with the IGA supermarket. Very few commercial premises within the Shire have staff accommodation adjoining their premises, so the merits of this argument appear to be limited, and certainly insufficient to address the reasons why Development Application 2012/025 was refused.

### Relevant Reference Documents/Policies:

- \* Environmental Planning & Assessment Act 1979.
- \* Environmental Planning & Assessment Regulation 2000.
- \* Local Government Act 1993.
- \* Business papers and minutes for the 27 November 2012 meeting of Walgett Shire Council, where DA2012/025 was refused.

### Governance issues:

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

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

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

### Environmental issues:

No significant environmental issues involved.

### Stakeholders:

Walgett IGA staff, the owners of the premises, public, and Walgett Shire Council.

## WALGETT SHIRE COUNCIL AGENDA

### Financial Implications:

None known or expected.

### Alternative Solutions/Options:

Approve Development Application 2012/025:- If Council perceives the review application as having sufficient merit to warrant approval, then it can determine the matter by approving the application conditionally, or unconditionally.

This option has not been recommended because the reasons for refusing the original application remain relevant and appropriate.

### Conclusion:

It is appropriate to confirm refusal of the Development Application.

### Review of Development Determination 2012/025 – Parthiv Mehta

#### Recommendation:

That Walgett Shire Council resolve to:

Confirm refusal of Development Determination 2012/025 in the name of Parthiv Mehta for a Change of Use from neighbourhood shop to dwelling, made on 27 November 2012.

**Moved:**

**Seconded:**

### Attachments:

A – APPLICATION FOR A REVIEW OF A DEVELOPMENT DETERMINATION - DA REVIEW  
2013/001



# WALGETT SHIRE COUNCIL AGENDA

## ATTACHMENT A – APPLICATION FOR A REVIEW OF A DEVELOPMENT DETERMINATION - DA REVIEW 2013/001.

RECEIVED 31 JAN 2013



**Walgett Shire Council**  
P.O. Box 31, WALGETT, N.S.W. 2832.  
Telephone: (02) 6828 1399 Facsimile: (02) 6828 1608

### APPLICATION FOR A REVIEW OF A DEVELOPMENT DETERMINATION

DA No: 2012/025

Use this form to apply for a review a development consent that has been granted.

You will receive a notice of determination of the application once it has been assessed.

#### 1. Details of the applicant

Mr ☒ Ms ☐ Mrs ☐ Dr ☐ Other

Your first name

Your family name

PARTHIV

MEHTA

Flat/street no.

Street name

38

FOX STREET

Suburb or town

State

Postcode

WALGETT

NSW

2832

Daytime telephone

Fax

Mobile

02 6828 1565

0433313972

Email

rockys1143@mail.com

#### 2. Identify the land

Flat/street no.

Street name

38

FOX STREET

Suburb or town

Postcode

WALGETT

2832

Lot No.

Section No.

DP No.

20

662667

You can find the lot no., section DP/MPS no. and volume/folio details on a map of the land or on the title documents for the land. If you need additional room, please attach a schedule and/or map with these details.

#### 3. Describe the development consent that has been granted

Describe what the consent allows

No Consent issued

What is the development application no.?

What is the date of the consent?

DA 2012/25

5.9.12

## WALGETT SHIRE COUNCIL AGENDA

### 4. Describe what aspects of the decision you are requesting to be reviewed.

Please indicate the context in which you are requesting a review by placing a cross in the appropriate box



I/we request that the following conditions of consent be removed/modified.

List the numbers of the conditions proposed to be removed/modified.



I/we request that refusal, or partial refusal, of the proposed development be reviewed.

Briefly describe the refused part/s of the development that are requested to be reviewed.

Review Application Letter attached  
with this application.

### 5. Amendments to the proposal.

Please briefly describe any amendments that you are making to the original proposal.

### 6. Supporting information

I/we have attached the following information to support the review application:



A written statement which provides factual reasons why the applicant believes that the review application should be approved.



Amended plans of the proposal (if amendments are proposed).

### 7. Political donation disclosure statement

Persons lodging a development application are required to declare reportable political donations (including donations of more than \$1,000) made in the previous two years.

Have you attached a disclosure statement to this request?

No ☒

Yes ☐


Note: For more details about political donations disclosure requirements, including a disclosure form, go to [www.planning.nsw.gov.au/donations](http://www.planning.nsw.gov.au/donations).

### 8. Signatures

The applicant/s for the original Development Application must sign the application for a review.

As the applicants for the original Development Application, I/we make application for the original Development Determination to be reviewed:

Signature



Name

PARTHIV MENTA

Date

01/2013

Signature

Name

Date

## WALGETT SHIRE COUNCIL AGENDA

### 9. Privacy policy

The information you provide in this application will enable your application to be assessed by us and any relevant state agency. If the information is not provided, we can refuse the application. Your application will be notified or advertised to the public for comment if the development is designated development, integrated development or advertised development. The application will also be kept in a register by the council that can be viewed by the public at any time.

Please contact the council if the information in your application is incorrect or changes.

### 10. Please note

An application for a review of a Development Determination must be made within 12 months after the determination of a Development Application.

## WALGETT SHIRE COUNCIL AGENDA

RECEIVED 31 JAN 2013

Dear Sir/Madam,

We have received your decision of rejecting the application for the change of use of 38 Fox Street, Walgett.

We are requesting you to review the decision. While reviewing, please consider the following:

38 Fox street, Walgett (subject premises) is used for a supplementary facility for IGA Walgett Supermarket located at 36 fox Street, Walgett:

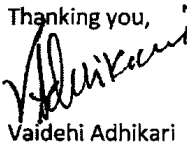
1. Due to shortage of staff, there are long shifts and staff use it to rest and entertainment for couple of hours
2. When staff is working late and after night stock filling in supermarket, staff will sleep at the subject property rather than going alone back to their home. In past, few employees were been bashed and hospitalised. Police complain were lodged for those incidents.
3. There are 16 cameras surrounding the subject property and monitoring is inside the subject property due to valuable stock is stored at subject property. These security cameras can be easily targeted if; supermarket and subject property is unattended.
4. We have a couples (who has Six month old baby) employed at supermarket. We provide the facility to breast feed her baby girl.

Following are very important points to be considered for the safety aspect.

1. In Walgett supermarket operated by us, we have approximately 25 people banned to enter into the store due to getting caught; stealing the stock. Walgett is a small town and employees safety can be easily compromised at night time if, employees have to walk or drive on the road after finishing their work at late night. If, we are able to provide the overnight sleeping arrangements to our staff at concerns on subject premises, they will fill safer to work long hours. In supermarket operation, late night and early morning filling is vital.
2. Supermarket stock is delivered at 6.00 AM or earlier. Sometime, truck drivers will knock on the subject premises so; staff can take the delivery of the stock. Due to long distance from Sydney to Walgett, stock delivery time can be changed without notice. As we always keep couple of staff at subject premises, we are able to manage the odd stock delivery times. This will be compromised if; we are not able to provide the sleeping facility at subject premises. This will affect the stock available in supermarket.
3. It is not easy to find suitable employees to work in Walgett Supermarket. We are not in position to lose staff due to their security concern which can be addressed partially by providing the residential facility at the subject premises.
4. Supermarket store valuable stock in the safe facility (we have big walk in safe at subject premises) and if, we are not able to have employees sleeping at this premise, this stock and storage will be at a high risk of break and entre. We will have to stop storing the valuable stock if; we cannot use subject premises as a residence. In that case we will not be ordering sufficient valuable stock due to compromise in monitored storage. This will affect the availability of certain stock in supermarket.

## WALGETT SHIRE COUNCIL AGENDA

5. There are many instances where there are attempts of break and entre into supermarket at night time. As, someone is available in this premises, we are able to attend the supermarket less than a minute (employee sleeping at subject premises can hear the siren of alarm), people trying to break in do not get much time to steal the stock. If, no one is sleeping at this premise, Supermarket will become easy target looking at the break and entre cases in Walgett and the type of stock (liquor and cigarettes) stored in supermarket.
6. Overall, allowing us to use this premises as residence is very essential for safety, security and the facility we can provide to the Walgett Community at Walgett supermarket.

Thanking you,  
  
Vaidehi Adhikari

## **DEVELOPMENT APPLICATION 2012/046**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matt Clarkson, Town Planner  
**FILE NUMBER:** DA2012/046

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### **Summary:**

Development Application 2012/046 for an extension and alterations to the Walgett Library and Visitor Information Centre has been lodged.

It is recommended that Council resolve to approve Development Application 2012/046 subject to the recommended conditions of development consent.

### **Background:**

On 21 December 2012 Council's Projects Officer, Sylvester Otieno, submitted Development Application 2012/046 on behalf of Walgett Shire Council as the landowner for an extension and alterations to the Walgett Library and Visitor Information Centre. Proposed cost of works was listed as \$280,000.

Council's Consent Authority Conflict of Interest Policy states that where a development is between \$100,001 and \$5,000,000 in value, or written objections are received, the Development Application will be subject to:

- An **assessment prepared** by Council staff not involved in compiling the application documentation.
- An **assessment review** by an appropriately skilled independent party, such as external planning consultants or planners from another Council.
- **Determination** by Council.

### **Current Position:**

In line with Council's Consent Authority Conflict of Interest Policy:

- a) Development Application Report 2012/046 was prepared by the Director of Planning and Regulatory Services, Matthew Goodwin, as Council's Town Planner, Matt Clarkson, was involved in the design of the project.
- b) An assessment review was conducted by Barnson in Dubbo, after quotes were requested from three independent planning consultants. Barnson was selected after addressing the issues raised in the request and supplying the cheapest quote.

Barnson's review of Development Application Report 2012/046 (Attachment A) stated that:

"It is our opinion that Council's assessment addresses all the key issues in a reasonable and timely manner, and the recommendation for approval is supported subject to the draft set of conditions".

## WALGETT SHIRE COUNCIL AGENDA

### Relevant Reference Documents/Policies:

- \* Environmental Planning & Assessment Act 1979.
- \* Environmental Planning & Assessment Regulation 2000.
- \* Local Government Act 1993
- \* Council's Consent Authority Conflict of Interest Policy 2009.

### Governance issues:

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

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

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

### Environmental issues:

No significant environmental issues involved.

### Stakeholders:

Public, Walgett Shire Council.

### Financial Implications:

None known or expected.

### Alternative Solutions/Options:

Refuse Development Application 2012/046:- This is not recommended as the assessment report has been reviewed by a suitably qualified and experienced planning consultant, and found to be sound.

### Conclusion:

That it would be appropriate to approve the Development Application subject to the recommended conditions of development consent.

**Development Determination 2012/046 – Sylvester Otieno**

**Recommendation:**

That Walgett Shire Council resolve to:

1. Approve Development Application 2012/046 in the name of Sylvester Otieno for alterations and additions to the library and visitor information centre at 88 Fox St, Walgett (lot 43, DP 253643) subject to the recommended conditions of development consent.
2. All references in the development consent conditions to the "Director of Urban Infrastructure" be changed to "Director of Engineering Services".

**Moved:**

**Seconded:**

**ATTACHMENTS:**

A – DEVELOPMENT APPLICATION ASSESSMENT REPORT DA2012/046

B – BARNSON DA ASSESSMENT REVIEW DA2012/046



## **REQUEST TO AMEND THE COLLARENEBRI LOCALITY**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Geographic Information Systems Coordinator, James Abel  
**FILE NUMBER:** 09/1158

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### **Summary:**

A request has been received to change the locality applied to the rural properties of Cambo and Dumiendi. It is recommended that Council respond by stating that it is unable to support the requested change.

### **Background:**

During 2009 Council implemented a rural addressing program in compliance with Australian Standard AS/NZS 4819:2003 Rural and Urban Addressing. The main objective was to provide each rural dwelling within the shire with a unique location based address derived from the locality where the dwelling was physically located.

Given the varying sizes and distribution of the locality boundaries, the location based address does not always reflect the town that is closest to each property, nor that which provides services to each property.

During the rural addressing program some minor amendments were made to locality boundaries where affected landholders requested to be included within an immediately adjoining locality.

### **Current position:**

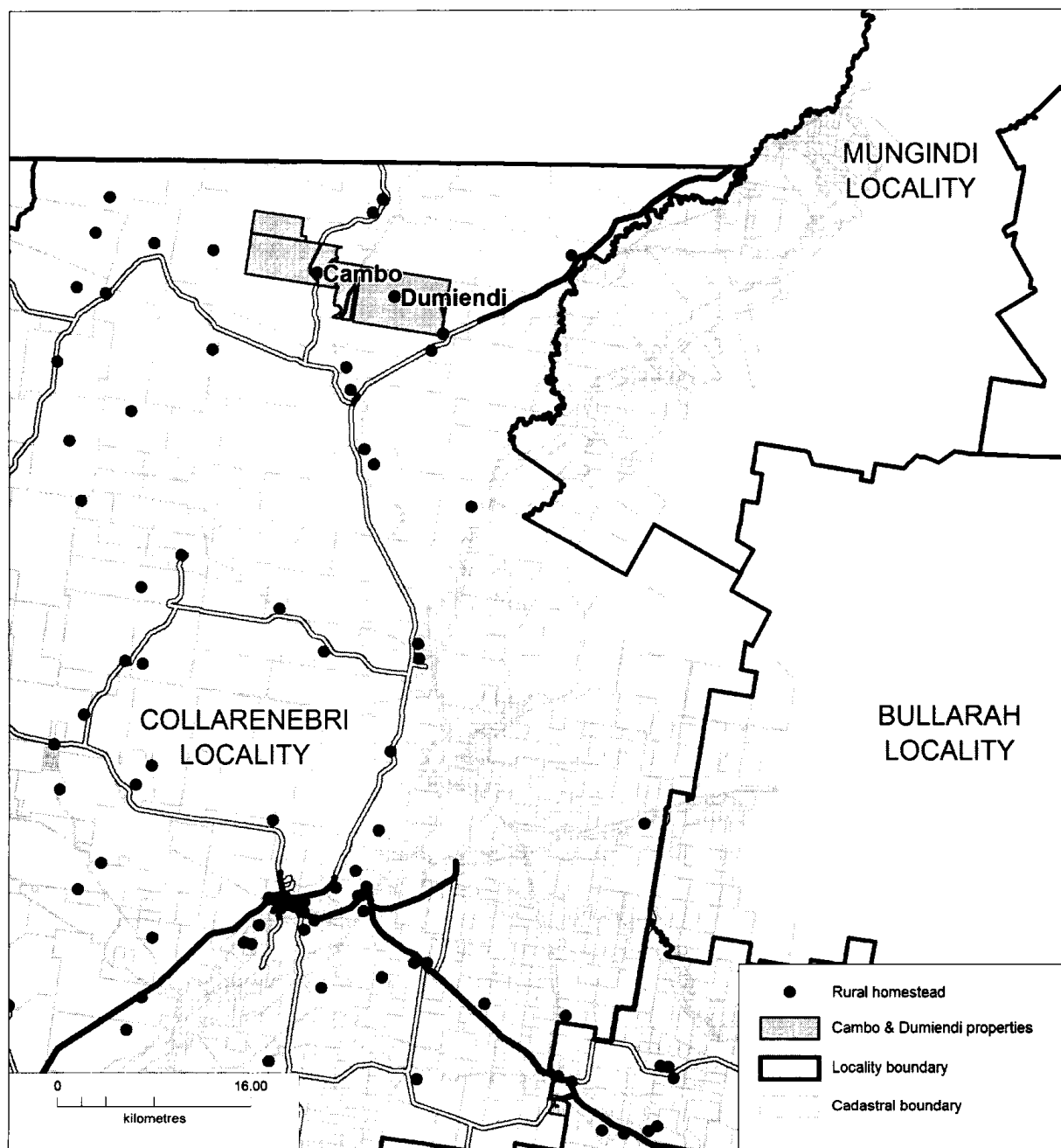
Maree Greenaway has made a written submission indicating that "*when you [Council] changed the addresses of the properties you put Collarenebri as the town address which is incorrect*". She states that Cambo and Dumiendi should be corrected to Mungindi (see Attachment A).

In a letter dated 14<sup>th</sup> May 2009 Walgett Shire Council notified Ms Greenaway of the allocated rural address for the respective properties.

Both of these properties are located in the north eastern portion of the Walgett Shire well within the Collarenebri locality, as shown below.

Previous discussions with staff of the Geographical Names Board of NSW have indicated that the Board is fundamentally opposed to creating 'odd' locality shapes, such as a satellite Mungindi locality with the same name as an existing locality. Accordingly it appears that the only way that this proposal could proceed is for part of the Collarenebri locality to be added to the Mungindi locality. At a minimum it appears that this would require ten rural properties (rates assessments) to be shifted into the Mungindi locality to achieve a new locality shape that might have the potential to be supported by the board.

## WALGETT SHIRE COUNCIL AGENDA



### Relevant reference documents/policies:

- \* 'Australian/New Zealand Standard AS/NZ 4819:2003 – Rural and Urban Addressing.

### Governance issues:

Nil

### Environmental issues:

## WALGETT SHIRE COUNCIL AGENDA

Nil.

### **Stakeholders:**

Walgett Shire Council, Geographical Names Board of NSW and residents.

### **Financial Implications:**

Nil.

### **Alternative solutions/options:**

Support the request:- If Council felt that the proposal had significant merit then it could commence the processes required to give effect to the change, as follows:

1. Determine a concept area proposed for inclusion within the extended Mungindi locality.
2. Council should then undertake extensive public consultation, including with the Moree Plains Shire about the proposed extended Mungindi locality.
3. Council would then need to consider all submissions prior to making any decision whether to ask the Geographical Names Board to amend the locality boundary.
4. The Geographical Names Board would then need to make a determination whether to approve the proposed boundary change. The Board would expect Council to demonstrate that there is broad community support for the proposed change before giving the proposal any consideration.
5. If approved, the Geographical Names Board would then gazette the name change.

Support for the request has not been recommended because the current locality boundaries are long standing and appear to be accepted by the majority of the community.

### **Conclusion:**

It is recommended that Council not agree to the request which could only be implemented by major amendments to the boundary of the Collarenebri locality boundary.

**Request to amend the Collarenebri Locality**

**Recommendation:**

That Walgett Shire Council resolve to:

1. Note Maree Greenaway's letter received on 25 January 2013 which requests that the rural properties Cambo and Dumiendi be reallocated into the Mungindi locality.
2. Respond to Ms Maree Greenaway with a letter that:
  - (a) Includes a copy of the Council report which considers the issues associated with her request.
  - (b) Council is not prepared to agree to her request because the:
    - current locality boundaries are long standing,
    - current locality boundaries appear to be accepted by the majority of the community,and;
    - requested changes would require major alterations to locality boundaries.

**Moved:**

**Seconded:**

**Attachments:**

A – Letter received from Ms Maree Greenaway

## **DELEGATION FOR MINOR LEP AMENDMENTS**

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

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### **Summary:**

The Minister for Planning & Infrastructure has offered to delegate limited powers associated with the amendment of Local Environmental Plans to Walgett Shire Council. It is recommended that Council respond by accepting the delegation.

### **Background:**

In an undated letter received by Walgett Shire Council on 1 November 2012, the Minister for Planning and Infrastructure offers to delegate various powers under Section 59 of the Environmental Planning and Assessment Act 1979 to Council (Attachment A). The powers relate to the making and amendment of a Local Environmental Plan (LEP).

The extent of the proposed delegation is outlined in Department of Planning & Infrastructure Circular PS 12-006 dated 29 October 2012 (Attachment B), as follows:

The following types of draft LEPs will routinely be delegated to councils to prepare and make following a Gateway determination that the planning proposal can proceed:

- mapping alterations
- section 73A matters (e.g. amending references to documents/agencies, minor errors and anomalies)
- reclassifications of land
- heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study
- spot rezoning consistent with an endorsed strategy and/or surrounding zones, and
- other matters of local significance as determined by the Gateway.

The circular notes that the delegations will only operate for a draft LEP once Council has received "Written Authorisation to Exercise Delegation". This authorisation will be issued to Councils as part of the gateway determination process.

Section 23 of the Environmental Planning & Assessment Act 1979 allows the Minister to delegate functions to a Council and/or an employee of a Council.

## WALGETT SHIRE COUNCIL AGENDA

The Minister's letter requests that Council respond in writing to accept the delegation which is being offered.

### **Current position:**

Acceptance of the delegation appears likely to enable the Council to make relatively minor alterations to LEPs in a more streamlined manner. It is unlikely that the delegation will have a major impact on the Walgett Shire, given that only with two LEPs have been publicly exhibited in the 34 years since the Environmental Planning and Assessment Act commenced in 1979. Nevertheless it is recommended that Council accept the Minister's delegation to make relatively minor LEPs.

It is also recommended that the Council nominate the General Manager as its delegate to exercise the powers that it receives from the Minister.

The Minister's letter advises that council must write to the Department to accept the delegation and nominate the officers of Council to be granted the delegation by 30 November 2012. The matter was not referred to Council prior to the Minister's cut-off date due to the relevant staff being on leave and/or focused on administering the implementation of the LEP and DCP.

### **Relevant reference documents/policies:**

- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.
- Letter from Minister for Planning received 1 November 2012 regarding delegation of powers (Attachment A).
- Planning circular PS 12-006 issued by the Department of Planning & Infrastructure on 29 October 2012 (Attachment B).

### **Governance issues:**

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

Delegations:- The Minister's letter notes that Section 381 of the Local Government Act 1993 provides that requires that such functions cannot be delegated to:

- a) the general manager, except with the approval of the council, or
- b) an employee of the council, except with the approval of the council and the general manager

### **Environmental issues:**

No significant issues known or expected.

## WALGETT SHIRE COUNCIL AGENDA

### Stakeholders:

Walgett Shire Council, NSW Department of Planning & Infrastructure, public.

### Financial Implications:

No significant costs known or expected.

### Alternative solutions/options:

Not respond:- If Council does not respond to the Minister's letter, then it will be unable to exercise the delegations offered by the Minister. This option was not recommended because there may be some advantage for Council in accepting the delegations to facilitate LEP development in the future.

### Conclusion:

It would be appropriate for Council to accept the Minister's delegation given that it should reduce the time required to implement LEPs.

### Delegation for Minor LEP Amendments

#### Recommendation:

That Walgett Shire Council resolve to:

1. Note the letter received by Walgett Shire Council on 1 November 2012 from the Minister for Planning offering to delegate to Council various powers under section 59 of the Environmental Planning and Assessment Act 1979 to prepare and make minor Local Environmental Plan amendments.
2. Respond to the Department of Planning by accepting delegation to make Local Environmental Plans under Section 59 of the Environmental Planning and Assessment Act 1979 from the Minister for Planning and Infrastructure.
3. In accordance with Section 381 of the Local Government Act 1993, delegate its Local Environmental Plan making functions under Section 59 of the Environmental Planning & Assessment Act 1979 to the General Manager of Walgett Shire Council.

**Moved:**

**Seconded:**

### Attachments:

A – Undated letter from Minister for Planning

B – Planning Circular PS 12-006 dated 29 October 2012

Attachment A – UNDATED LETTER FROM MINISTER FOR PLANNING

RECEIVED - 1 NOV 2012



**The Hon Brad Hazzard MP**  
Minister for Planning and Infrastructure  
Minister Assisting the Premier on Infrastructure NSW

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

Dear Mr Ramsland,

In April 2012 the NSW Government called for public submissions on a draft policy statement to improve the local plan making process by returning local planning decisions to local councils and their communities, and by making the process more accountable. The proposed changes included formalising the existing statutory arrangements for two reviews within the plan making process (at both the pre and post Gateway determination stage) and introducing delegations to local government to make plans in certain circumstances.

Having considered the submissions received by the Department of Planning & Infrastructure, I now propose to introduce the changes. I note that in their reports released last month the Chairs of the Independent Review into the NSW planning system, the Hon Tim Moore and the Hon Ron Dyer, recommended that the reviews be implemented. The changes will commence on 1 September 2012.

To implement the new policy I have delegated to councils all my functions under section 59 of the *Environmental Planning and Assessment Act, 1979* for the making of Local Environmental Plans (LEPs). The delegations will operate in respect of draft LEPs for local matters where council receives an authorisation following the Gateway determination. For the first time councils will be fully empowered to complete the plan making process for these LEPs.

The Director General of the department has issued planning circular PS 12-006 about the two new reviews and the delegations. Delegations will routinely be issued for particular types of draft LEPs and these are specified in the circular. However, other types of draft LEPs will also be delegated to councils if the Gateway determines that the draft LEP is a local matter and that council should make the LEP.

To be able to exercise these delegations, your council must write to the department advising that they are accepted. Councils are also requested in their response to nominate the officers or employee of council who will be granted the proposed delegation. The name and position of the employee is required.

Council is reminded that the provisions of Section 381 of the *Local Government Act, 1993* require that such functions cannot be delegated to:



WALGETT SHIRE COUNCIL AGENDA

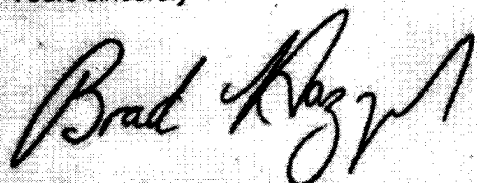
- a) The general manager, except with the approval of the council; or
- b) An employee of the council, except with the approval of the council and the general manager.

Further information on the administrative procedures for the various stages of the plan making process for delegated draft LEPs are available on the department's website at: <http://www.planning.nsw.gov.au/lep-practice-notes-and-planning-circulars>

Council is asked to respond to this letter advising if it wishes to accept the delegation and identify the nominated council officers by Friday 30<sup>th</sup> November, 2012.

If you require any further information on this matter, I have arranged for Mr Neil Selmon, Director Planning Operations Coordination to respond. Mr Selmon may be contacted on (02) 9228 6259 or at [Neil.Selmon@planning.nsw.gov.au](mailto:Neil.Selmon@planning.nsw.gov.au).

Yours sincerely



**HON BRAD HAZZARD MP**  
Minister

Level 33 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000  
Phone: (61 2) 9228 5258 Fax: (61 2) 9228 5721 Email: [office@hazzard.minister.nsw.gov.au](mailto:office@hazzard.minister.nsw.gov.au)

## Attachment B – PLANNING CIRCULAR ps 12-006 DATED 29 october 2012



**Planning &  
Infrastructure**

## PLANNING circular

### PLANNING SYSTEM

Plan-making reviews

|          |                 |
|----------|-----------------|
| Circular | PS 12-006       |
| Issued   | 29 October 2012 |
| Related  |                 |

# Delegations and independent reviews of plan-making decisions

The purpose of this circular is to advise councils and the public about new delegations and independent reviews related to plan-making under Part 3 of the *Environmental Planning and Assessment Act 1979*.

## Introduction

Two changes have been put in place to improve plan-making processes under Part 3 of the *Environmental Planning and Assessment Act 1979* (the Act). These changes come into effect on 2 November 2012 and will increase transparency, provide greater certainty, and increase councils' roles and responsibilities in plan making, by:

- delegating the making of some local environmental plans (LEPs) to councils, and
- allowing for independent reviews of some council and departmental decisions in the plan making process.

## LEP delegations

The making of some LEPs will now be delegated back to councils, in keeping with the government's commitment to return local planning powers to local councils and their communities.

The Minister has delegated the following plan-making powers to councils:

- a) to make – and determine not to make – an LEP under section 59(2), and (3) of the EP&A Act
- b) to defer inclusion of certain matters in an LEP under section 59(3) and
- c) to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4)) if the council defers the proposal or if a matter is deferred from the LEP.

The changes will give local councils responsibility for LEPs of local significance and streamline the processing of their LEPs by removing duplicative steps in the making of these LEPs.

The delegations will operate in respect of a draft LEP on receipt by council of a Written Authorisation to Exercise Delegation (the Authorisation). The Authorisation will be issued to councils as part of the Gateway determination.

When submitting a planning proposal, councils will be required to identify whether they wish to exercise the Authorisation for each planning proposal.

Delegation will be routinely issued for particular types of LEPs (see below). However, any other draft LEP that the Gateway determines is of local significance will also be delegated to councils.

## LEPs to be routinely delegated

The following types of draft LEPs will routinely be delegated to councils to prepare and make following a Gateway determination that the planning proposal can proceed:

- mapping alterations
- section 73A matters (e.g. amending references to documents/agencies, minor errors and anomalies)
- reclassifications of land
- heritage LEPs related to specific local heritage items supported by an Office of Environment and Heritage endorsed study
- spot rezoning consistent with an endorsed strategy and/or surrounding zones, and
- other matters of local significance as determined by the Gateway.

## Issue of delegations

Section 23 of the Act allows the Minister and the Director-General to delegate functions to a council and/or an officer or employee of a council. The department has written to all councils advising that

## WALGETT SHIRE COUNCIL AGENDA

Department of Planning & Infrastructure – Planning Circular PS 12-006

plan making powers are to be delegated under section 23 of the Act. A council is to formally accept the delegation before the department will issue an Authorisation in respect of any individual draft LEP.

If a council chooses to accept the delegation, it may sub-delegate the function to an officer within council (usually the general manager or planning director) who will exercise the delegation. If a council chooses to sub-delegate the function, the council should advise the department at the same time it accepts the delegation. When submitting a planning proposal to the gateway a council should advise the department whether the council or an officer will be exercising the delegated function.

Section 381 of the *Local Government Act 1993* requires that such functions cannot be delegated to:

- a) the general manager, except with the approval of the council, or
- b) an employee of the council, except with the approval of the council and the general manager.

Councils must comply with the conditions of the Authorisation in exercising their delegation. If a condition of the Authorisation cannot be complied with council must not exercise the delegation and must advise the department immediately.

### Drafting and notifying delegated LEPs

Under section 59(1) of the Act the department currently requests the Office of the Parliamentary Counsel (PCO) to draft the legal instrument that gives effect to a planning proposal. However, when a planning proposal is delegated, the council will now deliver its instructions directly to PCO electronically. The council will concurrently copy the instructions to the department for monitoring and reporting only. The council will then deal directly with PCO to negotiate and agree the final wording of the instrument, prior to making the LEP.

When a plan is made, the department currently requests PCO to 'notify' the plan on the NSW Legislation webpage. The day the plan is notified on that webpage is the day the LEP becomes effective. This process will continue. When a council has made an LEP it will be forwarded to the department. The department will request notification through PCO and will record the dates of making by the council and notification on the NSW Legislation web page.

### Reporting requirements

Councils will be required to report to the department on processing times for delegated LEPs (e.g. exhibition dates, dates of council resolution and/or delegated decisions to proceed with the planning proposal after exhibition, request for drafting, making of plan, and forwarding to department to arrange notification).

A template for the reporting of this information has been prepared and is provided on the department's

website at <http://www.planning.nsw.gov.au/gateway-process>. Councils will be required to submit this completed template with each LEP at the time a request is made to the department to notify the plan. Councils are also required to provide written advice to the relevant regional office of the dates as they occur to ensure that the department's publicly accessible LEP Tracking System remains up to date.

### Independent Reviews

To increase transparency and accountability in the Part 3 plan-making process, the government has formalised two existing administrative review processes:

- **Pre-gateway reviews** – which may be requested by a proponent before a planning proposal has been submitted to the department for a Gateway determination. These reviews are informed by advice from joint regional planning panels (regional panels) or the Planning Assessment Commission (PAC), and
- **Gateway reviews** – which may be requested by a council or proponent following a Gateway determination, but before community consultation on the planning proposal has commenced. These reviews are informed by advice from the PAC.

These reviews will allow councils and proponents to have decisions in relation to proposed amendments to LEPs reconsidered, by providing an opportunity for an independent body to give advice on such proposals.

An amendment to the Environmental Planning and Assessment Regulation 2000 (the Regulation) has been made to require councils to notify proponents of certain matters and to charge proponents fees for reviews.

This circular provides a summary of the review mechanisms. Detailed guidance for councils and proponents is provided within *A guide to preparing local environmental plans*.

### Pre-Gateway reviews

#### When a review may be requested

If a proponent (e.g. developer, landowner) has requested that a council prepare a planning proposal for a proposed instrument, the proponent may ask for a pre-Gateway review if:

- a) the council has notified the proponent that the request to prepare a planning proposal is not supported, or
- b) the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.

The Regulation requires councils to notify a proponent when the council determines that it will not prepare a planning proposal. The proponent of the proposed instrument then has 40 days to request that the

## WALGETT SHIRE COUNCIL AGENDA

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relevant regional panel review the proposal. Where a council has not made a determination after 90 days, the proponent may request a review any time after the 90 days has lapsed.

*A guide to preparing local environmental plans* sets out lodgement requirements, including fees and information a proponent must provide to the department in order for a review to be undertaken. It also sets out strategic and site-specific eligibility criteria that must be met in order for a proposal to be eligible for review by the regional panel.

### Review and determination

The relevant regional panel will review all eligible proposals forwarded to it by the department. In the City of Sydney local government area, the PAC will undertake the review.

*A guide to preparing local environmental plans* sets out what matters the regional panel/PAC will take into consideration when reviewing the proposal.

The regional panel/PAC will provide advice on whether it would recommend to the Minister that the proposed instrument should be submitted for a determination under section 56 of the Act (Gateway determination).

The Minister's final decision will be informed by the regional panel's or PAC's advice, and the views of the department, council and proponent.

For proposals that are to proceed, further work may still be required by the proponent before the proposal complies with section 55 of the Act in relation to submitting a planning proposal for Gateway determination.

Further details on these procedures are outlined in *A guide to preparing local environmental plans*.

### Exclusions – Pre-Gateway Reviews

A proponent who has requested council to prepare a planning proposal prior to the date this circular was issued may seek a review if the supporting information accompanying the request is still current (i.e. less than two years old).

A review request accompanied by information that is more than two years old will not normally be considered.

### Gateway reviews

#### When a review may be requested

A council or proponent may request the Minister (or delegate) to alter a Gateway determination, when a Gateway determination is made that:

- the planning proposal should not proceed
- the planning proposal should be resubmitted to the Gateway, or
- imposes requirements (other than consultation requirements) or makes variations to the proposal that the council or proponent thinks should be reconsidered.

If the Gateway determination is either to not proceed or to resubmit the planning proposal, the council or proponent has 40 days from being notified by the department to request a review.

If the Gateway determination is to proceed with the planning proposal but imposes conditions that the council or proponent considers inappropriate, the council or proponent has 14 days from being notified by the department to indicate their intent to request a review. The council or proponent would then have 40 days to formally apply for a Gateway review.

*A guide to preparing local environmental plans* sets out lodgement requirements, including information the council or proponent must provide for a Gateway review to be undertaken.

### Review and determination

The PAC will provide advice on whether the original Gateway determination should be altered, giving consideration to the council or proponent's submission and the reasons given for the original Gateway determination.

The Minister's final decision on whether to alter the Gateway determination will be informed by the PAC's advice, and the views of the council and proponent.

Further details on these procedures are outlined in *A guide to preparing local environmental plans*.

### Further information

**The Environmental Planning and Assessment Regulation 2000** has been amended to require councils to notify proponents of certain plan-making matters and to charge proponents fees for reviews. The regulation is called the Environmental Planning and Assessment Amendment (Reviews) Regulation 2012.

*A guide to preparing local environmental plans* provides advice on the various stages in the plan-making process including details of the stages for pre-Gateway reviews, the review of Gateway determinations and the delegation of plan-making functions to councils. The guide has been updated throughout with the main changes relating to:

- delegation procedures
- guidance on the plan making process
- guidance on the procedures for independent review.

*A guide to preparing planning proposals*, issued under section 55(3) of the Act, provides advice on the preparation and content of planning proposals. The guide has been updated throughout with the main changes relating to:

- guidance on the level of information to be required for planning proposals together with the inclusion of an information checklist for planning proposals
- advice regarding pre-lodgement meetings

## WALGETT SHIRE COUNCIL AGENDA

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- the introduction of 'part 6 – project timeline' and discussion of requirements and procedures
- guidance on mapping requirements and procedures.

Copies of the Environmental Planning and Assessment Regulation 2000 are available online at <http://www.legislation.nsw.gov.au>.

Copies of *A guide to preparing local environmental plans* and *A guide to preparing planning proposals* are available on the department's website <http://www.planning.nsw.gov.au>.

The department has developed a number of template documents to assist councils preparing delegated LEPs. Councils will be able to access these templates and use them to ensure that the key statutory requirements of the plan-making process have been complied with. These templates are available for download from the department's website at: <http://www.planning.nsw.gov.au/gateway-process>

For further information please contact the Department of Planning & Infrastructure's information centre on 1300 305 695.

Department of Planning & Infrastructure circulars are available from <http://www.planning.nsw.gov.au/circulars>

### Authorised by:

**Sam Haddad**  
**Director-General**

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**Important note:** This circular does not constitute legal advice. Users are advised to seek professional advice and refer to the relevant legislation, as necessary, before taking action in relation to any matters covered by this circular.

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## **COUNCIL DELEGATION – PLUMBING & DRAINAGE ACT 2011**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Director of Planning & Regulatory Services, Matthew Goodwin  
**FILE NUMBER:** 09/1328-02

---

### **Summary:**

The Acting Commissioner for Fair Trading has offered to delegate to Council powers associated with the Plumbing and Drainage Act 2011. It is recommended that Council respond by accepting the delegation.

### **Background:**

In an undated letter received by Walgett Shire Council on 14 November 2012, the Acting Commissioner for Fair Trading offers to delegate various powers to Walgett Shire Council under the Plumbing and Drainage Act 2011.

The Plumbing and Drainage Act 2011 was passed by Parliament on 9 November 2011 establishing NSW Fair Trading as the NSW plumbing regulator. The Act also establishes a single scheme of regulation of on-site plumbing and drainage work.

Fair Trading proposes to delegate the functions of plumbing regulator to councils outside of the Sydney Water Corporation and Hunter Water Corporation areas of operation. The councils may in turn sub-delegate any of these functions

NSW Fair Trading has now formally offered to delegate the plumbing regulator functions. The delegation (Attachment A), if accepted, the delegation continues until revoked by the Commissioner for Fair Trading.

Acceptance of the delegation is required to enable Council to continue to regulate on-site plumbing and drainage work.

### **Current position:**

Whilst NSW Fair Trading will assume the State plumbing and drainage regulator role, Walgett will continue to carry out on-site plumbing and drainage inspections as a delegate of NSW Fair Trading.

The Acting Commissioner for Fair Trading has asked that Council complete and return the provided 'Acknowledgement of Delegation'.

## WALGETT SHIRE COUNCIL AGENDA

### Relevant reference documents/policies:

- Plumbing and Drainage Act 2011.
- Letter from Acting Commissioner for Fair Trading 14 November 2012 regarding delegation (Attachment A).

### Governance issues:

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

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to have regard to the long term and cumulative effects of its decisions
- to engage in long-term strategic planning on behalf of the local community
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights

### Environmental issues:

No significant issues known or expected.

### Stakeholders:

Walgett Shire Council, NSW Department of Fair Trading, public.

### Financial Implications:

No significant costs known or expected.

### Alternative solutions/options:

Not respond:- If Council does not respond, then it will be unable to exercise the delegations offered by the Commissioner, hence Council's Environmental Health and Building Surveying staff will no longer have any authority to inspect plumbing work within the Shire. This option has not been recommended because there is a need to maintain a local plumbing inspection service and ensure compliance with plumbing regulations.

### Conclusion:

It would be appropriate for Council to accept the delegation offered, in order to be able to maintain a local plumbing inspection service.

**Council Delegation – Plumbing & Drainage Act 2011**

**Recommendation:**

That Walgett Shire Council resolve to:

1. Note the letter received by Walgett Shire Council on 14 November 2012 from the Acting Commissioner of Fair Trading offering to delegate to Council various powers under section 21 of the Plumbing and Drainage Act 2011 for the regulation of on-site plumbing and drainage work.
2. Authorise the affixing of the seal of Walgett Shire Council under the signature of the General Manager and Mayor to the Instrument of Delegation dated 8 November 2012, issued by the Acting Commissioner for Fair Trading.
3. In accordance with Section 381 of the Local Government Act 1993, Walgett Shire delegate its powers under the Plumbing and Drainage Act 2011 to the General Manager.

**Moved:**

**Seconded:**

**Attachments:**

A – Letter & delegation instrument from Commissioner for Fair Trading



WALGETT SHIRE COUNCIL AGENDA

ATTACHMENT A –LETTER FROM COMMISSIONER FOR FAIR TRADING

RECEIVED 11 NOV 2012



Fair  
Trading

PO Box 972  
Parramatta NSW 2124  
Tel: 02 9895 0111 Fax: 02 9895 0222  
TTY: 1300 723 404 ABN 61 913 830 179  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

Ref: FTMIN12/1325

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

Dear Mr Ramsland

***Delegation to Council of functions under the Plumbing and Drainage Act 2012***

As you will be aware, the *Plumbing and Drainage Act 2011* (the Act) was passed by Parliament on 9 November 2011. The Act established a single scheme of regulation of on-site plumbing and drainage work in NSW and established NSW Fair Trading as the NSW plumbing regulator.

The legislation is being implemented in stages. In the first stage, the Act commenced on 1 July 2012 and implemented the *Plumbing Code of Australia* as the new technical standard across all of NSW. Fair Trading became the plumbing regulator in areas that, immediately before commencement of the Act, were within the areas of operations of the Sydney Water Corporation, Hunter Water Corporation and other licensed utility operators under the *Water Industry Competition Act 2006*. Local councils in other areas continued to retain compliance and inspection roles in relation to plumbing and drainage work.

In the second stage from 1 January 2013, Fair Trading will become the single regulator across NSW. However, Fair Trading has always intended to delegate certain functions back to local councils in order to continue the important regulatory role of councils in their local areas. Fair Trading has recently completed a series of roadshows, to which all councils were invited, to explain the new system and the role of councils.

Section 21 of the Act allows the plumbing regulator to delegate any of the plumbing regulator's functions to a local council, or any other person the regulator considers has the necessary skills, knowledge or experience to exercise the function. The council may, in turn, subdelegate any of these functions but only as set out in the Act.

Fair Trading proposes to delegate the functions of plumbing regulator to councils outside of the Sydney Water Corporation and Hunter Water Corporation areas of operation. The attached instrument of delegation has been prepared and is now provided to your council for this purpose. Similar instruments are being provided to other local councils throughout New South Wales.

A division of the Department of Finance & Services

WALGETT SHIRE COUNCIL AGENDA

I ask that you now submit the delegation for your council's consideration. Acceptance of the delegation is required to enable your council to continue to undertake activities in the regulation of on-site plumbing and drainage work.

I also ask that you advise Fair Trading, by completing and returning the attached 'Acknowledgement of Delegation', of your council's acceptance of the delegation.

If you have any questions concerning the content or exercise of the enclosed instrument of delegation, please contact Mr Michael Cooper, Director of Mediation Services and Compliance, on (02) 9895 0861 or via email at [Michael.Cooper@services.nsw.gov.au](mailto:Michael.Cooper@services.nsw.gov.au).

So that Fair Trading may be certain of the effectiveness of the delegation being provided to your council, I would appreciate receiving your response by close of business on Friday 29 November 2012.

Fair Trading, as the plumbing regulator, is committed to working closely with all councils to support and maintain the important role carried out by local councils in the conduct of plumbing regulatory functions under the new arrangements. The Delegation notes that the regulatory function is to be exercised in accordance with the requirements of the Act and guidelines, if any, issued by the plumbing regulator. At present there are no guidelines in force and Fair Trading will work with councils in developing any such guidelines in the future.

Fair Trading looks forward to working with you and other councils throughout New South Wales.

Yours sincerely



Andrew Gavrielatos  
Acting Commissioner  
On behalf of Rod Stowe, Commissioner for Fair Trading

**Instrument of delegation**  
under section 21 of the *Plumbing and Drainage Act 2011*

Section 21 of the *Plumbing and Drainage Act 2011* (Plumbing and Drainage Act) provides that:

- (1) The plumbing regulator may delegate any of the plumbing regulator's functions under this Act, other than this power of delegation, to:
  - (a) a local council, or
  - (b) any other person whom the regulator considers has the necessary skills, knowledge or experience to exercise the function.
- (2) A local council may sub-delegate any function delegated to it by the plumbing regulator to:
  - (a) the general manager of the council, or
  - (b) a person engaged as a contractor by the local council whom the council considers has the necessary skills, knowledge or experience to exercise the function.

In accordance with this provision, I, Andrew Gavrielatos, Acting Commissioner for Fair Trading, the plumbing regulator for the purposes of the Plumbing and Drainage Act, hereby delegate the exercise of the following functions to the Walgett Shire Council in the council's area of operations. These functions are to be undertaken by an officer or employee of council holding the necessary skills, knowledge or experience to exercise the functions.

| Function                                                                                                                                                                                                                                                                                                          | Conditions                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| To monitor compliance with the Plumbing and Drainage Act (s19 (a))                                                                                                                                                                                                                                                | This function is to be exercised in accordance with the requirements of the Plumbing and Drainage Act, <i>Plumbing and Drainage Regulation 2012</i> (Plumbing and Drainage Regulation) and guidelines (if any) issued by the plumbing regulator.   |
| To ensure that any plumbing and drainage work carried out does not threaten public health or safety (s19 (b))                                                                                                                                                                                                     | This function is to be exercised in accordance with the requirements of the Plumbing and Drainage Act, <i>Plumbing and Drainage Regulation</i> and guidelines (if any) issued by the plumbing regulator.                                           |
| To undertake any other functions conferred or imposed on the plumbing regulator by the Plumbing and Drainage Act (s19 (c)) other than: <ul style="list-style-type: none"> <li>Receiving notices of work and other documentation required to be submitted to the plumbing regulator concerning proposed</li> </ul> | The exercise of any function by the council as a delegate of the plumbing regulator under the Plumbing and Drainage Act is to be in accordance with the requirements of the Plumbing and Drainage Act, <i>Plumbing and Drainage Regulation</i> and |

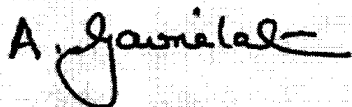
WALGETT SHIRE COUNCIL AGENDA

|                                                                                                                                                                                                                                                                                                                                                                         |                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|
| <p>alternative solutions (s9 (3) of the Plumbing and Drainage Act and clause 10 of the Plumbing and Drainage Regulation),</p> <ul style="list-style-type: none"> <li>• Authorising fittings for use in plumbing and drainage work (s20), and</li> <li>• Initiating criminal or other proceedings as provided for in Part 5 of the Plumbing and Drainage Act.</li> </ul> | <p>guidelines (if any) issued by the plumbing regulator.</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------|

**Commencement:**

This delegation commences on 1 January 2013 and continues until revoked or replaced by the Commissioner for Fair Trading.

**SIGNED:**



**Andrew Gavrielatos**

**ACTING COMMISSIONER FOR FAIR TRADING:**

Date: 8 November 2012

**Acknowledgment of Delegation**

The Walgett Shire Council hereby acknowledges the delegated responsibilities and agrees to act in accordance with the delegation.

|                              |   |                          |
|------------------------------|---|--------------------------|
| The Common Seal of the       | ) |                          |
| Walgett Shire Council        | ) | .....(signature)         |
| was hereunto affixed on the  | ) |                          |
| ..... day of.....            | ) | .....(title of position) |
| 2012                         | ) |                          |
| in pursuance of a resolution | ) |                          |
| made by the Council on the   | ) | .....(signature)         |
| ..... day of.....            | ) |                          |
| 2012                         | ) | .....(title of position) |

## **COMPANION ANIMAL EUTHANASIA PROCEDURE REVIEW**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Director of Planning & Regulatory Services, Matthew Goodwin  
**FILE NUMBER:** 10/434

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### **Summary:**

Recently a review was undertaken of Council's procedures for companion animal euthanasia. It is recommended that Council note and endorse the revised procedure.

### **Background:**

On 21-12-2012 an unregistered black male Labrador dog (Ninja) was surrendered by it's owner to Walgett Shire Council's Regulatory Officer in Collarenebri.

The dog was known to Council staff as a nuisance animal which had been observed periodically wandering streets for at least two months prior to being surrendered. On the previous day it had knocked over four garbage bins and scattered rubbish over the street and the lawn of its owner.

After the animal was surrendered, it was euthanised on the same day via a single bullet. Subsequently the Ninja's owner contacted Council to determine what had happened to the dog, and they were incorrectly advised that it was being re-homed.

This incident has generated significant publicity, including:

- Several articles in the Dubbo Liberal newspaper.
- About 30 e-mails to Council complaining about the treatment of the dog and advocating that Council make greater efforts to re-home impounded animals.
- Web pages alleging that the dog was handled in an inhumane manner.

### **Current position:**

Complaints were lodged with the NSW Division of Local Government and the NSW RSPCA regarding Council's handling of Ninja. Those complaints have led to:

- Inquiries by Glen Colley from NSW Division of Local Government into Council's animal surrender and euthanasia procedures.
- Inquiries by Dean Boyce, Regional Inspector, with the RSPCA into Council's animal euthanasia procedures.
- A verbal offer by the CEO of the NSW RSPCA, Steve Coleman, to provide training to Council staff in the use and administration of lethabarb (commonly known as the 'green dream') at no cost to Council.

Currently shooting is Council's preferred method to euthanise dogs. Whilst responding to the above mentioned inquiries, consideration has been given to various issues, including:

- Shooting is legal whilst the process is undertaken in a humane manner. Humane is regarded as instantaneous or near instantaneous death for an animal. Council only uses staff with significant relevant previous experience to undertake this work.

## WALGETT SHIRE COUNCIL AGENDA

- Shooting is a widely practised form of animal euthanasia. It appears to be the preferred method for most Western NSW councils.
- Council, and the staff using firearms, need to be licenced.
- During leave periods, it is practical for other staff to provide euthanasia services.
- Work health and safety issues need to be managed appropriately. Eg the animal needs to be restrained when being euthanised.
- Costs when using the Regulatory Officer are:
  - o <\$1 per head for bullets, plus;
  - o Regulatory Officer's labour & vehicle costs.

Euthanising animals by injecting them with lethobarb (green dream) is the only significant alternative method of undertaking euthanasia. Issues that would need to be considered by Council if it were to adopt lethobarb injection as its preferred euthanasia method include that:

- Only accredited people can hold and use the drug.
- During staff absences, only a vet or another accredited staff member can hold and use the drug.
- Detailed records must be kept of its supply and use.
- It needs to be stored in a secure and cool environment.
- Dosage rates need to be calculated on an animal by animal basis.
- It is impractical to use in all situations, eg stock truck rollover, dogs attacking sheep.
- Work health and safety issues need to be managed appropriately. Eg:
  - o A dose of less than 1ml can be fatal for an adult (eg needle stick injury).
  - o It is preferable to have two people involved in the euthanasia process and/or to have the animal sedated with tranquiliser tablets before injection.
- Anecdotal evidence suggests that mistakes are more common with this process than shooting.
- It appears to be the preferred form of euthanasia for Councils along the east coast.
- Costs when using the local vet would be:
  - o \$25 to 45 per head for injection, depending on size, plus;
  - o \$2 to 10 per body bag, depending on size, plus;
  - o Costs associated with the transport and burial of animal carcasses.

In conjunction with considering public feedback, discussions with the RSPCA and discussions with the Division of Local Government, the following amendments to Council's animal euthanasia procedures will be trialled for 6 months:

- Keeping all surrendered dogs for a minimum of two days. This will be done to provide a better opportunity for the re-homing of animals.
- Photographing all dogs that enter Council's pound. This will provide a better record of the animal, including its condition.
- Improving documentation of surrendered dogs by making sure the owner signs, and is provided with a copy of, a 'plain English' surrender form. Also improving the surrender process so that:
  - o The form makes it clear that dogs will be re-homed where possible, and euthanised if not.
  - o All people receive a clear verbal explanation of what happens to surrendered dogs.

Previously people have always been requested to sign a surrender form, but they have not always been given a copy of it.

The revised euthanasia procedures are included as Attachment A, with various recent amendments highlighted by underlining.

## **WALGETT SHIRE COUNCIL AGENDA**

Despite receiving 30 e-mails complaining about the treatment of Ninja, Council has not received a single offer from any of those correspondents to re-home any impounded dogs or cats.

The RSPCA periodically re-homes some animals from the Walgett pound and is considering options to take greater numbers.

### **Relevant reference documents/policies:**

- Walgett Shire Council procedure 'P&R – Animals & Regulatory Matters'.
- Methods for the euthanasia of dogs and cats: comparison and recommendations, World Society for the Protection of Animals, undated (available from the internet at <http://www.icam-coalition.org/> ). Note the NSW RSPCA recommends this as its preferred guide to euthanasia methods.

### **Governance issues:**

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

- to exercise community leadership
- to have regard to the long term and cumulative effects of its decisions
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government
- to keep the local community and the State government (and through it, the wider community) informed about its activities
- to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
- to be a responsible employer.

### **Environmental issues:**

No significant issues known or expected.

### **Stakeholders:**

Walgett Shire Council, Division of Local Government, NSW RSPCA, public.

### **Financial Implications:**

No significant new costs are expected if the Council maintains shooting as its preferred method for animal euthanasia.

If Council were to adopt lethobarb, then it is expected that there will be an increase in animal euthanasia costs, including:

- About \$27 to 55 per head for euthanasia (initial vet costs, body bags).
- An undetermined amount for transporting and burying animals.
- An undetermined amount for transport, accommodation and transport to training sessions (at Sydney?) for staff to be involved in administering lethobarb.

## WALGETT SHIRE COUNCIL AGENDA

- An undetermined amount for fees associated with obtaining approval to hold and use the drug.

### **Alternative solutions/options:**

Adopt lethabarb:- Council could adopt lethabarb as its preferred method for euthanising animals. This option has not been recommended because:

- Anecdotal evidence suggests that mistakes are more common with this process than shooting.
- It is less practical on various levels (eg staff training, drug control, drug availability, drug storage, suitable staff availability).
- The argument that lethabarb is more humane than shooting appears to relate more to aesthetics than reality.
- There does not appear to be any significant local community opinion that Council should adopt it.
- It would require more resources, both staff time and money, to implement.

### **Conclusion:**

The euthanising of animals is a sensitive topic for some members of the public. It is important that Council be generally aware of such sensitivities and how they relate to Council's operations.

### **Companion Animal Euthanasia Procedure Review**

#### **Recommendation:**

Note and endorse the revised portion of the Walgett Shire Council procedure 'P&R Animals & Regulatory Matters' which deals with the euthanising of animals.

#### **Moved:**

#### **Seconded:**

### **Attachments:**

A – Council euthanising procedure



ATTACHMENT A – COUNCIL EUTHANISING PROCEDURE

WSC Procedure P&R – Animals & Regulatory Matters

**4. EUTHANISING**

Historically the majority of companion animals passing through the Walgett pound are euthanised because their owners do not claim them and new homes cannot be found for them.

**4.1 Unclaimed companion animals**

Section 64 of the Companion Animals act 1998 provides that Council may destroy companion animals that have not been claimed after:

- 7 days if they are unregistered
- 14 days if they are registered.

Section 63 provides that Council must first make efforts to identify the owner of the animal and let them know that Council has seized and impounded the animal.

**4.2 Unhealthy impounded animals**

The Companion Animals Act 1998 and the Companion Animals Regulation 2008 is silent regarding unhealthy animals.

Although the Impounding Act 1993 does not normally apply to dogs or cats, that Act does enable Council to may-destroy injured, diseased or distressed impounded animals in the circumstances outlined in Section 22 of the Impounding Act 1993, as reproduced below:

**22 Injured, diseased or distressed animals can be destroyed**

- (1) An impounding authority may destroy an impounded animal held at its pound if of the opinion that the animal is seriously injured, diseased or starved or is otherwise in a distressed state.
- (2) If the impounding authority knows the identity of the owner of the animal, it must not destroy the animal unless it has informed the owner that it is proposed to destroy the animal and has given the owner a reasonable opportunity to obtain its release.
- (3) The impounding authority may recover as a debt from the owner of an animal the cost of destroying the animal and disposing of its carcass.

In the above context, seriously injured, diseased or starved animals should be euthanised by the Regulatory Officer in the event that holding them within the pound would be inhumane and/or a significant health risk to other animals within the pound.

**4.3 Aggressive dogs**

Council may destroy aggressive dogs in the circumstances outlined in Section 22 of the Companion Animals Act 1998, as reproduced below (See subsection (2) in particular).

WSC Procedure P&R – Animals & Regulatory Matters

**22 Action to protect persons and property against dogs**

- (1) Any person may lawfully seize a dog if that action is reasonable and necessary for the prevention of damage to property.
- (2) Any person may lawfully seize, injure or destroy a dog if that action is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death.
- (3) However, subsection (2) does not authorise the seizure of, injury to or destruction of a dog that is engaged in the driving, tending, working or protection of stock unless the action is reasonable and necessary for the protection of a person from injury or death.
- (4) (Repealed)
- (5) If a dog that is not under the effective control of some competent person enters any inclosed lands within the meaning of the *Inclosed Lands Protection Act 1901* and approaches any animal being farmed on the land, the occupier of the land or any person authorised by the occupier can lawfully injure or destroy the dog if he or she reasonably believes that the dog will molest, attack or cause injury to any of those animals.
- (6) An authorised officer who finds a dog attacking or harassing an animal (other than vermin) within a wildlife protection area (as defined in section 14 (1) (h)) can lawfully injure or destroy the dog if there is no other reasonably practicable way of protecting the animal.
- (7) A person who takes action under the authority of this section that results in the injury to or death of a dog must:
  - (a) take reasonable steps to ensure that an injured dog receives any necessary treatment, and
  - (b) report the matter to an authorised officer (unless the person is an authorised officer) and comply with such reasonable directions as the authorised officer may give for the purpose of causing the dog to be returned to its owner or taken to a council pound, and
  - (c) take reasonable steps to inform the owner of the dog.
- (8) An authorised officer is not to give a direction under this section for the purpose of causing a dog to be taken to a council pound unless the authorised officer is satisfied that the owner of the dog cannot be identified.
- (9) Nothing in this section authorises a contravention of the *Prevention of Cruelty to Animals Act 1979*.
- (10) The authority conferred by this section to destroy a dog extends only to authorising the destruction of the dog in a manner that causes it to die quickly and without unnecessary suffering.

**4.4 Surrendered companion animals**

In any case where the Regulatory Officer has not been able to find a new owner for a surrendered companion animal, they are to be euthanised.

**4.5 Feral companion animals**

Occasionally feral cats and dogs are seized or passed to Council. Caging a feral animal invariably causes it substantial and unnecessary stress. Feral animals may be euthanised or relocated prior to the expiration of the statutory holding period.

WSC Procedure P&R – Animals & Regulatory Matters

Steps to be followed when assessing potentially feral cats and dogs include:

- (1) Observe and assess the behaviour of the animal/s to determine whether they are feral.

Note that "feral" means wild, or existing in a state of nature and showing no signs of domestication. Animals which are wearing a collar, identification tag or microchip must **not** be deemed feral.

- (2) If an animal is deemed as feral, it should be euthanised at the earliest opportunity.

Note that feral animals are generally received in a poor condition, are difficult to handle and are not suitable to be re-homed. When dealing with such animals, particular care needs to be taken to avoid bites, scratches and the escape of the animal.

- (3) Details of the animal must be kept in the surrender register along with a notation that the animal was feral.

#### 4.6 Native animals

In certain circumstances there may be a need for Council's Regulatory Officer to destroy one or more native animals. Examples include:

- A seriously injured kangaroo on the side of a public road.
- An exceptionally aggressive magpie during nesting season that is swooping and injuring children within an urban area.

Although such animals are normally protected under the provisions of the National Parks and Wildlife Act 1974, Section 120 of that Act provides that a licence can be issued authorising a person to destroy protected fauna. When required, a licence should be obtained from the regional office of the Office of Environment and Heritage at Narrabri.

#### 4.7 General procedure to euthanise animals

This section outlines the key procedural steps involved in euthanising animals.

Generally animals are to be destroyed within 24 hours of the expiration of any minimum holding period that may be required by legislation.

- (1) All animals are to be euthanised in a manner that is humane. To be humane the death of the animal should be instantaneous, or near instantaneous.

- ~~(1)~~(2) The animal must be secured against an immovable object, eg Fence post.

In most cases the Regulatory Officer will euthanise an animal, after restraining its movement, via a single bullet to the head.

- ~~(2)~~(3) Special care must be taken with aggressive, large or restless animals to:

- (a) Ensure that the firearm is always handled in a manner that does not endanger personal or public safety.
- (b) Avoid being bitten, scratched or kicked.
- (c) Ensure a clean kill.

## WALGETT SHIRE COUNCIL AGENDA

### WSC Procedure P&R – Animals & Regulatory Matters

~~(3)~~(4) Aggressive, large or restless animals can be managed by:

- (a) Mixing tranquiliser tablets with pet food and allowing the animal to become sedated prior to euthanising, and/or;
- (b) Placing the animal in a cage that has a sliding internal wall that can be used to confine the animal and restrict its movement.

~~(4)~~(5) For all euthanising tasks the Regulatory Officer must ensure that:

(a) Animal destruction is undertaken in a manner that minimises the potential for members of the public to be aware of the process.

~~(a)~~(b) Animal destruction is to be undertaken so that other animals cannot see the destruction process.

~~(b)~~(c) Animal remains are buried with at least 30cm of earth to prevent the dissemination of offensive odours.

~~(c)~~(d) Where necessary, hydrated (slaked) lime is mixed with earth when burying carcasses. The lime will assist with odour control and hence minimise the potential for carnivores to dig up carcasses.

## **WATER CONNECTION REQUEST, LIGHTNING RIDGE**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Director Planning and Regulatory Services, Matthew Goodwin  
**FILE NUMBER:** 10/307

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### **Summary:**

A request has been received to allow a mining camp located on the preserved opal fields to be connected to the Lightning Ridge urban water supply system. It is recommended that Council refuse the request.

### **Background:**

At a meeting held on 27 April 2010 Walgett Shire Council adopted a policy titled "*Policy for water supply in non-urban areas*" (Attachment A) after considering various issues associated with spur mains supplying water outside the urban areas of Walgett, Lightning Ridge and Collarenebri.

In a letter dated 12/12/12 Giselle Beaumont and Josh Harrison have written to Walgett Shire Council requesting "to have the water connected to our property", being lot 167 DP 1120765 at Lightning Ridge. Council's rating records indicate that the lot is owned by Jozef Kubaska. The location of the lot and nearby water main are shown on the map below.



## WALGETT SHIRE COUNCIL AGENDA

### Current position:

Issues arising include:

- \* Agreeing to the request would be inconsistent with Council's policy titled "Water supply in non-urban areas".
- \* Agreeing to the request would create an expectation from other mining camp residents that Council should also provide them with water.
- \* There are no substantial public benefits likely to arise which would warrant Council varying from its policy not to supply water to non-urban areas.
- \* Advice from Council's Urban Infrastructure staff at Lightning Ridge is that the 50mm water main has inadequate capacity, especially during summer, for existing authorised users. For example, there is negligible water pressure at the airport during periods of water peak demand.
- \* An activity application has not been lodged for a water connection under section 68 of the Local Government Act 1993.

### Relevant Reference Documents:

- \* Walgett Shire Council Policy titled "Water supply in Non-urban Areas", adopted 27 April 2010.
- \* Local Government Act 1993 (especially Chapter 7, Part 1 - activity approvals).
- \* Plumbing & Drainage Act 2011.
- \* Plumbing Code of Australia, AS 3500 Plumbing & Drainage.
- \* Auspec New South Wales Development Design Specification - D11 Water Reticulation.

### Governance issues:

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

- \* to exercise community leadership
- \* to have regard to the long term and cumulative effects of its decisions
- \* to engage in long-term strategic planning on behalf of the local community
- \* to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights

Consistency:- It is good practice for Council to be consistent with established policies when making decisions. In rare cases there may be compelling reasons to do otherwise, especially where there are demonstrable public benefits.

### Environmental issues:

No significant environmental issues are expected to arise.

### Stakeholders:

Giselle Beaumont & Josh Harrison, Walgett Shire Council, existing urban water supply users.

## WALGETT SHIRE COUNCIL AGENDA

### Financial implications:

Consistent application of Council's policy for water supply in non-urban areas facilitates cost effective operation and maintenance of urban water supply systems. Alternatively, additional ad-hoc non-urban water connections will inevitably create inequities and adversely affect the cost-effective supply of water.

### Alternative solutions/options:

Agreement – Council could agree to allow the connection if it felt the circumstances justified variation from its policy for "Water supply in non-urban areas". To formalise an approval for connection it will be necessary for Giselle Beaumont & Josh Harrison to lodge an Activity Application for a water connection with Walgett Shire Council under section 68 of the Local Government Act 1993.

If Council were agree to the connection it would be appropriate to:

- \* Require written consent from the Western Lands Commission for an Activity Application for a water connection, to comply with sub-section 78(3) of the Local Government Act 1993.
- \* Require written consent from the owners of the Baroona homestead, as the effective owner of the spur pipeline linking the main on Freed Reece Way to that dwelling.
- \* Require payment of the 2012-2013 water connection fee of \$700 (20mm connection with water meter).
- \* Include a condition of approval which states that the water connection must not be extended to service other properties.
- \* Include a condition of approval which states that any water supply work (B1 activity) within the connected land must also have approval from Council under section 68 of the Local Government Act 1993.
- \* Include an advisory note in any approval which indicates that Council provides no guarantee regarding the minimum water pressure or volume that will be available via the connection, because it is outside the Lightning Ridge urban water supply area.

This option has not been recommended for various reasons, including that it would:

- \* Be inconsistent with Council's policy for "Water supply in non-urban areas".
- \* Create expectations that Council would agree to similar requests from other parties.
- \* There is inadequate capacity within the existing water main to reliably service existing users.

### Conclusion:

The proposal lacks merit, hence should be refused in accordance with Council's policy for such matters.

**Request for agreement for water connection – Giselle Beaumont & Josh Harrison**

**Recommendation:**

1. Not agree to Giselle Beaumont and Josh Harrison's request to allow the connection of lot 167 DP 1120765 to the Lightning Ridge urban water supply system on the basis that:

(a) Supplying filtered water outside the urban area is inconsistent with Walgett Shire Council's policy titled "Water supply in non-urban areas".

(b) There are no substantial public benefits likely to arise which would warrant Council varying from its policy.

(c) There is inadequate capacity within the existing water main system to provide an ongoing reliable supply to supply authorised users.

(d) Agreeing to the request would create an expectation from other mining camp residents that Council should will provide a water supply service.

**Moved:**

**Seconded:**


**Attachments**

Attachment A – WSC Policy – Water Supply in Non-Urban Areas

Attachment B – Letter of 12/12/12 from Giselle Beaumont and Josh Harrison



ATTACHMENT A – WSC Policy – Water supply in non-urban areas

|                                                                                   |                                                  |
|-----------------------------------------------------------------------------------|--------------------------------------------------|
|  | <b>P&amp;R – WATER SUPPLY IN NON-URBAN AREAS</b> |
| Adoption Date:                                                                    | 27 April 2010                                    |
| Review Date:                                                                      | When required                                    |
| Responsible Officer:                                                              | Director Planning and Regulatory Services        |

**POLICY STATEMENT**

Walgett Shire Council is committed to providing cost effective water supplies within urban areas.

**OBJECTIVES:**

- To ensure that water supply systems are operated and maintained in a cost effective manner.
- To avoid new water connections outside urban zoned areas unless there are substantial public benefits.
- To ensure that all water connections comply with the NSW Plumbing and Drainage Code of Practice.
- To ensure that all water mains comply with the Auspec New South Wales Development Design Specification - D11 Water Reticulation.

**POLICY ELEMENTS:**

Council will apply the following elements to ensure that its objectives for water supply in non-urban areas are met.

**New connections for residential purposes**

Council will not permit any new water connection for residential purposes outside of an urban zone.

**New connections for commercial purposes**

Council may consider a new water connection for commercial purposes outside of an urban zone. It will have regard for the following principles when evaluating any application:

- It is not appropriate to permit such connections unless there are substantial and clear public benefits.
- It is not appropriate to permit such connections unless there is adequate surplus capacity within the existing system.
- All costs associated with establishing the connection should normally be borne by the landholder that will benefit from the connection. This may include costs associated with establishing easements or approvals under the Roads Act 1993.
- All installations must:
  - Have 'water supply work' approval under section 68 of the Local Government Act 1993 and comply with the NSW Plumbing and Drainage Code of Practice.
  - Where new mains are required, comply with Auspec New South Wales Development Design Specification - D11 Water Reticulation.
  - Be undertaken by a suitably licensed trade person.

## WALGETT SHIRE COUNCIL AGENDA

### New connections for public purposes

Council may consider a new water connection for a public purpose outside of an urban zone. It will have regard for the following principles when evaluating any application:

- It is not appropriate to permit such connections unless there are substantial and clear public benefits.
- The potential for using alternative sources of water supply, such as rainwater tanks.
- Whether there is a need for an easement to enable a water main to pass through land that is not controlled by Council.
- All installations must:
  - Have 'water supply work' approval under section 68 of the Local Government Act 1993 and comply with the NSW Plumbing and Drainage Code of Practice.
  - Where new mains are required, comply with Auspec New South Wales Development Design Specification - D11 Water Reticulation.
  - Be undertaken by a suitably licensed trade person.

### Existing connections

Council will continue to supply water to existing non-urban connections, subject to the following conditions:

- The original connection was established with written approval from Council.
- The service is not extended to supply another property.
- A water meter is established and relevant water charges are being paid.
- Council provides no guarantee regarding minimum water pressure or volume.
- Adequate capacity remains available within the water supply system to service urban users.
- Where necessary, the landowner upgrades their internal plumbing to comply with the NSW Plumbing and Drainage Code of Practice.

In the event that one or more of the above conditions are not met, Council may cut off a non-urban connection.

## POLICY IMPLEMENTATION PROCEDURES, GUIDELINES AND DOCUMENTS

Local Government Act 1993 (especially Chapter 7, Part 1 - activity approvals).

Roads Act 1993 (especially Part 9, Division 3, - other works and structures).

NSW Plumbing and Drainage Code of Practice.

Auspec New South Wales Development Design Specification - D11 Water Reticulation.

### RELATED WSC POLICIES

Nil.

### VERSION HISTORY

| Version | Date     | Author | Section | Page | Changes                                                                                   |
|---------|----------|--------|---------|------|-------------------------------------------------------------------------------------------|
| 1.0     | Apr 2010 | DPRS   | All     | All  | Draft policy created after a review of similar policies maintained by other NSW Councils. |

**WALGETT SHIRE COUNCIL AGENDA**

**ATTACHMENT B – Letter of 12-12-12 From BEAUMONT & HARRISON**

**RECEIVED 14 DEC 2012**

**12/12/12**

**Attention: Water connection**

**Giselle Beaumont & Josh Harrison  
P.O Box 158  
Lightning Ridge  
NSW 2834  
Phone: 0438585932  
Email: glbck3@hotmail.com**

**Dear Sir/Madam,**

**I am writing to submit a formal request to have the water connected to our property, Lot 167 Lightning Ridge; D.P number 1120765.**

**Yours sincerely,**

**Giselle Beaumont & Josh Harrison**

## **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 recently arising in the Planning & Regulatory Services Division.

**a) MICROCHIPPING SERVICES**

Council's casual Regulatory Officer, Ned Kovacevic, recently completed his practical microchipping experience under the supervision of a vet. He is now awaiting his accreditation to be able to undertake companion animal microchipping unsupervised.

**b) COMPANION ANIMAL CONTROL**

Council's Regulatory Officer has recently received threats and personal abuse from dog owners in conjunction with the seizure of roaming dogs. Typically the abuse has occurred in conjunction with unregistered animals that are known to the Council, community and Police as nuisance animals which wander the street on a frequent basis.

**c) NON-URBAN WATER CONNECTIONS – LIGHTNING RIDGE**

Work has commenced to review the number and location of authorised water connections on the opal fields adjoining the Lightning Ridge urban area. Preliminary investigations show that Council's records of the location of authorised water connections, as well as rate levying, are incomplete. As this investigation progresses, a report will be tabled for the Council regarding authorised and unauthorised water non-urban water connections at Lightning Ridge.

**d) UNAUTHORISED RESIDENTIAL OCCUPATION**

Planning & Regulatory Services staff continued to follow up sites where there is unauthorised residential occupation of business premises and converted shipping containers. Where a voluntary cessation of the unauthorised use has not occurred and there are significant compliance or safety issues, 'notices of intention to issue an order' under section 121B of the Environmental Planning and Assessment Act 1979 are being issued with a view to encourage building owners to address any significant issues.

Issues arising from such occupation include non-compliance with Building Code of Australia requirements for fire safety, as well as adverse impacts on the streetscape and surrounding land uses. These notices will be followed up with a view to ensuring that only permissible and/or authorised uses occur on the respective sites.

**e) URBAN ADDRESSING PROJECT**

Over recent months volunteers from Walgett Community Promotions and the Walgett Quoits Club have installed complimentary street number plates on about 333 properties in Walgett which were not clearly identified by a street number. As of 25-1-2013 there was a residue of 8 street numbers to be installed in Walgett and 6 in Collarenebri.

## WALGETT SHIRE COUNCIL AGENDA

Thank you letters were sent on 5-2-2013 to the volunteer groups who installed street number plates within their respective communities over the last two years.

The urban addressing project is now effectively on the verge of completion, with the following outcomes:

- Significant sequence problems within previously applied numbering have been rectified.
- All urban properties within the Shire have been allocated street numbers.
- Street number maps are publicly available via Council's web site.
- All urban buildings will have a street number plate affixed to their premises.
- Council's rating database has been updated to record all new or amended street numbers.
- The updated urban address data will be forwarded to NSW Land and Property Information who will distribute the information via the Geocoded National Address File (GNAF).

### **f) REVIEW OF WATER & SEWER MAIN MAPPING**

The GIS Coordinator has commenced work on a significant project to upgrade Council's digital maps of its water and sewer mains. The existing mapping information held within Council's Geographic Information System is derived from hard copy maps that were scanned and digitised in about 2003. That data contains significant inaccuracies and is incomplete.

In response to a request from the NSW Fire Brigade at Lightning Ridge, the GIS Coordinator has commenced a differential Geographic Positioning System survey of water mains at Lightning Ridge. The objective is to produce a more accurate and up to date water main map. Initial survey work has identified 70 hydrants not shown in Council's existing data. The accuracy of known hydrant positions has been improved from  $\pm 20\text{m}$  to  $\pm 0.3\text{m}$ .

Once the project has been completed, the NSW Fire Brigade will be provided with a current water main and fire hydrant map.

### **g) PRIVATE SWIMMING POOL AUDIT**

On 1 August 2012 Council sent 91 letters regarding 93 properties identified from aerial photographs as having a swimming pool on their land that had not been approved by Council. This has led to:

- 33 people responding.
- 3 people advising that they did not have, or had removed, a swimming pool prior to the letter being sent.
- 9 inspections of 8 properties. None of the inspections showed compliance. The most common issues were inadequate fencing and no resuscitation signage.
- So far only 6 sites have been resolved and do not warrant further action.

### **h) LIDAR DATA ACQUISITION & RURAL RESIDENTIAL LAND USE STRATEGY**

At the meeting held on 18 December 2012 Walgett Shire Council resolved to request that the General Manager obtain Light Detection and Ranging (LIDAR) data from NSW Land and Property Information (LPI) to prepare detailed contour maps of land within a 6km radius of Walgett, Lightning Ridge and Collarenebri at the earliest opportunity. Furthermore, as the LIDAR data becomes available, to then obtain quotes from planning firms to undertake a Rural Residential Strategy for Walgett, Lightning Ridge and Collarenebri.

## WALGETT SHIRE COUNCIL AGENDA

As of 1 February 2013 LPI advised that aerial surveys to acquire the LIDAR data for Walgett, Lightning Ridge and Collarenebri have been completed (as well as Pokataroo). Processing of the Walgett data to create an accurate representation of the terrain is nearing completion (eg removal of trees and buildings, accurate georeferencing). Processing of the Lightning Ridge and Collarenebri data is in progress through contractors engaged by LPI.

### i) **CHANGES TO SWIMMING POOLS ACT**

The Swimming Pools Amendment Act 2012 commenced on 29 October 2012 and makes a number of amendments to the Swimming Pools Act 1992. Some of the more significant elements of those changes include:

- \* Swimming pool owners are required to register their swimming pools on an online register to be provided by the NSW State Government.
- \* Swimming Pool owners will be required to self-assess, and state in the register that, to the best of their knowledge, their swimming pool complies with the applicable standard when registering their pool.
- \* A penalty for owners who fail to register a swimming pool (penalty notice amount of \$220).
- \* Swimming pool owners will be required to provide a valid swimming pool compliance certificate before being able to sell or lease a property with a pool.
- \* Accredited certifiers under the Building Professional Act 2005 may conduct swimming pool inspections initiated by the pool owner.
- \* Councils are required to:
  - i. develop and implement a swimming pool barrier inspection program in consultation with their communities
  - ii. report annually on the number of pool inspections undertaken and the level of compliance with the requirements
  - iii. inspect pools associated with tourist and visitor accommodation and multi-occupancy developments at three year intervals
  - iv. at the request of a pool owner, inspect pools prior to sale or lease
  - v. issue compliance certificates after an inspection which finds a pool barrier compliant with the requirements of the legislation. Compliance certificates are valid for three years.
- \* Councils may charge a fee for each inspection undertaken (up to a maximum of \$150 for the first inspection and \$100 for one re-inspection resulting from the first inspection).

The Act includes a staged implementation process to facilitate:

- \* The development and implementation of the Swimming Pools Register (to commence by no later than 29 April 2013)
- \* Registration by pool owners of pools (after the register commences and by no later than 29 October 2013)
- \* Councils' inspection programs (to be developed in consultation with the community, adopted and commenced by no later than 29 October 2013)
- \* Mandatory inspections by councils of tourist, visitor and multi-occupancy developments, and pools associated with property sale and lease (to commence by no later than 29 April 2014).

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

**Recommendation:**

That Walgett Shire Council resolve to:

Receive and note the report by the Director of Planning & Regulatory Services on matters for brief mention, or information only, regarding:

- Microchipping services.
- Companion animal control.
- Non-urban water connections – Lightning Ridge
- Unauthorised residential occupation.
- Urban addressing.
- Review of water, sewer and stormwater mapping.
- Private swimming pool audit.
- LIDAR data acquisition and Rural Residential Land Use Strategy.
- Changes to Swimming Pools Act.

**Moved:**

**Seconded:**

**Attachments:**

Nil

**MONTHLY RMCC WORKS REPORT FROM DIRECTOR  
ENGINEERING SERVICES – FEBRAUAY 2013**

**REPORTING SECTION:** Engineering Services  
**AUTHOR:** Raju Ranjit – Director of Engineering Services  
**FILE NUMBER:** 11/211

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**Summary:**

The purpose of this report is to inform Council of progress relating to the RMCC works in the period since the report was prepared in January 2013.

**Background:**

RMS has awarded a contract of \$ 8,439,000 for 2013/2013 financial year. An additional work of \$ 27,615 has been assigned for signage installation on SH 18. The amended total contract is \$ 8,466,615. The contract consisted of Flood works for February 2012 & December 2010 events, signage installation and maintenance works

**Current Position:**

At present, there are two contractor's teams and one Council team are working on State highways flood works and two council staff are working on Highway maintenance work under RMCC works. The expenditure over the 6 months period from 1 July, 2012 is \$ 3,099,053

**Relevant Reference Documents/Policies:**

Nil

**Governance issues:**

Nil

**Environmental issues:**

Nil

**Stakeholders:**

Walgett Shire  
Walgett Residents

**Financial Implications:**

As at 28<sup>th</sup> January 2013, \$ 3,099,053 has been spent from a total amount of \$ 8,466,615 now provided in the 2012/2013 budget.



## WALGETT SHIRE COUNCIL AGENDA

### Alternative Solutions/Options:

Nil

### Conclusion:

Council can monitor progress of RMCC works programmed for 2012/2013 by reviewing the attached spread sheet and noting the progress to date.

### Monthly RMCC works Report from Director Engineering Services – February 2013

#### Recommendation:

That Council receive and note the monthly RMCC works report for February 2013.

**Moved:**

**Seconded:**

### Attachments:

RMCC works summary.

**WALGETT SHIRE COUNCIL AGENDA**

**Background:**

The indicative funding allocations for 2013/2013 RMCC works are \$ 8,466,615. The details are as follows.

| <b>Program description</b>                   | <b>HW12</b> | <b>HW18</b> | <b>HW29</b> | <b>Total</b>       | <b>Expenditure up to 28<sup>th</sup> of January 2013</b> | <b>Progress in %</b> | <b>Remarks</b>                               |
|----------------------------------------------|-------------|-------------|-------------|--------------------|----------------------------------------------------------|----------------------|----------------------------------------------|
| Resealing                                    | \$150,000   | \$550,000   | \$500,000   | \$1,200,000        | \$124,341                                                | 10.36%               | Programmed for February –June 2013           |
| Heavy patching                               |             | \$426,000   |             | \$426,000          |                                                          |                      | Programmed for March 2013                    |
| HW29 West Walgett Geotextile Rehab           |             |             | \$1,025,000 | \$1,025,000        |                                                          |                      | Work is in progress( Commenced on 4/02/2013) |
| HW29 West Walgett widening                   |             |             | \$450,000   | \$450,000          |                                                          |                      | Programmed for March 2013                    |
| HW29 East Pian Creek ( stage 1)              |             |             | \$50,000    | \$50,000           |                                                          |                      | RMS is working on it                         |
| Flood damage restoration ( Dec 2010 event)   |             | \$1,141,000 |             | \$1,141,000        |                                                          |                      | Discussing with RMS                          |
| Flood damage restoration ( Feb 2013 event)   | 580645      | \$1,002,581 | \$1,416,774 | \$3,000,000        | \$2,306,833                                              | 76.89%               | On going                                     |
| Routine works (Pavement, corridor and signs) |             |             |             | \$1,147,000        | \$ 640,264                                               | 55.82%               | Programmed for Sept 2013-May 2013            |
| Sign Installation on SH18                    |             | \$27,615    |             | \$27,615           | \$27,615                                                 | 100%                 | Approved additional work                     |
| <b>TOTAL</b>                                 |             |             |             | <b>\$8,466,615</b> | <b>\$3,099,052</b>                                       | <b>36.60 %</b>       |                                              |

**MONTHLY FLOOD WORKS REPORT FROM DIRECTOR  
ENGINEERING SERVICES – FEBRUARY 2013**

**REPORTING SECTION:** Engineering Services  
**AUTHOR:** Raju Ranjit – Director Engineering Services  
**FILE NUMBER:** 11/211

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**Summary:**

The purpose of this report is to inform Council of progress relating to the February 2012 flood restoration works in the period since the report was prepared in January 2013.

**Background:**

In December 2011 and February 2012, Walgett Shire suffered major flood disasters and significantly affected 62 Shire Roads, 7 Regional roads and 3 State Highways. The people of the Walgett, Collarenebri & Lightning Ridge were particularly hard hit and the Shire's infrastructure sustained severe damage.

Roads and Maritime services (RMS) has assessed the flood affected roads and awarded Natural Disaster Assistance (NDA) to the Walgett Shire for the flood damage roads which involves the remediation & reconstruction.

**Current Position:**

The Bore Head road is still under water and Rotten Plain (Wilby Wilby Road) has been re-opened for all vehicles with caution.

Council's teams and Contractors are working in full swing to complete the work within the given time frame.

**Relevant Reference Documents/Policies:**

RMS approved schedule

**Governance issues:**

Nil

**Environmental issues:**

Nil

## WALGETT SHIRE COUNCIL AGENDA

### Stakeholders:

Walgett Shire Council  
Walgett Residents  
Tourist

### Financial Implications:

As at 29<sup>th</sup> January 2013, \$ 5,892,229.80 has been spent from a total amount of \$ 11,611,160.75 provided in the 2012/2013 budget.

### Alternative Solutions/Options:

Nil

### Conclusion:

Council can monitor progress of monthly flood work program by reviewing the attached spread sheets and noting progress to date.

#### Monthly flood works Report from Director Engineering Services

##### Recommendation:

That Council receive and note the monthly flood restoration works report for February 2013

**Moved:**

**Seconded:**

### Attachments:

Flood restoration works progress summary.

**WALGETT SHIRE COUNCIL AGENDA**

| Item No. |    | Work Order | Description of Works<br>(Road Name) | Amount to be contributed by RMS | Amount to be Contributed by Council | Total     | Total Actual Cost Expenditure to 29/01/2013 | Progress % | Project status      |
|----------|----|------------|-------------------------------------|---------------------------------|-------------------------------------|-----------|---------------------------------------------|------------|---------------------|
| SR       | 1  | 2284       | Franxton Road                       | \$36,769                        |                                     | \$36,769  | \$3,372.73                                  | 9.17       | Has been programmed |
| SR       | 2  | 2285       | Belarra Lane                        | \$106,061                       |                                     | \$106,061 | \$678.60                                    | 0.64       | Has been programmed |
| SR       | 3  | 2286       | Clarkes Lane                        | \$9,885                         |                                     | \$9,885   | \$934.05                                    | 9.45       | Has been programmed |
| SR       | 5  | 2287       | Cryon Road                          | \$190,907                       |                                     | \$190,907 | \$133,870.73                                | 70.12      | completed           |
| SR       | 12 | 2288       | Millie Road                         | \$143,025                       |                                     | \$143,025 | \$134,951.48                                | 94.36      | completed           |
| SR       | 13 | 2289       | Woodvale Road                       | \$111,256                       |                                     | \$111,256 | \$46,194.46                                 | 41.52      | Has been programmed |
| SR       | 14 | 2290       | Baroona Road                        | \$91,346                        |                                     | \$91,346  | \$51.14                                     | 0.06       | Has been programmed |
| SR       | 15 | 2291       | Pokataroo Road                      | \$50,030                        |                                     | \$50,030  | \$27,632.16                                 | 55.23      | completed           |
| SR       | 16 | 2292       | Mercadool Road                      | \$145,698                       |                                     | \$145,698 | \$57,104.15                                 | 39.19      | Has been programmed |
| SR       | 19 | 2293       | Springs Road                        | \$3,630                         |                                     | \$3,630   | \$3,630.00                                  | 100.00     | completed           |
| SR       | 21 | 2294       | Meadow Plains Road                  | \$17,000                        |                                     | \$17,000  | \$17,000.00                                 | 100.00     | completed           |
| SR       | 24 | 2295       | Marlbone Road                       | \$20,716                        |                                     | \$20,716  | \$9,303.96                                  | 44.91      | completed           |
| SR       | 27 | 2296       | Colrose Road                        | \$19,456                        |                                     | \$19,456  | \$21,401.60                                 | 110.00     | completed           |
| SR       | 28 | 2297       | Wingadee Road                       | \$10,140                        | \$7,925                             | \$10,140  | \$11,154.00                                 | 110.00     | completed           |
| SR       | 31 | 2298       | Gungalman Road                      | \$39,781                        |                                     | \$39,781  | \$822.70                                    | 2.07       | Has been programmed |
| SR       | 38 | 2299       | Wanourie Creek Road                 | \$18,120                        |                                     | \$18,120  | \$6,982.26                                  | 38.53      | completed           |
| SR       | 40 | 2300       | Ginghet Road                        | \$7,061                         | \$3,913                             | \$7,061   | \$7,767.10                                  | 110.00     | completed           |
| SR       | 43 | 2301       | Bushs Road                          | \$9,846                         |                                     | \$9,846   | \$9,846.00                                  | 100.00     | completed           |
| SR       | 45 | 2302       | Borehead Road                       | \$7,914                         |                                     | \$7,914   |                                             | 0.00       | Has been programmed |
| SR       | 48 | 2303       | Boorooma Creek Road                 | \$25,252                        |                                     | \$25,252  | \$17,898.83                                 | 70.88      | completed           |
| SR       | 51 | 2304       | Millencowbah Road                   | \$23,400                        |                                     | \$23,400  |                                             | 0.00       | Has been programmed |

**WALGETT SHIRE COUNCIL AGENDA**

| Item No. |    | Work Order | Description of Works<br>(Road Name) | Amount to be contributed by RMS | Amount to be Contributed by Council | Total     | Total Actual Cost Expenditure to 29/01/2013 | Progress % | Project status      |
|----------|----|------------|-------------------------------------|---------------------------------|-------------------------------------|-----------|---------------------------------------------|------------|---------------------|
| SR       | 52 | 2305       | Willis Road                         | \$6,570                         |                                     | \$6,570   |                                             | 0.00       | Has been programmed |
| SR       | 53 | 2306       | Koomalah Road                       | \$124,044                       |                                     | \$124,044 | \$47,398.46                                 | 38.21      | completed           |
| SR       | 57 | 2307       | Epping Road                         | \$50,889                        |                                     | \$50,889  | \$26,691.70                                 | 52.45      | Work in progress    |
| SR       | 59 | 2308       | Moomin Road                         | \$60,342                        |                                     | \$60,342  | \$7,442.10                                  | 12.33      | Has been programmed |
| SR       | 60 | 2309       | Marra Creek Road                    | \$7,512                         |                                     | \$7,512   |                                             | 0.00       | Has been programmed |
| SR       | 61 | 2310       | Cambo Road                          | \$34,365                        |                                     | \$34,365  | \$98.87                                     | 0.29       | Has been programmed |
| SR       | 64 | 2311       | Wimbledon Road                      | \$26,028                        |                                     | \$26,028  | \$18,504.35                                 | 71.09      | Work in progress    |
| SR       | 67 | 2312       | Collarenebri Mission Road           | \$13,000                        |                                     | \$13,000  |                                             | 0.00       | Has been programmed |
| SR       | 70 | 2313       | Lone Pine Road                      | \$13,980                        | \$1,718                             | \$13,980  | \$15,378.00                                 | 110.00     | completed           |
| SR       | 71 | 2314       | Rossmore Lane                       | \$8,100                         |                                     | \$8,100   | \$1,407.00                                  | 17.37      | Has been programmed |
| SR       | 72 | 2315       | Middle Route Road                   | \$17,496                        |                                     | \$17,496  | \$6,187.20                                  | 35.36      | completed           |
| SR       | 73 | 2316       | Miralwyn Road                       | \$10,554                        |                                     | \$10,554  |                                             | 0.00       | Has been programmed |
| SR       | 77 | 2317       | Nedgera Road                        | \$11,009                        |                                     | \$11,009  |                                             | 0.00       | Has been programmed |
| SR       | 79 | 2318       | Pagan Creek Road                    | \$5,916                         |                                     | \$5,916   |                                             | 0.00       | Has been programmed |
| SR       | 85 | 2319       | Tungra Road                         | \$47,510                        | \$18,395                            | \$47,510  | \$38,956.28                                 | 82.00      | completed           |
| SR       | 88 | 2320       | Fabians Road                        | \$24,990                        |                                     | \$24,990  | \$182.72                                    | 0.73       | Has been programmed |
| SR       | 89 | 2321       | Belaba Road                         | \$17,007                        |                                     | \$17,007  | \$12,644.69                                 | 74.35      | completed           |
| SR       | 90 | 2322       | Fairview Road                       | \$26,436                        |                                     | \$26,436  | \$9,854.15                                  | 37.28      | Has been programmed |
| SR       | 95 | 2323       | Banarway Crossing Road              | \$22,360                        |                                     | \$22,360  | \$16,085.28                                 | 71.94      | completed           |
| SR       | 98 | 2324       | Lorne Road                          | \$72,913                        |                                     | \$72,913  | \$31,202.58                                 | 42.79      | started             |

**WALGETT SHIRE COUNCIL AGENDA**

| Item No. |     | Work Order | Description of Works<br>(Road Name) | Amount to be contributed by RMS | Amount to be Contributed by Council | Total     | Total Actual Cost Expenditure to 29/01/2013 | Progress % | Project status      |
|----------|-----|------------|-------------------------------------|---------------------------------|-------------------------------------|-----------|---------------------------------------------|------------|---------------------|
| SR       | 101 | 2325       | Wilby Wilby Road                    | \$1,434,467                     |                                     | \$530,135 | \$54,589.46                                 | 10.30      | Work in progress    |
| SR       | 102 | 2326       | Angledool Road                      | \$244,548                       |                                     | \$244,548 | \$105,001.47                                | 42.94      | Work in progress    |
| SR       | 103 | 2327       | Bugilbone Road                      | \$130,824                       |                                     | \$130,824 | \$50,030.50                                 | 38.24      | completed           |
| SR       | 110 | 2328       | Kurrajong Road                      | \$5,040                         |                                     | \$5,040   | \$5,544.04                                  | 110.00     | completed           |
| SR       | 111 | 2329       | Narran Lake Road                    | \$20,170                        | \$4,047                             | \$20,170  | \$22,187.00                                 | 110.00     | completed           |
| SR       | 112 | 2330       | Brewon Road                         | \$72,024                        |                                     | \$72,024  | \$5,817.22                                  | 8.08       | started             |
| SR       | 113 | 2331       | Binghi Road                         | \$13,168                        |                                     | \$13,168  | \$845.94                                    | 6.42       | Has been programmed |
| SR       | 114 | 2332       | Bogewong Road                       | \$24,378                        |                                     | \$24,378  | \$12,100.00                                 | 49.63      | completed           |
| SR       | 115 | 2333       | Aberfoyle Road                      | \$18,266                        |                                     | \$18,266  | \$2,002.26                                  | 10.96      | started             |
| SR       | 116 | 2334       | Goangra Road                        | \$185,711                       |                                     | \$185,711 | \$76,757.05                                 | 41.33      | completed           |
| SR       | 117 | 2335       | Beanbri Road                        | \$499,530                       |                                     | \$499,530 | \$1,241.07                                  | 0.25       | Has been programmed |
| SR       | 118 | 2336       | Yarraldool Road                     | \$140,365                       |                                     | \$140,365 | \$96,356.36                                 | 68.65      | completed           |
| SR       | 121 | 2337       | Pian Creek Road                     | \$156,948                       |                                     | \$156,948 | \$3,704.39                                  | 2.36       | Has been programmed |
| SR       | 122 | 2338       | Old Burren Road                     | \$54,015                        |                                     | \$54,015  | \$18,916.64                                 | 35.02      | Has been programmed |
| SR       | 123 | 2339       | Rowena Road                         | \$131,288                       |                                     | \$131,288 | \$8,184.27                                  | 6.23       | started             |
| SR       | 124 | 2340       | Dundee Road                         | \$52,470                        |                                     | \$52,470  | \$17,493.70                                 | 33.34      | Has been programmed |
| SR       | 125 | 2341       | Glen Eden Road                      | \$145,997                       |                                     | \$145,997 | \$137,277.23                                | 94.03      | completed           |

**WALGETT SHIRE COUNCIL AGENDA**

| Item No. |     | Work Order | Description of Works<br>(Road Name) | Amount to be contributed by RMS | Amount to be Contributed by Council | Total                 | Total Actual Cost Expenditure to 29/01/2013 | Progress %   | Project status      |
|----------|-----|------------|-------------------------------------|---------------------------------|-------------------------------------|-----------------------|---------------------------------------------|--------------|---------------------|
| SR       | 127 | 2342       | Boora Road                          | \$21,870                        |                                     | \$21,870              | \$319.51                                    | 1.46         | Has been programmed |
| SR       | 128 | 2343       | Camerons Lane                       | \$36,389                        |                                     | \$36,389              | \$40,028.18                                 | 110.00       | completed           |
| SR       | 129 | 2344       | George Sands Way                    | \$131,640                       |                                     | \$131,640             | \$116,228.41                                | 88.29        | completed           |
| SR       | 131 | 2345       | O'Neils Road                        | \$59,754                        |                                     | \$59,754              | \$59,556.46                                 | 99.67        | completed           |
|          |     | 2346       | Tip Road                            | \$70,200                        |                                     | \$70,200              | \$62,225.15                                 | 88.64        | completed           |
|          |     |            | Emergency Works                     | \$476,727                       |                                     | \$476,727             | \$476,727.00                                | 100.00       | completed           |
|          |     |            | Council's Contribution              | -\$29,000                       |                                     |                       |                                             |              |                     |
|          |     |            | <b>TOTAL</b>                        | <b>\$5,785,101.75</b>           | <b>\$35,998.76</b>                  | <b>\$5,785,101.75</b> | <b>\$2,115,762.64</b>                       | <b>43.09</b> |                     |

**Regional Roads**

| Item No. |           | Work Order | Description of Works<br>(Road Name) | Amount to be Contributed by Council | Amount Contributed by RMS | Total Actual Cost Expenditure to 29/01/2013 | Progress % | Project status   |
|----------|-----------|------------|-------------------------------------|-------------------------------------|---------------------------|---------------------------------------------|------------|------------------|
| 1        | RR329     | 2347       | MERRYWINE BONE ROAD                 |                                     | \$3,822,345               | \$2,030,393.52                              | 53         | Work in progress |
| 2        | RR333     | 2348       | CARRINDA ROAD                       |                                     | \$552,750                 | \$575,715.26                                | 104        | Completed        |
| 3        | RR402     | 2349       | GINGIE/LLANILLO                     |                                     | \$628,763                 | \$580,097.48                                | 92         | Completed        |
| 5        | RR426     | 2351       | RIDGE ROAD                          |                                     | \$24,480                  | \$14,374.62                                 | 59         | Started          |
| 6        | RR457     | 2352       | GUNDABLOUI ROAD                     |                                     | \$348,161                 | \$319,396.68                                | 92         | Completed        |
| 7        | RR7716    | 2353       | COME BY CHANCE                      |                                     | \$276,086                 | \$83,015.49                                 | 30         | Work in progress |
|          | Emergency |            |                                     |                                     | \$173,474.11              | \$173,474.11                                | 100        | Completed        |
|          |           |            | <b>TOTAL</b>                        |                                     | <b>\$5,826,059</b>        | <b>\$3,776,467.16</b>                       | <b>65</b>  |                  |



**WALGETT SHIRE COUNCIL AGENDA**

| Summary        |                 |                              |                        |
|----------------|-----------------|------------------------------|------------------------|
|                | Total           | Expenditure To<br>30/11/2012 | Progress in Percentage |
| Local Roads    | \$ 5,785,101.75 | \$ 2,115,762.64              | 43.09                  |
| Regional Roads | \$5,826,059     | \$3,776,467.16               | 65                     |
| Total          | \$11,611,160.75 | \$5,892,229.80               | 50.75                  |

**REMOVAL OF TREES ALONG THE MERRYWINEBONE ROAD (RR329)  
FROM DIRECTOR OF ENGINEERING SERVICES – FEBRUARY 2013**

**REPORTING SECTION:** Engineering Services  
**AUTHOR:** Raju Ranjit – Director Engineering Services  
**FILE NUMBER:** 09/1002

---

**Summary:**

The purpose of this report is to inform Council of the proposed removal of 18 trees between chainages 12.550 and 17.500 kilometres north of the intersection with SH 29 East – Kamilaroi Highway for the purpose of clearing table drains and floodway's to;

- Make safe for the travelling public and
- allow the effective movement of flood waters to cross then move away from the road structure.

**Background:**

In late 2006 application was made to the Federal Government under the Auslink Program to fund the upgrade and sealing of 34 kilometres of RR 329 from Rowena to Burren Junction. The application was successful and work commenced in early 2009. During the construction phase no further clearing was undertaken so as to adhere to the per kilometre rate budgeted for. Those trees within the table drain alignment contributed to the retention of water along that section of road detailed above. Local landholders consider that the removal of those trees noted will, firstly, make the area much safer for local and travelling traffic and secondly, aid the flow of flood waters in the future. Landholders and other residents are pressing Council to have them removed at the earliest possible convenience.

**Current Position:**

Council has completed the Flood Damage Repair work as approved by RMS within the noted length of roadway with the exception of floodway sign replacement.

**Relevant Reference Documents/Policies:**

Nil

**Governance issues:**

Nil

## **WALGETT SHIRE COUNCIL AGENDA**

### **Environmental issues:**

Generally, the trees are old and may be of little value to bird life and marsupials as the area is very well populated with a variety of type and age of the same type of trees.

### **Stakeholders:**

Walgett Shire Council  
Residents and landholders within the defined area  
Travellers  
Wildlife

### **Financial Implications:**

The cost to complete the removal of the 18 trees has been estimated at \$11,000 and would be included as maintenance works from the Regional Roads budget.

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

Nil

### **Conclusion:**

The removal of the trees would be of considerable value to the local community to aid safety for the travelling public and help improve flow of future flood waters to prevent possible retention and inundation of property.

### **Removal of trees along the Merrywinebone Road ( RR329) from Director Of Engineering Services**

#### **Recommendation:**

That Council receive and note the Director of Engineering Services report and approve the proposal to remove aged trees along the Merrywinebone Road

**Moved:**

**Seconded:**

### **Attachments:**

Photographs of some of the 18 trees.

WALGETT SHIRE COUNCIL AGENDA



## WALGETT SHIRE COUNCIL AGENDA



***ROADS & MARITIME SERVICES - FUNDING FOR SCHOOL BUS  
STOP/TURN AROUND AT HEATHFIELD ON CASTLEREAGH  
HIGHWAY – FEBRUARY 2013***

**REPORTING SECTION:** Engineering Services  
**AUTHOR:** Raju Ranjit – Director Engineering Services  
**FILE NUMBER:** 09/1288

---

**Summary:**

The Roads and Maritime Services (RMS) has offered council a funding to construct a school bus turn around or stop in Heathfield on Castlereagh Highway. This report advises Council of the revised funding levels under this funding.

**Background:**

Council has received a request from a local school bus operation company on 11.12.2011 and it had been presented to Local Area Traffic Committee on 15/03/2012. After an investigation the LATC has recommended to construct the school bus stop on east side of the road at Heathfield. The scope of works are comprised of sealing work and school bus stop sign.

**Current Position:**

The RMS has offered Council of \$ 18,760 + GST for the project and has been scheduled for first week of March 2013.

**Relevant Reference Documents/Policies:**

Customer request letters, Local Traffic Committee minutes and RMS approval emails

**Governance issues:**

Nil

**Environmental issues:**

Road safety

**Stakeholders:**

Walgett Shire Council  
Walgett Residents

## WALGETT SHIRE COUNCIL AGENDA

### Financial Implications:

WSC Management plan 2012/2013

### Alternative Solutions/Options:

Nil

### Conclusion

### RMS funding to construct a school bus turn around / stop

#### Recommendation:

1. That Council note the RMS funding for bus turn around / stop construction.
2. That Council approves new ledger number for the project

**Moved:**

**Seconded:**

### Attachments:

RMS's approval email  
Design  
Estimates

## WALGETT SHIRE COUNCIL AGENDA

### Raju Ranjit

---

**From:** VANT David G [David.VANT@rms.nsw.gov.au]  
**Sent:** Tuesday, 5 February 2013 10:00 AM  
**To:** Raju Ranjit  
**Subject:** RE: Heathfield school bus turn around (park)

Morning Raju,

Following our discussion regarding the subject School Bus turn around area RMS can fund the works as per the agreed quote of \$18760.00. I will send a formal reply to confirm in the next week.

Regards  
David

---

**From:** Raju Ranjit [mailto:rranjit@walgett.nsw.gov.au]  
**Sent:** Thursday, 31 January 2013 4:08 PM  
**To:** VANT David G  
**Subject:** RE: Heathfield school bus turn around (park)

Good afternoon David

Sorry for disturbing you during the holiday. The area is fine during the dry season but it is problem during the wet season.

Regards

Raju Ranjit

Director Engineering Services

Walgett Shire Council  
PO Box 31  
Walgett NSW 2832  
Ph: 02 6828 6121  
Fax: 02 6828 1608  
Mobile: 0429 667 779  
Email: [rranjit@walgett.nsw.gov.au](mailto:rranjit@walgett.nsw.gov.au)  
WEB - [www.walgett.nsw.gov.au](http://www.walgett.nsw.gov.au)

---

**From:** VANT David G [mailto:David.VANT@rms.nsw.gov.au]  
**Sent:** Thursday, 31 January 2013 3:18 PM  
**To:** Raju Ranjit  
**Subject:** RE: Heathfield school bus turn around (park)

Afternoon Raju,

Sorry for the delay I was off on leave for several days. The plan is fine but is there enough room for the bus to complete a turn (16m) from shoulder to shoulder? Will there need to be any works done on the opposite shoulder?

Regards  
David



## WALGETT SHIRE COUNCIL AGENDA

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**From:** Raju Ranjit [<mailto:rranjit@walgett.nsw.gov.au>]  
**Sent:** Wednesday, 30 January 2013 3:22 PM  
**To:** VANT David G  
**Subject:** Heathfield school bus turn around (park)

Hi David

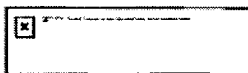
I tried to call you but did not happen. I am still waiting for your approval for the project David.

Regards,

Raju Ranjit

Director Engineering Services

Walgett Shire Council  
PO Box 31  
Walgett NSW 2832  
Ph: 02 6828 6121  
Fax: 02 6828 1608  
Mobile: 0429 667 779  
Email: [rranjit@walgett.nsw.gov.au](mailto:rranjit@walgett.nsw.gov.au)  
WEB - [www.walgett.nsw.gov.au](http://www.walgett.nsw.gov.au)



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# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL ENGINEERING SERVICES DEPARTMENT COST ESTIMATES

### BUS BAY AND TURNAROUND AT HEATHFIELD

#### I. Tasks:

1. In situ surface shall be levelled and compacted to receive 150mm base course followed by 7/14 bituminous seal
2. Base course shall be built from natural gravel

#### II. Quantity Take-off

See attached drawing and location photograph

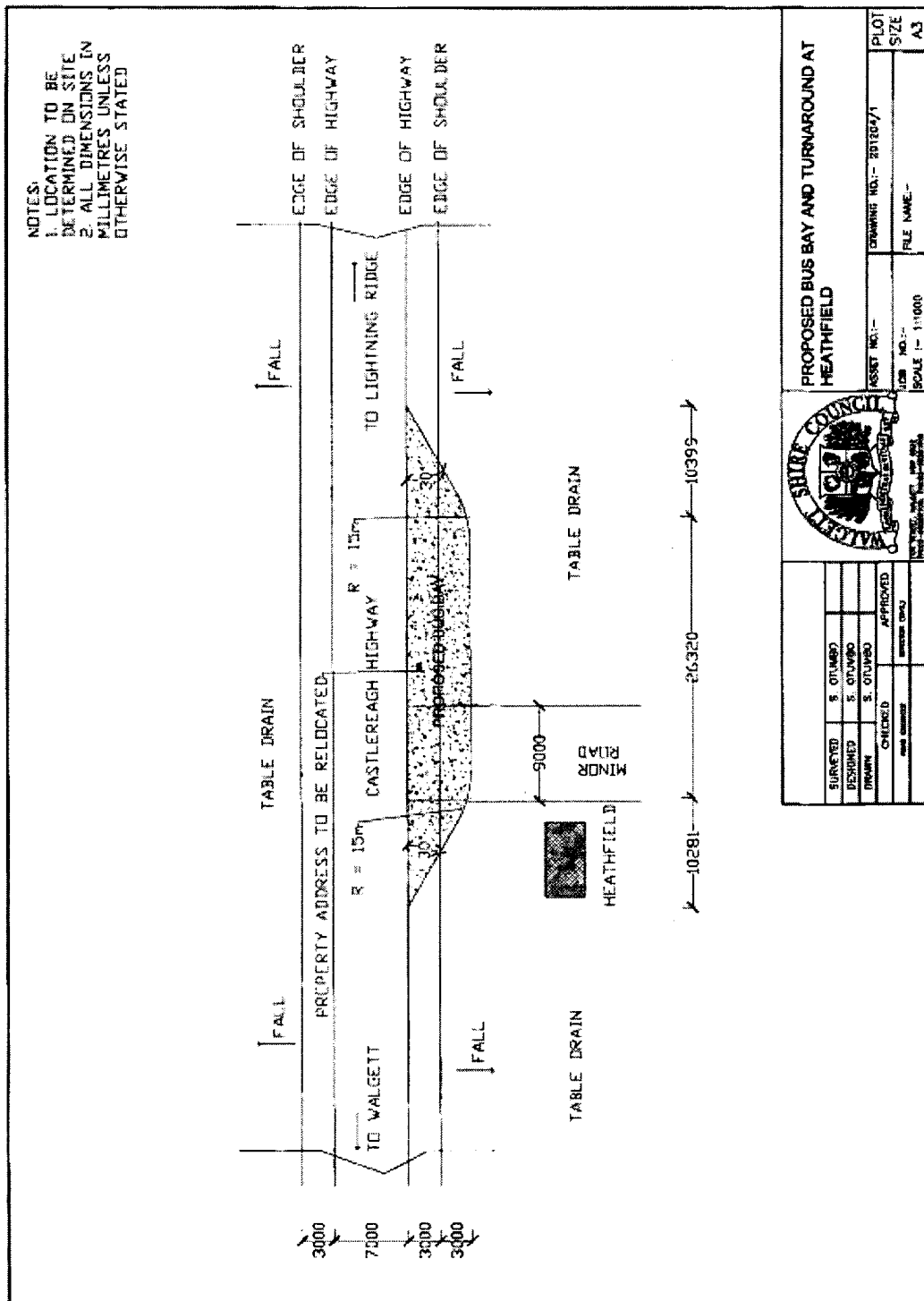
Area of bus bay/turnaround (A)  
A = 220m<sup>2</sup>

Base course  
Volume (Vb) = 220x150/1000  
Vb = 33m<sup>3</sup>  
Add compaction factor of 1.5, V = 1.5 x 33 = 49.5m<sup>3</sup>

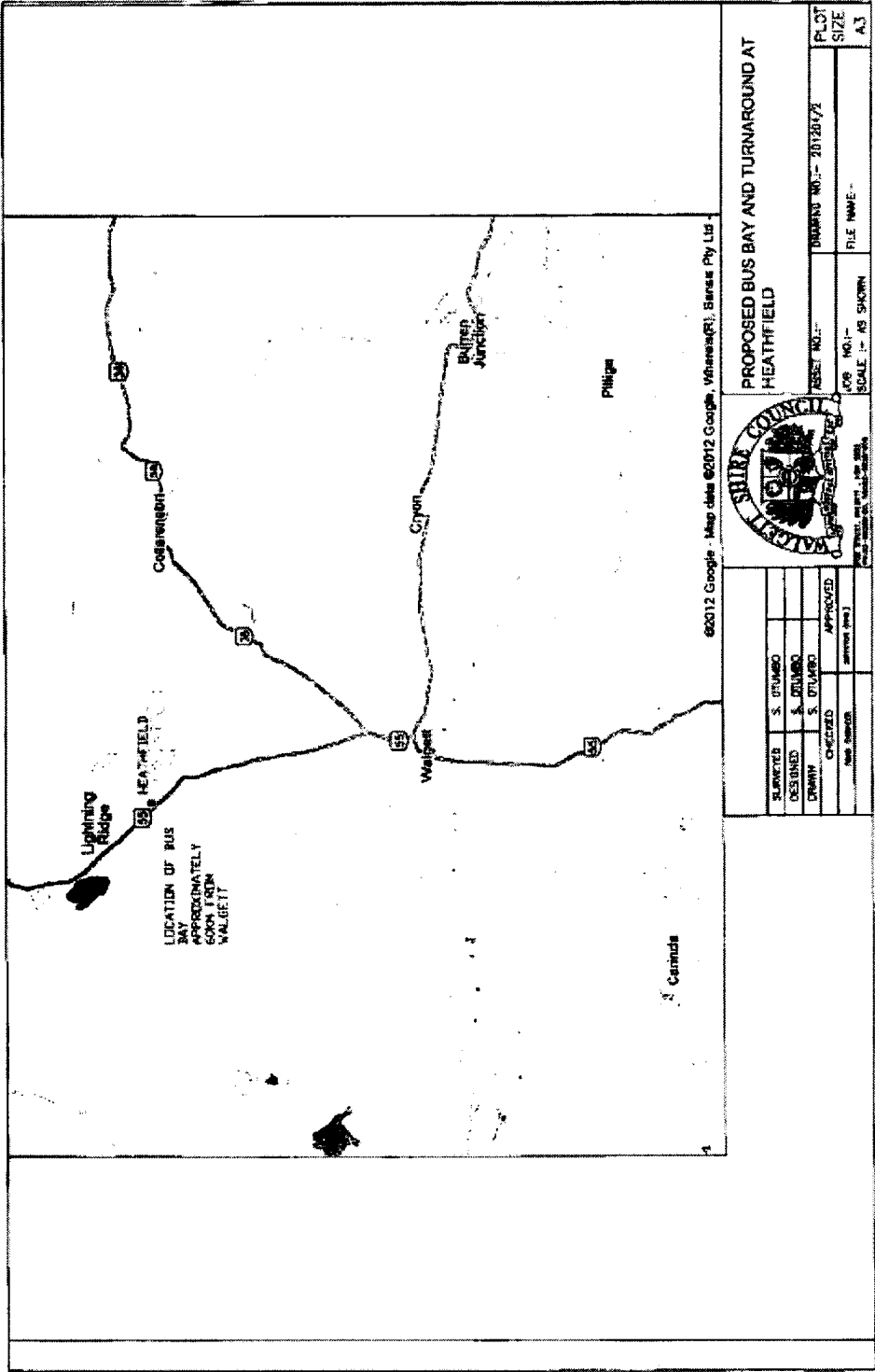
Fill  
Depth of fill = 0.257m  
Length required = 7m  
Area = 0.5 x 7 x 0.257 = 0.8995m<sup>2</sup>  
Volume = 0.8995 x 48 = 43m<sup>3</sup>

#### III. Cost

| Item No.     | Item Description                            | Unit           | Rate   | Quantity | Amount           |
|--------------|---------------------------------------------|----------------|--------|----------|------------------|
| 1            | Mobilization and establishment on site      | LS             |        |          | 5,000.00         |
| 2            | Lay and compact 7/10mm size bituminous seal | m <sup>2</sup> | 20.00  | 220.00   | 4,400.00         |
| 3            | Natural gravel base course                  | m <sup>3</sup> | 40.00  | 50.00    | 2,000.00         |
| 4            | Bench, fill and compact as instructed       | m <sup>3</sup> | 20.00  | 43.00    | 860.00           |
|              | School bus STOP signs                       | No.            | 250.00 | 2.00     | 500.00           |
|              | Traffic Control Plan                        | LS             |        |          | 4,000.00         |
| 5            | Demobilize and tidy up site                 | LS             |        |          | 2,000.00         |
| <b>Total</b> |                                             |                |        |          | <b>18,760.00</b> |



WALGETT SHIRE COUNCIL AGENDA



**Questions for the next Meeting**

**Confidential Reports/Closed Council meeting**

Nil



## **AGENDA FOR CLOSED COUNCIL MEETING**

**Tuesday 19<sup>th</sup> February 2013**

**NOTICE IS HEREBY GIVEN** pursuant to clause 7 of Council's Code of Meeting Practice that the Ordinary Council Meeting of Walgett Shire Council will be held in the **Walgett Shire Council Chambers** on **19<sup>th</sup> February, 2013** following the Ordinary meeting of Council, commencing at 10.00am to discuss the items listed in the Agenda.

Don Ramsland  
**GENERAL MANAGER**

**Close of Meeting**