



# **WALGETT SHIRE COUNCIL**

## **AGENDA**

**20 JULY 2006**

*Stephen McLean  
General Manager*

## SHIRE OF WALGETT - AGENDA



12 July 2006

Administrator  
Walgett Shire Council  
PO Box 31  
WALGETT NSW 2832

**NOTICE IS HEREBY GIVEN** that the Ordinary Meeting of Walgett Shire Council will be held in the Auditorium of the Lightning Ridge Bowling Club on **Thursday, 20 July 2006, commencing at 10.00am.**

### **AGENDA**

#### **PUBLIC FORUM PRESENTATIONS**

*(limited to five minute presentations, and must relate to items listed within the Business Paper, with two speakers, speaking for the item and two speakers, speaking against the item to be considered)*

#### **WELCOME TO VISITORS**

*(recognising the original Aboriginal caretakers of the lands covered by the Shire)*

#### **CONFIRMATION OF MINUTES OF THE COUNCIL MEETING HELD 22 JUNE 2006**

##### **1. ADMINISTRATOR'S REPORT**

No Reports Submitted

##### **2. GENERAL MANAGER'S REPORT**

- |    |                                                          |       |
|----|----------------------------------------------------------|-------|
| 1. | Minutes of the Walgett Showground and Racecourse Reserve | 6-8   |
| 2. | Report on Management Plan 2005/2006                      | 9-13  |
| 3. | Annual Income from Rates and Charges                     | 14-15 |
| 4. | Appointment of Administrator                             | 16-17 |
| 5. | Organisational Structure                                 | 18-19 |

## SHIRE OF WALGETT - AGENDA

### 3. MANAGER CORPORATE SERVICES REPORT

6.	Walgett Shire Family Day Care – Extension of Funding Agreement	20
7.	Walgett Shire Council Removed from DLG Financial Monitoring List	21-22
8.	Spencer Steer Audit Management Letter	23-24
9.	Change of Cheque Signatories	25
10.	Report on Rates – 30 June 2006	26
11.	Statement of Bank Account Balances – 30 June 2006	27-30
12.	2005/2006 Budget Quarterly Review as at 30 June 2006	31-38

### 4. MANAGER OF PLANNING AND REGULATIONS REPORT

13.	Local Orders Policy	38-53
14.	Development and Complying Development Certificate Applications	54-55

### 5. MANAGER OF ENGINEERING'S REPORT

15.	Urban Subdivision – Walgett	56-57
16.	Lightning Ridge Water Supply – Chlorination	58-59
17.	Supply of Water to Grawin, Glengarry, Sheeppark Opal Fields	60-61
18.	Water Supply to Preserved Opal Fields – Lightning Ridge	62-63
19.	Cumborah Water Supply – State Two	64-65
20.	Timber Bridge Replacement Programme	66-67
21.	Buren Junction Bore Baths	68-70
22.	REPAIR Programme – 2006/2007	71
23.	Fees for Hiring of Additional Sanitary Bins	72-73

### 6. COMMITTEE MINUTES

24.	Minutes of the Local Area Traffic Committee meeting – 29 June 2006	74-76
25.	Minutes of the Walgett Shire Consultative Committee – 3 May 2006	77-79
26.	Minutes of the Walgett Shire Consultative Committee – 7 June 2006	80-82
27.	Minutes of the Walgett Shire Consultative Committee – 14 June 2006	83-84

### 7. PRECINCT COMMITTEE REPORTS

28.	Walgett Precinct Committee Report – 20 June 2006	85-86
-----	--------------------------------------------------	-------

### 8. REPRESENTATIVE REPORTS

No Reports Submitted

**CONFIRMATION OF MINUTES – 22 JUNE 2006**

The Draft Minutes of the Council Meeting held on 22 June 2006 were distributed to Council's Administrator.

**ADMINISTRATOR'S REPORT TO COUNCIL MEETING 20 JULY 2006**

**Item No:**

**Subject:**

**Author:**

**File No:**

---

No Reports Submitted.

<b>GENERAL MANAGER'S REPORT TO COUNCIL MEETING 20 JULY 2006</b>
---------------------------------------------------------------------

**Item No:** 1

**Subject:** Minutes of the Walgett Showground and Racecourse Reserve Trust (D520009)

**Author:** Kaye Stone – Assets Officer

**File No:**

---

A meeting of the Reserve Trust Management Committee was held at the Walgett Shire Council, at 9.30am on Tuesday 18<sup>th</sup> October 2005.

**Present:**

Michael Murphy	Representing the Administrator
Kaye Stone	Secretary of the Reserve Trust, Walgett Shire Council
Donna Ruttley	Walgett Shire Council
Wayne Newton	Walgett District Pony Club
Marion Ward	Walgett Show Society
Jill Roughley	Walgett Rodeo Committee
Ray Pike	Walgett Show Society
Allan Anderson	Architect
Meagan Duncan	Dog Obedience
Albie Provest	Walgett Poultry Club

**Apologies:**

Peg Hartog            Community College

1. Report of the Meeting of the Reserve Trust Management Committee held on 16 August, 2005.

Resolved that the Minutes of the Meeting held on 16<sup>th</sup> August, 2005 as presented to the Meeting be confirmed.

2. Garry Molloy making application for a reimbursement of half of the cost of fencing between his property and the adjoining Showground.  
Mr. Murphy drew attention to the provisions of the Dividing Fences Act which exclude the Crown from the requirement to contribute to the cost of dividing fences.

The Secretary drew attention to the fact that another landowner adjoining the Showground has already recently been paid half the cost of a new fence.

## SHIRE OF WALGETT - AGENDA

Resolved that the Reserve Trust request the Walgett Shire Council to provide the funds to enable Mr. Molloy to be reimbursed half the cost of the dividing fence between his property and the Showground. in the amount of \$462.38

3. Horse Stalls the meeting discussed the need for sand in the horse stalls.

Resolved that no further action be taken about this matter until further advice is received from the Pony Club.

4. Consideration of a request for Sanitary Bins to be provided in the ladies toilets.

On some occasions there are three toilets, which need the bins, but generally only two are being used.

Resolved that arrangements be made for one of the main toilets used to be supplied with a Sanitary Bin throughout the year and that on other occasions Sanitary Bins be arranged on a monthly basis as required according to bookings.

5. Kitchen consideration of the unsatisfactory position that the existing kitchen was condemned some years ago but is still in regular use throughout the year.

There was further consideration of the use of portable kitchens as a temporary measure. The Pony Club representative tabled sketch plans of a redevelopment of the Grandstand so as to create a Pavilion at ground level where the existing kitchen is situated and a new kitchen in the seating area above the existing kitchen.

Resolved that the Secretary make further enquiries about the possibility of using transportable kitchens and that a committee be formed to further pursue the Pony Club proposal including more detailed design and preparation of costings. Each of the user groups to nominate a member representative for the "Building Committee" within seven days and the Secretary to convene a meeting as soon as possible and a further meeting of the Reserve Trust be held in early December to review progress.

6. Lights at Horse Stalls and Cattle Pavilion

The Secretary Reported that authority has been granted for the works to a total value of \$10,700 to be carried out.

Resolved that the Secretary's Report be received and noted.

7. Mens Toilet Block

The Secretary Reported that the work of completing the roofing of the toilet will be completed within the next month

Resolved that the Secretary's Report be received and noted.

## SHIRE OF WALGETT - AGENDA

### 8. Department of Sport and Recreation

Resolved that the Secretary circulate to user groups fliers detailing the seminars the Department if prepared to run concerning legal issues, risk management and sports rage.

### 9. Dog Training and the Pony Club

There was discussion concerning storage in the Cattle Pavilion and security locks. A new key register is to be introduced and those collecting keys will be required to sign and register and be responsible for security.

### 10. The next meeting will be held early in December.

Kaye Stone

Secretary Walgett Showground

And Racecourse Reserve Trust

Management Committee

<b>GENERAL MANAGER'S REPORT TO COUNCIL MEETING 20 JULY 2006</b>
---------------------------------------------------------------------

**Item No:** 2  
**Subject:** Report on Management Plan 2005/2006  
**Author:** Stephen McLean – General Manager  
**File No:** 145/11/07/00

---

**Summary:**

This report summarises Council's performance against its objectives established in the 2005/2006 Management Plan.

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

Under Section 407 of the Local Government Act 1993 the General Manager is required to report progress against the Management Plan to council within six weeks of the end of each quarter.

**Relevant Reference Documents:**

- Local Government Act 1993
- Walgett Shire Council Strategic / Management Plan 2005/2006

**Stakeholders:**

- Residents and Council of Walgett Shire

**Financial Implications:**

- Nil

## MANAGEMENT REVIEW – 30 JUNE 2006

### OBJECTIVE A - PLANNING FOR A BETTER FUTURE

No.	Comments
A 1	<p>Draft Land Use Strategy has been prepared and is awaiting endorsement by the Department of Planning prior to public release.</p> <p>Draft Local Environment Plan cannot be prepared until the draft land use strategy has been endorsed.</p>
A 2	<p>Council has been an active participant in community activities.</p> <p>Council has provided for annual Section 356 Donations to Community Organisations in the 2005/2006 Budget.</p> <p>Asset Reserves (restricted funds) have been set aside to ensure that assets can be maintained. Maintenance on Council assets is performed on a needs basis.</p>
A 3	5 year plan adopted at the March 2006 meeting.
A 4	All staff appraised and training forecast developed. A training calendar will be an ongoing project.

### OBJECTIVE B - PROVIDING STRONG LEADERSHIP AND ADVOCACY

No.	Comments
B 1	<p>133 surveys returned by clients for average score of 3.5 across categories.</p> <p>Continuing improvement.</p>
B 2	Targets have been met throughout the financial year.
B3	Community consulted in developing the Social/Community, Equity and Access and Tourism Plans.
B4	<p>Community consulted in developing the Social/Community and Tourism Plans.</p> <p>Council successful as an applicant in 'Principles of Multiculturalism' pilot project. Council endeavours to identify available funding initiatives and track applications.</p>
B5	<p>Initiative being reviewed following extensive staff restructures. Staff appraisals are held on an annual basis.</p> <p>Staff Monthly Newsletter and Employee of the Month Awards have been implemented since July 2005.</p>
B6	Zero breaches reported.

**OBJECTIVE C - DELIVERING COMMUNITY FOCUSED SERVICES**

<b>No.</b>	<b>Comments</b>
C 1	<p>Customer Action Requests outstanding days is monitored.</p> <p>Outstanding Customer Action Requests are provided regularly to employees and managers for maintenance.</p>
C 2	<p>Council representatives have contributed as appropriate.</p>
C 3	<p>Monthly updates being performed with further works scheduled. Council will advise through press releases and information passed onto Precinct Committees and Working Parties.</p> <p>Website redesign has been completed, to be implemented August 2006.</p> <p>Locations have been identified for information displays throughout the Shire.</p>
C 4	<p>Council is complying with the Local Government Act 1993 for advertising of meetings.</p> <p>Opportunities are provided to the public to address agenda items at monthly Council Meetings.</p>
C 5	<p>Roads assessed and completed.</p>
C 6	<p>Targets met throughout the financial year.</p>
C 7	<p>Community Liaison Officer is assisting with the development of a Shire Youth Plan.</p> <p>As at 30 June 2006, there are currently three Carers in place.</p> <p>Support for the development of Community Based Long Day Care Centre in conjunction with Walgett Pre-school.</p>
C 8	<p>Completed an adopted at March 2006 meeting</p>
C 9	<p>All policies continue to be reviewed.</p> <p>Policies will be presented to Council upon finalisation. All operational Procedures will be adopted by the General Manager.</p>

**OBJECTIVE D - WORKING TOGETHER TO IMPROVE OUR ENVIRONMENT**

No.	Comments
D 1	New hardware implemented to further reduce Councils printing and paper requirements through improved technology.
D 2	Targets met throughout the financial year.
D 3	(a) Target met (b) Target met (c) Target met
D 4	Activities proceeding in due course.
D 5	This is done as new projects are commenced.  There have been no recorded breaches and operational methods are reviewed as part of a more comprehensive overall review.
D 6	Target not met, awaiting data validation by GIS consultant company

**OBJECTIVE E - MANAGING OUR RESOURCES AND ASSETS**

No.	Comments
E 1	Computer system transferred to Managed Service Provider.  Audit of Records System has been completed and is currently under review.
E 2	Target being met
E 3	Target being met
E 4	Review completed and meetings conducted quarterly. Funding for ERM process unsuccessful and resubmitted.
E 5	Council successful as an applicant in 'Principles of Multiculturalism' pilot project. Timeframe governed by DLG and CRC
E 6	The audit has not yet been undertaken due to staff limitations.
E 7	Funding submissions have been prepared for the following:-  1. Burren Junction Bore Baths 2. Spider Brown Oval, Lightning Ridge 3. Carinda Road 4. Walgett Weir

**OBJECTIVE F - PROMOTING OUR PLANS AND ACHIEVEMENTS**

<b>No.</b>	<b>Comments</b>
F 1	Tourism marketing plan incorporated into Tourism strategy. Strategy currently under development.

**Recommendation:**

**That the Management Plan 2005/2006 report for June 2006 be received and noted.**

<b>GENERAL MANAGER'S REPORT TO COUNCIL MEETING 20 JULY 2006</b>
---------------------------------------------------------------------

**Item No:** 3

**Subject:** Annual Income from Rates and Charges

**Author:** Stephen McLean – General Manager

**File No:**

---

**Summary:**

This report recommends that Council note the effect of the annual income from Rates and Charges for the 2006/2007 Rating Year and seek exemption from the Minister under Section 512(2) of the Local Government Act.

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

Under Section 506 of the Local Government Act 1993 the Minister of Local Government specifies the percentage by which Councils' general income for a specified year may be varied. Under Section 509 of the Local Government Act a council must not make rates and charges for a year that produces general income of an amount that exceeds the notional general income of the previous year as varied by the percentage specified by the Minister under Section 506.

Due to an oversight in the Rates Modelling, Council will produce general income that exceeds the varied notional general income by \$154,188. Verbal advice from the Department of Local Government suggests that Council seek exemption from the Minister under Section 512(2) of the Local Government Act for the 2006/2007 rating year. Exceeding the varied notional general income does not invalidate the rates and charges under Section 512(1a) of the Local Government Act, nor does it prevent a person's liability for the rates and charges under Section 712 of the same act.

**Relevant Reference Documents:**

- Local Government Act 1993
- Department of Local Government Circular 06-16

**Stakeholders:**

- Walgett Shire Council
- Walgett Shire Ratepayers

## **SHIRE OF WALGETT - AGENDA**

### **Financial Implications:**

- Council will be affected by a deficit of \$154,818 in the 2007/2008 rating year. The varied notional general income for 2007/2008 will be reduced by this amount as a consequence.

### **Recommendation:**

**That Council authorise the General Manager and Administrator to seek exemption from the Minister under Section 512(2) of the Local Government Act for the 2006/2007 rating year.**

**GENERAL MANAGER'S REPORT TO COUNCIL MEETING  
20 JULY 2006**

**Item No:** 4  
**Subject:** Appointment of Administrator  
**Author:** Stephen McLean – General Manager  
**File No:**

---

**Summary:**

Walgett Shire Council has been notified of changes in its administration and postponement of the fresh election of Councillors.

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

Walgett Shire Council received notification that its Administrator Mr Hugh Percy has been replaced with Mr Vic Smith, effective 30 June 2006 and that the election of Councillors has been postponed until 27 September 2008. The proclamation of this was advertised in the New South Wales Gazette, No 84, 30 June 2006. The proclamation is reproduced below.

---

**LOCAL GOVERNMENT ACT 1993  
PROCLAMATION**

(L.S) Marie Bashir, Governor

I, Professor MARIE BASHIR, A.C., C.V.O., Governor of the State of New South Wales, with the advice of the Executive Council, and in pursuance of sections 255, 256, 258 and 736 of the Local Government Act 1993, do, by this Proclamation, declare that the Proclamation published in *Government Gazette* No. 109 of 30 June 2004, at page 4877, declaring all civic offices of Walgett Shire Council vacant is amended as follows:

1. Omit Clause (b) from said Proclamation and insert instead:  
(b) appoint Mr Victor Smith as Administrator of the Walgett Shire Council;
2. Omit Clause (c) from said Proclamation and insert instead:  
(c) the term of the Administrator ceases immediately before the first meeting of the Council held after the fresh election on 27 September 2008;
3. Omit from Clause (d) of said Proclamation the words "Mr Hugh Percy" and insert instead "Mr Victor Smith".

Signed and sealed at Sydney, this 28th day of June 2006.

By Her Excellency's Command,  
KERRY HICKEY, M.P.,  
Minister for Local Government

GOD SAVE THE QUEEN!

## **SHIRE OF WALGETT - AGENDA**

### **Relevant Reference Documents:**

- Proclamation under the Local Government Act 1993, New South Wales Government Gazette, No 84, 30 June 2006.

### **Stakeholders:**

- Department of Local Government
- Walgett Shire Council
- Walgett Shire Community

### **Financial Implications:**

Nil

### **Recommendation:**

**That Council receive and note the appointment of Mr Vic Smith as Administrator and postponement of fresh elections until 27 September 2008.**

<b>GENERAL MANAGER'S REPORT TO COUNCIL MEETING 20 JULY 2006</b>
---------------------------------------------------------------------

**Item No:** 5

**Subject:** Organisational Structure

**Author:** Bronwyn Newton – Coordinator Human Resources

**File No:**

---

**Summary:**

This report seeks Council's endorsement of two additional positions in Council's Customer Service Department and to be included in the Organisational Structure.

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

Council has been relying a number of casual staff to ensure that the Customer Service Department has functioned effectively five days per week.

Further to this, Council has received written notification that the Customer Service Officer (Records) does intend to retire in the near future, therefore to allow cross training and meet operational needs it is proposed to include on Council's Organisational Structure:-

- *1 x Full Time Customer Service Officer*
- *1 x Part Time Customer Service Officer*

The Consultative Committee have viewed the proposed structure and recommended that Council endorse the additional positions on Council's Organisational Structure.

**Relevant Reference Documents:**

- Consultative Meeting Minutes 5 July 2006
- Position Descriptions

**Stakeholders:**

- Walgett Shire Council

**SHIRE OF WALGETT - AGENDA**

**Financial Implications:**

Additional costs for the appointment of two additional positions have been provided for in the 2006/07 Management Plan.

**Recommendation:**

**That Council endorse the addition of *1 x Full Time Customer Service Officer and 1 x Part Time Customer Service Officer* within the Customer Service Department to be included in Council's Organisational Structure.**

**MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING  
20 JULY 2006**

**Item No:** 6  
**Subject:** Walgett Shire Family Day Care  
Extension of Existing Funding Agreement  
**Author:** Emma Darcy – Acting Manager Corporate Services  
**File No:** 003/01/01/05

---

**Summary:**

This report recommends that Council accept an offer for an extension to Council's current funding Agreement in respect of Walgett Shire Family Day Care for a period of three months to 30 September 2006.

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

The funding agreement between Walgett Shire Council and the Department of Families, Community Services and Indigenous Affairs ceases on 1 July 2006, however, an extension of the current agreement has been offered until 30 September 2006.

**Relevant Reference Documents:**

- Child Care Support Program Funding Agreement for Walgett Shire Family Day Care

**Stakeholders:**

- Walgett Shire Council
- Walgett Shire Family Day Care Participants

**Financial Implications:**

- Extended funding amount of \$12,966.75 from the Department of Families, Community Services and Indigenous Affairs will be paid to Council.

**Recommendation:**

**That Council authorise the General Manager and Administrator to sign the funding agreement between the Department of Families, Community Services and Indigenous Affairs and Walgett Shire Council for the extension of the Walgett Shire Family Day Care Project for the period 1 July 2006 to 30 September 2006 and affix the Council Seal.**

<b>MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 20 JULY 2006</b>
------------------------------------------------------------------------------

**Item No:** 7

**Subject:** Walgett Shire Council Removed from Department of Local Government  
"Financial Monitoring" List

**Author:** Emma Darcy – Acting Manager Corporate Services

**File No:** 180/02/01/00

---

**Summary:**

The Department of Local Government (DLG) has advised Walgett Shire Council that they have been removed from the department's "financial monitoring" list.

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

The DLG has advised that due to:

- *A steady improvement in Council's liquidity and profitability over the past year,*
- *Revision of financial position for the 2004/05 Financial Year*

Walgett Shire Council has been removed from the DLG "financial monitoring" list.

They have also noted "Council's work to satisfy the recommendations of the Section 430 Investigation."

Revision of the Department of Local Government Self Assessment Checklist is a continual process conducted by Walgett Shire Council staff whereby shortfalls in arrangements as required by DLG are identified. This program is designed to improve the viability and sustainability of Council and to encourage improvement in the way Council conducts their activities to ensure good governance.

**Relevant Reference Documents:**

- Letter from Department of Local Government dated 19 June 2006
- The Local Government Reform Program Promoting Better Practice

**Stakeholders:**

- Walgett Shire Council

**Financial Implications:**

Walgett Shire Council has been removed from DLG financial monitoring list.

**SHIRE OF WALGETT - AGENDA**

**Recommendations:**

**That Council:-**

- 1. Note the letter from the Department of Local Government dated 19 June 2006 stating that Walgett Shire Council has been removed from the DLG “financial monitoring” list.**
- 2. Note that Walgett Shire Council staff will continue to use Local Government Reform Program Promoting Better Practice as a measurement tool to improve viability and sustainability of Council.**

<b>MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 20 JULY 2006</b>
------------------------------------------------------------------------------

**Item No:** 8

**Subject:** Spencer Steer Audit Management Letter

**Author:** Emma Darcy – Acting Manager Corporate Services

**File No:** 180/01/01/00

---

**Summary:**

The audit Management Letter was received from Spencer Steer on 26 June 2006. This letter is the result of their interim audit in respect to the year ending 30 June 2006. The overall result of the audit was that “Council’s books and records were being well maintained and up to date. All the information and explanations required (by us) were obtained.”

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

An interim audit was conducted by Spencer Steer in April 2005. In summary, the following was addressed:

- All minutes are confirmed as soon as possible.

*This recommendation has been noted.*

- A formal purchasing policy and guidelines should be adopted as soon as practicable. This included a process of review for purchases over \$150,000.

*All Council policies are currently being drafted by a Consultant.*

- A Corporate Credit Card policy should be adopted.

*All Council policies are currently being drafted by a Consultant.*

- All tax invoices and/or receipts should be retained and filed with the credit card statements.

*This has now been rectified.*

- Senior Staff Reconciliations should be performed to ensure remuneration is in accordance with the contract.

*This is now a year end reconciliation process.*

## SHIRE OF WALGETT - AGENDA

- Masterfile Maintenance Audits relating to bank details, new creditors and employees and pay rate changes needs to be printed and reviewed.

*This report will now be printed and checked on a regular basis.*

- The remittance register is required to be checked by an officer independent of the cashier's function.

*This recommendation is now in place.*

- Periodic reviews of manual receipt books is required.

*This recommendation is now in place.*

- An investment policy should be adopted.

*All Council policies are currently being drafted by a Consultant.*

- The investment register needs to detail the type of investment held.

*This recommendation is now in place.*

- Single Invitation Contract Income should be brought to account by raising a debtor at the time of the claim. Variances from November and December require to be investigated and resolved.

*This recommendation is now in place and the variances investigated.*

Overall, the Interim audit presented pleasing results that reflect the dedication and attention to detail shown by members of the Finance Department within Walgett Shire Council.

### **Relevant Reference Documents:**

- Audit Management Letter from Spencer Steer dated 22 June 2006

### **Stakeholders:**

- Walgett Shire Council

### **Financial Implications:**

Nil

### **Recommendation:**

**That Council recognise the Audit Management Letter received from Spencer Steer dated 22 June 2006 and actions taken to resolve issues raised.**

**MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING  
20 JULY 2006**

**Item No:** 9  
**Subject:** Change of Cheque Signatories  
**Author:** John Burke – Finance Officer  
**File No:** 180/01/00/00

---

**Summary:**

This report seeks Council's approval for change to Walgett Shire Council's cheque signatories with the Commonwealth Bank.

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

Council's cheque signatories with the Commonwealth Bank are required to be updated due to changes in Council Staff.

It is a requirement of the Commonwealth Bank that a Council Resolution accompany the application for change of signatories to Council's nominated bank accounts.

**Relevant Reference Documents:**

- Commonwealth Bank - Authority for Non Personal Account Application Form

**Stakeholders:**

- Walgett Shire Council
- Commonwealth Bank

**Financial Implications:**

Nil

**Recommendation:**

**That Council approve a change to Walgett Shire Council's cheque signatories with the Commonwealth Bank with the following staff to be authorised:**

- **Stephen Mclean – General Manager**
- **Emma Darcy – Acting Corporate Services Manager**
- **John Burke – Finance Officer**
- **Alan Nelson – Manager Engineering**
- **Matthew Goodwin – Manager Planning and Regulations**
- **Bronwyn Newton – Coordinator Human Resources**

**MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING  
20 JULY 2006**

**Item No:** 10  
**Subject:** Report on Rates – 30 June 2006  
**Author:** Emma Darcy – Acting Manager Corporate Services  
**File No:** 180/09/00/00

**REPORT ON RATES - 30 June 2006**

	<b>Jun-05</b>	<b>Jun-06</b>
Arrears as at 30 June	1,339,457.28	1,395,484.94
Adjusted Levy	5,368,453.43	5,507,984.64
Interest	73,375.83	92,215.53
Payments	(5,347,918.81)	(5,229,477.91)
Adjustments	(21,826.18)	(94,226.66)
Discount	(49,689.29)	(54,399.08)
Legal Fees	26,876.10	1,192.02
<b>Total Outstanding</b>	<b>\$ <u>1,388,728.36</u></b>	<b><u>1,618,773.48</u></b>

**COMPARISON WITH 2004/05**

	<b>Jun-05</b>	<b>Jun-06</b>
Current	458,945.10	579,943.01
Arrears	625,205.02	904,079.41
Interest	236,968.08	79,208.20
Legals	67,610.16	55,542.86
<b>Total Outstanding</b>	<b>\$ <u>1,388,728.36</u></b>	<b><u>1,618,773.48</u></b>

**Total YTD Collected**

	<b>Jun-05</b>	<b>Jun-06</b>
Collected YTD % of Arrears and Levy	81%	78%
Collected YTD % of Levy	101%	98%

**Recommendation:**

**That the Report on Rates as at 30 June 2006 be received.**

**MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING  
20 JULY 2006**

**Item No:** 11

**Subject:** Statement of Bank Account Balances – 30 June 2006

**Author:** Emma Darcy – Acting Manager Corporate Services

**File No:** 180/02/00/00

---

**Summary:**

This submission summarises the cash position of Walgett Shire Council and reports a healthy cash flow.

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

The current bank account total is \$11,608,059.75 This includes total investments of \$10,850,000.00. Walgett Shire Council has the ability to service its debt on a timely basis and has the capacity to respond to opportunities or unforeseen commitments that may arise.

**Relevant Reference Documents:**

Nil

**Stakeholders:**

- Walgett Shire Council

## SHIRE OF WALGETT - AGENDA

The following is a summary of Council's Bank Accounts as at 30 June 2006

<b>FUND</b>	<b>BALANCE</b>
The balance of Council's investments as at 30 June 2006 (as per Bank Statements)	\$ 10,850,000.00
Cash Management Accounts	\$ 857,285.57
PLUS: Outstanding Deposits	\$ 0.00
LESS: Outstanding Cheques	\$ (99,225.82)
	\$ 11,608,059.75

## SHIRE OF WALGETT - AGENDA

### INVESTMENTS - CONSOLIDATED

Council investments have been made in accordance with the Local Government Act 1993 No 30, the regulations and council's investment policy

<u>Investment Institution</u>	<u>Type of Investment</u>	<u>Term (days)</u>	<u>Rate %</u>	<u>Ref</u>	<u>Reset Date</u>	<u>Maturity Date</u>	
							500,000.00
IMB Ltd	Term Deposit	363	5.91	372/06		06-Mar-07	\$ 300,000.00
IMB Ltd	Term Deposit	119	5.75	380/06		25-Jul-06	\$ 500,000.00
Citibank	Term Deposit	92	5.97	395/06		13-Sep-06	\$ 300,000.00
Local Govt Financial Services	Term Deposit	123	5.69	375/06		11-Jul-06	\$ 500,000.00
Bankwest	Term Deposit	165	5.75	376/06		22-Aug-06	\$ 500,000.00
National	Term Deposit	186	5.58	377/06		12-Sep-06	\$ 500,000.00
Savings & Loans Credit Union	Term Deposit	183	5.90	382/06		11-Oct-06	\$ 500,000.00
Royal Bank Of Canada	Callable Range Accrual	92	7.70	397/06		16-Sep-06	\$ 500,000.00
Investec	Term Deposit	90	6.00	392/06		14-Aug-06	\$ 300,000.00
IMB Ltd	Term Deposit	161	5.88	383/06		26-Sep-06	\$ 250,000.00
Citibank	Term Deposit	92	5.70	381/06		11-Jul-06	\$ 500,000.00
Bankwest	Term Deposit	180	6.13	393/06		05-Dec-06	\$ 500,000.00
Bank of Qld	Term Deposit	189	6.06	394/06		19-Dec-06	\$ 500,000.00
CBA	Callable Range Accrual	92	7.50	396/06		16-Sep-06	\$ 500,000.00
Local Govt Financial Services	Term Deposit	154	5.93	386/06		17-Oct-06	\$ 250,000.00
Savings & Loans Credit Union	Term Deposit	195	6.25	398/06		11-Jan-07	\$ 500,000.00
Suncorp	Term Deposit	111	5.95	388/06		05-Sep-06	\$ 200,000.00
IMB Ltd	Term Deposit	152	5.78	370/06		18-Jul-06	\$ 300,000.00
Westpac	Term Deposit	307	5.50	350/05		08-Aug-06	\$ 300,000.00
Bankwest	Term Deposit	365	5.85	341/05		09-Aug-06	\$ 250,000.00
Bank of Qld	Term Deposit	182	5.71	367/06		15-Aug-06	\$ 300,000.00
Bankwest	Term Deposit	96	6.01	391/06		29-Aug-06	\$ 500,000.00
Westpac	Term Deposit	335	5.65	357/05		01-Nov-06	\$ 300,000.00
CBA	Term Deposit	160	5.93	389/06		24-Oct-06	\$ 500,000.00
FIIG	Term Deposit	68	6.09	390/06		01-Aug-06	\$ 500,000.00
Commonwealth	Term Deposit	365	5.65	360/05		10-Dec-06	\$ 300,000.00
							\$ 10,850,000.00

**SHIRE OF WALGETT - AGENDA**

**Total Payments for Month**

I wish to advise that the following payments were made from Council's Accounts for the month of June 2006 using cheques 17162 - 17284 and EFT's 815-828

EFT's	2,087,580.60
Cheques	255,796.01
Manual Cheques	0.00
Cancelled Cheques	0.00
Direct Debits	64,378.75
Payroll	257,265.04
Bank Charges	878.05
	<b>\$2,665,898.45</b>

**Year to Date Totals**

	<b>Receipts</b>	<b>Payments</b>
Jul 05 - May 06	19,289,682.36	18,787,518.63
Jun-06	1,765,210.06	2,665,898.45
<b>Total 2005/2006</b>	<b>21,054,892.42</b>	<b>21,453,417.08</b>

**Recommendation:**

**That the Statement of Bank Account Balances as at 30 June 2006 be received.**

<b>MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 20 JULY 2006</b>
------------------------------------------------------------------------------

**Item No:** 12

**Subject:** 2005/06 Budget Quarterly Review as at 30 June 2006

**Author:** Emma Darcy – Acting Manager Corporate Services

**File No:** 180/08/00/00

---

**Summary:**

This report presents to Council the quarterly financial review for the period ending 30 June 2006.

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

The quarterly review is a statutory requirement under the Local Government Financial Management Regulation 1999, Part 2 Clause 7 and is an essential aspect of Council's financial management.

At the Council meeting held on 23 June 2005, Council adopted the Management Plan 2005/2006, which incorporated the annual budget for Council for 2005/2006.

***General Budgetary Position***

This review analyses the financial performance of the Council for the fourth quarter ending 30 June 2006, comparing actual expenditure and revenue against the budget. Council's budgetary position for the quarter ended 30 June 2006 is financially sound. The original Budgeted surplus was \$10,006 and at the end of June the surplus based on actuals was \$770,716.

The Financial reports for 30 June 2006 are currently being finalised and year end adjustments will be included in the following statements. These statements do not reflect changes due to compliance with Australian International Financial Reporting Standards (AIFRS).

SHIRE OF WALGETT –AGENDA

The total Variance is summarised as follows:

<i>Management Review as at 30th June 2006</i>					
	<b>Original Budget</b>	<b>Amended 2005/2006 Budget</b>	<b>YTD Actual</b>	<b>Budget Available Current Year</b>	
Executive Revenue	(41,000)	(41,000)	(44,222)	3,222	108%
Executive Expenditure	847,500	847,500	1,022,930	(175,430)	121%
Corporate Services Revenue	(119,000)	(119,000)	(25,529)	(93,471)	21%
Corporate Services Expenditure	873,375	873,375	621,746	251,629	71%
Marketing & Promotions Revenue	(20,000)	(20,000)	(21,387)	1,387	107%
Marketing & Promotions Expenditure	223,750	223,750	235,415	(11,665)	105%
Financial Services Revenue	(7,607,512)	(7,716,237)	(5,676,822)	(2,039,415)	74%
Financial Services Expenditure	2,710,550	3,219,550	891,638	2,327,912	28%
Community Services Revenue	(256,500)	(256,500)	(485,406)	228,906	189%
Community Services Expenditure	589,827	649,827	458,525	191,302	71%
Developmental Services Revenue	(57,600)	(57,600)	(75,404)	17,804	131%
Developmental Services Expenditure	548,279	558,279	595,173	(36,894)	107%
Engineering Services Revenue	(58,000)	(58,000)	(41,289)	(16,711)	71%
Engineering Services Expenditure	96,525	96,525	125,893	(29,368)	130%
Engineer Works Revenue	(10,198,208)	(9,990,664)	(11,020,006)	1,029,342	110%
Engineer Works Expenditure	12,501,808	12,512,808	12,714,948	(202,140)	102%
Domestic Waste Revenue	(639,430)	(639,430)	(658,634)	19,204	103%
Domestic Waste Expenditure	712,919	712,919	639,355	73,564	90%
Public Order & Safety Revenue	(70,798)	(70,798)	(46,815)	(23,983)	66%
Public Order & Safety Expenditure	210,870	210,870	145,746	65,124	69%
Water Services Revenue	(1,111,185)	(1,111,185)	(1,133,801)	22,616	102%
Water Services Expenditure	965,296	965,296	1,255,111	(289,815)	130%
Sewerage Services Revenue	(491,618)	(491,618)	(542,594)	50,976	110%
Sewerage Services Expenditure	380,146	380,146	294,713	85,433	78%
	<b>(10,006)</b>	<b>678,813</b>	<b>(770,716)</b>		

<b>Variance of Income Compared to Expenditure</b>				
		<b>Budget YTD</b>	<b>Actual YTD</b>	<b>% of Budget</b>
<b>Income</b>		(20,572,032)	(19,771,909)	96%
<b>Expenditure</b>		21,250,845	19,001,193	89%
<b>Variance</b>		<b>678,813</b>	<b>(770,716)</b>	

## SHIRE OF WALGETT –AGENDA

### The Operations Breakdown is as follows:

**Walgett Shire Council**  
**Operating Statement**  
**For the Period Ending 30th June 2006**

Income	Sep-05	Dec-05	Mar-06	Jun-06	Total
General Rates & Levies	5,556,639.02	971,488.90	666,646.66	25,508.43	7,220,283.01
Sales of Goods & services	498,659.43	606,043.56	2,428,672.07	2,696,982.84	6,230,357.90
Interest	149,403.48	57,644.52	194,769.34	147,128.46	548,945.80
Grants & Subsidies	954,081.00	1,033,686.59	1,464,495.09	1,934,984.40	5,387,247.08
Other revenue	562,435.44	1,264,028.43	272,773.41	1,346,768.04	206,922.42
<b>Total Revenue</b>	<b>7,721,218.37</b>	<b>3,932,892.00</b>	<b>4,481,809.75</b>	<b>3,457,836.09</b>	<b>19,593,756.21</b>
<b>Expenditure</b>					
Superannuation	86,259.48	76,048.42	89,556.66	79,010.15	330,874.71
Salaries & wages	1,259,561.58	1,363,272.43	471,682.68	1,082,613.06	4,177,129.75
Other employee Expenses	44,520.96	85,445.74	66,356.59	96,063.26	292,386.55
Materials & Services	2,877,473.18	3,167,490.08	2,575,611.82	3,126,473.67	11,747,048.75
Interest Expenses	5,224.42	10,179.20	5,711.39	31,818.81	52,933.82
Depreciation	-	-	-	-	-
Other Expenses	956,371.83	946,141.36	405,238.99	85,085.89	2,222,666.29
<b>Total Expenditure</b>	<b>5,229,411.45</b>	<b>5,648,577.23</b>	<b>3,614,158.13</b>	<b>4,330,893.06</b>	<b>18,823,039.87</b>
	<b>2,491,806.92</b>	<b>1,715,685.23</b>	<b>867,651.62</b>	<b>873,056.97</b>	<b>770,716.34</b>

### Significant Budget Variances

#### *Members and Civic*

- WSC Administrator Expenses \$191,300 and budget amount of \$150,000.
- Civic Reception and Functions \$7,463.00 year to date and \$500 budget. The additional expenditure due to opening of Mary O'Brien Exhibition – Walgett Airport Terminal.

#### *Executive*

- Contract Salaries and Wages – additional on costs to cover increased workers compensation premium is included in total costs. This applies to all Salaries and Wages.
- Contract Consultancy Fees is at \$71,006. Original Budget of \$30,000. This expenditure is for the employment of specialised consultants including:
  - Contract Business Consultant
  - Solicitor
  - Architect

## SHIRE OF WALGETT –AGENDA

The River Towns Project \$119,000 total Budget and only \$12,129 YTD. This project has not been operational for 2005/2006. All revenue received for this project is externally restricted and all expenditure is covered by these funds.

### **Corporate Services**

- Staff and Wages under budget by \$27,397 due to no full time appointment for this position.
- Legal Expenses is \$36,351 compared to budget of \$15,000. This is fees payable to Legal representatives for: representation regarding former employee payouts, Waterford Ryan Solicitors, Search Fees and Councils contribution towards Local Government NSW for representation regarding Telstra case.
- Contingency account has funds committed totalling \$54,105. This was by Resolution of Council.
- Additional funding of \$25,330 received for Opal and Fossil Advisor.
- Training Budget of \$155,500 only 75% expended. Additional \$35,000 is to be restricted to cover costs associated with
  - Mediation Program \$15,000.00
  - Authority System training Debt Recovery Module \$5,000.
  - Authority System training Human Resources Module \$5,000.
  - Authority System training Property Maintenance and Development Application \$5,000.
  - Authority System training depreciation Schedules \$5,000.
- Marketing & Promotion – operations are within budgetary constraints. Additional costs associated to Walgett Information centre are attributed to the additional wage on-costs.
- Expenditure - Executive Services - Staff & wages over budget by 36% due to additional on-costs recovery due to increase in Workers Compensation policy.
- Collarenebri Agency costs are within budgetary constraints. The Agency currently costing \$110,000 per annum. The Agency is in the process of applying for Level 3 Information Centre.
- Risk Management within Budgetary constraints.
- Finance Section General Staff – Salaries and Wages is only 47% expended due to the absence of a full time accountant. Contract consultancy fees were \$52,313 compared to \$14,000 budget. These additional costs are covered by the reduced costs in salaries and wages.
- Capital Utilisation is only 12% of budgeted \$148,000. The interest only component is calculated and the actual payments are a reduction in the loan liability.

## **SHIRE OF WALGETT –AGENDA**

- Pensioner rebate subsidy has not been receipted. The expected return is \$75,736.75.
- Interest Received from Investments is currently \$413,154, with \$350,000 budget. This does not take into account year end debtors.

### ***Developmental Services***

- Developmental Services have operated within budgetary constraints.
- Revenue is \$75,404 compared to \$57,600. This is attributed to additional development applications than originally forecasted.

### ***Community Services***

- Expenditure for Family Day Care only 69% expended to date. This is because of small number of Carers. The income for Family Day Care reflects this.
- Youth Services \$20,000 over budget. This additional costing is covered by additional funding of \$42,000 for a Youth development Officer.
- The contribution to Northern regional Library of \$197,327 has not been paid to date. This will be included as a Creditor in the Financial Accounts.
- Income of \$246,520 has been transferred from liabilities in Balance Sheet for Lightning Ridge HACC Centre. These funds have been restricted but will be brought to account in 2005/06.

### ***Engineering Services***

- Additional salaries and wages costing is attributed to the additional on-costs to cover the increased workers compensation premium
- Plant Running Expenses incurred cost saving by \$149,000. This is due to finance lease repayments which are capitalised for year end adjustments.
- Asset Maintenance currently over budget by 41%. These costs are attributed to the HACC Centre and items to be capitalised. This amount will be adjusted during preparation of Financial Accounts.
- All Road expenditure is within budgetary constraints. Any excess funding will be restricted and carried forward into the 2006/07 financial year.
- Additional \$466,000 revenue was received for RTA Single invitation Contract. An additional amount of \$1,317,000 due from RTA for May and June 2006.
- Aerodrome Grounds currently \$137,000 over budget. This additional expenditure is for fencing around Walgett and Lightning Ridge aerodromes'. This will be capitalised. Funding of approximately \$150,000 is due from Department of Transport & Regional Services.

## **SHIRE OF WALGETT –AGENDA**

- Utilities and Recreation – Town Maintenance \$500,000 Budget and year to date \$693,000 expenditure. An additional \$60,000 in excess of budget amount of \$200,000 for Parks and Reserves. This additional expenditure will be funded from savings in Plant Running Expenses.

### ***Domestic Waste Management***

- Total surplus to date for domestic waste is \$19,000.

### ***Emergency Services***

- Emergency Services have operated within budgetary constraints.

### **Water Services**

- Water Supplies year to date is operating with a \$121,000 loss. Additional expenditure has occurred in the following areas:
  - Rowena town Maintenance \$109,370. The costs will be offset with expected grant funding of \$53,000.
  - Additional \$28,000 in Reservoir Operations – Walgett
  - Additional \$114,000 in Filtration Plant Operations – Walgett. As reported in October 2005, this additional cost was due to portable filtration plant replacing existing plant to enable permanent plant to be taken out of service for heavy maintenance. Flooding in the Namoi River created a situation where the temporary plant could not be used. Accordingly the heavy maintenance was deferred. Compensation to the contractor was unavoidable.
  - Additional \$35,000 in Algae Monitor/Treatment – Collarenebri.
- This loss will be increased further to reflect depreciation value which is anticipated to be \$472,000 (an approximation only). An estimated \$162,000 will be capitalised, leaving an anticipated loss of \$350,000.
- The costs incurred for water services are anticipated to be reduced in the longer term once water meters are installed and operational.

### ***Sewerage Services***

- Sewerage Supplies year to date operating within Budget constraints. Depreciation of \$341,000 is estimated for 2005/06. An anticipated loss of \$92,000 is expected.

### **Relevant Reference Documents**

- Walgett Shire Council 2006-2011 Management Plan
- Management Review Report to 30 June 2006.

### **Stakeholders:**

- Walgett Shire Council

## **SHIRE OF WALGETT –AGENDA**

### **Financial Implications:**

Results of quarterly financial review do not adversely affect the Council's financial position and Council continues to operate within budgetary constraints. A complete review will be performed on general rates, water, sewerage and domestic waste. A domestic waste audit is scheduled for the end of July 2006. Any additional funding will be offset against the loss in restricted funding – domestic waste management. The above financial position does not reflect the year end adjustments which will be finalised prior to the preparation of the General Purpose Financial Reports

### **Recommendations:**

- 1. Council adopt the quarterly Financial Review for the period ending 30 June 2006.**
- 2. That Council note that the quarterly Financial Review does not reflect the year end adjustments which will be finalised prior to the preparation of General Purpose Financial Reports for the year ending 30 June 2006.**

**MANAGER PLANNING AND REGULATIONS REPORT TO COUNCIL  
MEETING 20 JULY 2006**

**Item No:** 13

**Subject:** Local Orders Policy

**Author:** Matthew Goodwin, Manager Planning and Regulations

**File No:** 275/06/00/00

---

**Summary:**

This report proposes that a Local Orders Policy (LOP) be issued for public consultation, with a view to adopting it at the earliest opportunity.

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

A LOP is a statutory policy established under Chapter 7 of the Local Government Act 1993 (LGA) which supplements the Act and the Local Government (General) Regulation 2005. The LOP specifies the criteria which the Council must take into consideration when determining whether or not to give an order under Section 124 of the LGA.

Previously Walgett Shire Council had a LOP which was adopted on 29 July 1996. That policy expired 12 months after the declaration of the poll for the subsequent Council election (in accordance with Section 165(4) of the LGA).

It is proposed that Council follow the processes required to establish a LOP, as detailed below:

1. The local council must give public notice of a draft LOP after it has been prepared (LGA S.160(1)).
2. The LOP must be placed on public exhibition for not less than 28 days (LGA S.160(2)).
3. The public notice must also specify a period of not less than 42 days during which the public can make submissions to the council (LGA S.160(3)).
4. After considering all submissions received, the Council may decide to amend, adopt without amendment, or not to adopt the LOP (LGA S.161(1)).
5. If the amendments are not substantial in the Council's opinion, then it may adopt the amended LOP without further public exhibition (LGA S.161(2)).
6. If the amendments are substantial, then the LOP must be publicly exhibited once more in accordance with the LGA, as described above (LGA S.161(2)).
7. The council must give public notice of the adoption of a LOP (LGA S.166)).

## **SHIRE OF WALGETT –AGENDA**

A draft LOP has been prepared in accordance with the Draft Local Orders Policy Practice Note, published by the Department of Local Government in July 1996. The draft LOP is included with this report.

### **Relevant Reference Documents:**

- Local Government Act 1993 – particularly Chapter 7.
- Local Government (General) Regulation 2005.
- Draft Local Orders Policy Practice Note, published by the Department of Local Government, July 1996.
- Council file number 275/06/00/00.

### **Stakeholders:**

- Walgett Shire Council and the public

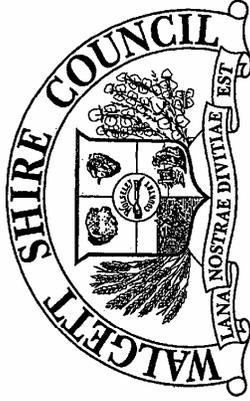
### **Financial Implications:**

- Nil

### **Recommendations:**

#### **That Council resolve to:**

- 1. Endorse the draft Walgett Shire Council Local Orders Policy.**
- 2. Notify the public of the draft Walgett Shire Council Local Orders Policy through the Black Opal Advocate, Lightning Ridge News and the Walgett Spectator.**
- 3. Place the draft Walgett Shire Council Local Orders Policy on public exhibition and invite written submissions from the public on the draft policy in accordance with the Local Government Act 1993.**



# WALGETT SHIRE COUNCIL

## LOCAL ORDERS POLICY

For orders issued under the Local Government Act, 1993.

<b>PART 1 - PRELIMINARY</b> .....	4
1. What is the name of this Policy?.....	4
2. Where does the policy apply?.....	4
3. What is the purpose of this Policy?.....	4
4. When did the Policy commence?.....	4
5. Have there been any amendments to the Policy?.....	4
6. When will the Policy be revoked?.....	4
<b>PART 2 – CRITERIA COUNCIL MUST CONSIDER</b> .....	5
7. Order No. 5 (a), (b), (c), (d) (e) and (f) – Various matters.....	5
8. Order No. 5 (h) – Water and sewerage supply systems.....	6
9. Order No. 7 – Fence land.....	6
10. Order No. 8 – Identify premises.....	7
11. Order No. 9 – Waterbody.....	7
12. Order No. 10 - Articles.....	8
Order No. 11 – Environmental damage.....	9
13. Order No.12 – Control surface water.....	9
14. Order No.15 – Not conduct an activity.....	10
15. Order No.16 – Cease use or evacuate premises.....	11
16. Order No.17 – Leave or not enter premises.....	11
17. Order No.18 – Animals.....	12
18. Order No. 19 – Tennis court.....	14
19. Order No. 20 - Food.....	14
20. Order No. 21 – Safety and health.....	15
21. Order No. 22 – Waste.....	16
22. Order No. 24 – Connect to sewerage system.....	17
23. Order No. 25 – Human waste.....	18
24. Order No. 27 – Public place, remove object or matter.....	18
25. Order No. 28 – Public place, prevent or repair damage.....	19
26. Order No. 29 – Public place, alter or repair work or structure.....	20
27. Order No.30 – Comply with an approval.....	20
28. Order under Section 125 of the Local Government Act 1993.....	21
<b>PART 3 – OTHER MATTERS RELATING TO ORDERS</b> .....	22
29. What must council consider before giving an order?.....	22
30. What must be done before an order is served?.....	22
31. Who can make representations?.....	22
32. How should representations be made and considered?.....	22
33. What does Council do after hearing representations?.....	22
34. Are there any exemptions to these procedures?.....	23
35. What information should the order contain?.....	23
36. How long does Council have to consider whether the proposed works meet the standards specified in an order?.....	23

**PART 1 - PRELIMINARY**

37. Can Council recover any expenses involved in this process? ..... 23  
 38. How do orders affect heritage items? ..... 24  
 39. How is an order given and when does it take effect? ..... 24  
 40. Does Council have the power to give an order under another act? ..... 24  
 41. What happens when a person fails to comply with an order? ..... 24  
 42. Is an approval necessary for work to be undertaken? ..... 24  
 43. Must an occupier of land permit an owner to carry out work? ..... 24  
 44. Can Council carry out the works? ..... 25  
 45. What rights of appeal does a person have against an order or part of an order? ..... 25  
 46. Does the appeal prevent the order from operating? ..... 25  
 47. Is a building owner entitled to any compensation from Council for expenses involved in complying with an order? ..... 25  
 48. Overview of legal process to issue an order ..... 26  
 49. Dictionary ..... 27

**1. What is the name of this Policy?**  
 This policy ("the policy") is called the Walgett Shire Council Local Orders Policy 2006

**2. Where does the policy apply?**  
 It applies to the whole of the Walgett Shire Council local government area.

**3. What is the purpose of this Policy?**

The Policy aims:

- To make the Council's policies and requirements for orders readily accessible and understandable to the public.
- To ensure consistency and fairness in the manner in which the Council deals with issuing orders.
- To establish a system which can effectively resolve disputes and conflicts as they arise.

**4. When did the Policy commence?**

The Policy commenced on the date on which it was adopted by the Council.

**NOTE:** This Policy was adopted by the Council on DATE

*Adoption of the Policy was publicly notified in The Walgett Spectator, The Ridge News and the Black Opal Advocate in MONTH YEAR.*

**5. Have there been any amendments to the Policy?**

The Policy incorporates the amendments as listed.

Amendment No	Date Adopted	Minute No	Date Commenced	Notified in Local Paper
Nil	Nil	Nil	Nil	Nil

**6. When will the Policy be revoked?**

The Policy is automatically revoked at the expiration of 12 months after the declaration of the poll for the next general election, unless the Council revokes it sooner. The next Council election is due to be held on XXX

**NOTE:** Automatic revocation of the Policy is provided for by Section 165 of the Act.

Section 163 of the Act requires that the Policy is void if it is inconsistent with the Act or the regulations. Section 164 of the Act requires that the policy cannot impose a more onerous criterion than does the Act or regulations in relation to a specified aspect of an activity.

**PART 2 – CRITERIA COUNCIL MUST CONSIDER**

There are various statutory criteria that Council must consider when giving an order, as imposed by the Local Government Act 1993, as well as standards derived from the Local Government (General) Regulation 2005. This policy also adopts additional criteria for consideration.

Details of the various types of orders are provided under the respective headings below, including:

- a) To do what? – what types of action can be required to be taken.
- b) In what circumstances? – restrictions on the particular circumstances in which an Order may be given.
- c) To whom? – who must the order be issued to.

**7. Order No. 5 (a), (b), (c), (d) (e) and (f) – Various matters**

**To do what?**

To take such action as is necessary to bring into compliance with relevant standards, or requirements set or made or under this Act:

- a) A camping ground, caravan park or manufactured home estate.
- b) A moveable dwelling or manufactured home.
- c) A building or a temporary structure used as a place of public entertainment.
- d) A place of shared accommodation.
- e) A hairdressers shop or beauty salon.
- f) A mortuary.

**In what circumstances?**

Failure to comply with relevant standards or requirements set or made by or under this Act or under the Local Government Act 1919.

**To whom?**

Owner, occupier or manager.

**Criteria**

When determining whether a Notice of Proposed Order, or Order, is to be given the following criteria are to be taken into consideration, where relevant:

- a) The provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005. See Clause 82 of the Local Government (General) Regulation 2005.
- b) Clause 11 - "Adoption of Building Code of Australia" AND Schedule 1, Part 1 - "Management and Use of Places of Public Entertainment", in the Local Government (General) Regulation 2005.
- c) Schedule 2, Part 1-"Standards for Place of Shared Accommodation" in the Local Government (General) Regulation 2005. See Clause 83 of the regulation.

5

DRAFT Local Orders Policy Jun2006.doc

- d) Schedule 2, Part 2-"Standards for Hairdresser Shops" in the Local Government (General) Regulation 2005. See Clause 84 of the regulation.
- e) Schedule 2, Part 3 "Standards for Beauty Salons" in the Local Government (General) Regulation 2005. See Clause 85 of the regulation.
- f) Schedule 2, Part 4 "Standards for Mortuaries" in the Local Government (General) Regulation 2005. See Clause 86 of the regulation.

**8. Order No. 5 (h) – Water and sewerage supply systems**

**To do what?**

To take such action as is necessary to bring into compliance with relevant standards, or requirements set or made or under this Act:

- a) a water meter, water supply or sewerage system on premises.

**In what circumstances?**

Failure to comply with relevant standards or requirements set or made by or under this Act or under the Local Government Act 1919. Also see Clause 88 of the Local Government (General) Regulation 2005.

**To whom?**

Owner, occupier or manager or, in the case of a water meter, water supply or sewerage system in respect of which a defect occurs in work due to faulty workmanship of, or defective material supplied by, a licensed contractor (being the holder of a licence in force under the Home Building Act 1989 authorising the holder to contract to do the work) within 12 months after the work is carried out or the material is supplied, the licensed contractor.

**Criteria**

When determining whether a Notice of Proposed Order, or Order, is to be given the following criteria are to be taken into consideration, where relevant:

- a) Whether the circumstances have arisen within 12 months of work being undertaken on the affected part of a water supply or sewerage system by a licensed contractor.
- b) Whether an order has been made, or is being considered, by the Consumer, Trader and Tenancy Tribunal under the Home Building Act 1989 against a licensed contractor.
- c) Whether the circumstances are unrelated to the work of a licensed contractor.

**9. Order No. 7 – Fence land**

**To Do What?**

To fence land.

**In What Circumstances?**

Public health, safety or convenience renders it necessary or expedient to do so and there is no adequate fence between the land and public place.

**To Whom?**

Owner or occupier of land.

6

DRAFT Local Orders Policy Jun2006.doc

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given the following criteria are to be taken into consideration:

- a) Whether the condition, location or use of the land poses a threat to the health, safety and convenience of the public.

**10. Order No. 8 – Identify premises**

**To Do What?**

To identify premises with such numbers or other identification in such a manner as is specified in the Order.

**In What Circumstances?**

Premises have a frontage to or entrance from a road and there are no markings that can readily be seen and understood from the road.

**To Whom?**

Owner or occupier of land.

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given the following criteria are to be taken into consideration:

- a) Whether there is unauthorised use of, or duplication of, numbers.
- b) Whether numbers are not in accordance with the street patterns.
- c) Whether there is potential for confusion in the identification of premises.
- d) Whether the owner/occupier had not complied with Council's request for rectification.

**11. Order No. 9 – Waterbody**

**To Do What?**

To fence, empty, fill in or cover up a hole or waterhole in a manner specified in the Order.

**In What Circumstances?**

Hole or waterhole is or may become dangerous to life.

**To Whom?**

Owner or occupier of land

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given the following criteria are to be taken into consideration:

- a) The hole or waterhole is directly accessible from a public place or another private property and/or

- b) The hole or waterhole is not adequately covered or fenced to the minimum requirements of the Swimming Pools Act 1992 to prevent direct access to it from a public place or any other private property and,
- c) The nature, location and depth of the hole or waterhole is considered to be dangerous to life.

**Criteria Does not Include:**

Any hole or water hole that falls under the definition of a swimming pool as defined in the Swimming Pools Act 1992.

**12. Order No. 10 - Articles**

**To Do What?**

To remove or stack articles or matter, to cover articles or matter, to erect fences or screens or to plant trees.

**In What Circumstances?**

Land is in the immediate vicinity of a public place and is used for the storage of articles or matter so as to create or be likely to create unsightly conditions.

**To Whom?**

Owner or occupier of land

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given the following criteria are to be taken into consideration:

- a) Definition of "article" or "matter" includes but is not limited to:-
  - I. Disused motor vehicles, caravans, trailers, boats or associated parts
  - II. Disused machinery, equipment and appliances;
  - III. Old, used or second hand materials (including building materials);
  - IV. Sand, soil, rock, blue metal and any other material derived from any extraction or dredging process;
  - V. Any organic or vegetative material;
  - VI. Any industrial or commercial waste products;
  - VII. Any household rubbish or waste;
  - VIII. Any recycled or composted material;
  - IX. Furniture.

b) Definition of "Land in the immediate vicinity of a public place" is any land that immediately adjoins a public place.

c) The article(s) or matter must be visible from the public place.

**Order No. 11 – Environmental damage**

**To Do What?**

To do or to refrain from doing such things as are specified in the order to prevent environmental damage, to repair environmental damage or to prevent further environmental damage.

**In What Circumstances?**

Work carried out on land has caused or is likely to cause environmental damage, being damage to the physical environment that is caused by:

- a) drainage, or
  - b) drainage works, or
  - c) obstructing a natural watercourse other than by work constructed or used under a license granted under Part 2 of the Water Act 1912,
- not being environmental damage arising from premises, works or equipment the subject of an approval or licence issued under the Protection Of the Environment Operations Act 1997 or the subject of a notice or direction issued by the regulatory authority under that Act.

**To Whom?**

Owner or occupier of land

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration:

Physical environmental damage must be as a result of the flow of water over any land, discharged from the following sources:

- a) Drainage, being a drain or system of drains, whether artificial or natural, which are designed for the carrying of water other than sewerage and which includes a natural water course, or;
- b) Drainage works, being any part of the on-site process involved in the construction of a drain or drainage system and which includes, but not limited to site excavation, materials, compiling and any associated buildings works, or;
- c) Obstruction of a natural water course, being the carrying out of building works or the deposition of any material in such a position as to block or restrict the flow of water within or to redirect the flow of water away from a natural water course.

**13. Order No.12 – Control surface water**

**To Do What?**

To do such things as are necessary to control the flow of surface water across land.

**In What Circumstances?**

Other land or a building on the land or other land is being damaged or is likely to be damaged.

**To Whom?**

Owner or occupier of land

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration:

- a) Erosion of land is occurring from the flow of surface water.
  - b) Physical damage to a building is or has occurred or there is sufficient evidence to suggest that it is likely to occur.
  - c) Surface water flows across the land boundary onto other land.
- Situations where this Order may apply include, but are not limited to:
- a) Water from defective guttering, down pipes or drainage (including underground drainage pipes).
  - b) Water from rooves not fitted with guttering.
  - c) Emptying or backwashing swimming pools.
  - d) Surface water that has been purposely redirected away from its natural direction of flow towards other land.

**Criteria Does Not include:**

- a) Stormwater runoff which is NOT redirected in any manner (i.e. natural surface flow) and follows existing natural land contours
- b) Surface water runoff occurring in periods of exceptional heavy rain.
- c) Surface water flowing down existing hard surface areas such as driveways, tennis courts, concrete slab or paved areas.
- d) Discharges from defective or blocked private stormwater easements.
- e) Overflows from absorption pits where contours of land and lack of access prevent direct connection of a building's stormwater drainage system to Council's Stormwater Drainage System.
- f) Runoff from any building or development work that is the subject of a Development Consent and has been constructed in accordance with that consent
- g) Any circumstance in which the flow of surface water across land is capable of being regulated by the Environmental Protection Authority constitutes a circumstance where an order No 12 cannot be made.

**14. Order No.15 – Not conduct an activity**

**To Do What?**

Not to conduct, or to cease conducting, an activity on premises (whether or not the activity is approved under this Act).

**In What Circumstances?**

The activity constitutes or is likely to constitute:

- a) a life threatening hazard; or
  - b) a threat to public health or public safety
- and is not regulated or controlled under any other Act by a public authority.

<p><b>To Whom?</b> Any persons apparently engaged in promoting, conducting or carrying out the activity.</p> <p><b>Criteria</b> When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration.</p> <p>a) The activity being carried out is causing or is likely to cause a life threatening hazard or a threat to public health or public safety to any person whether on private or public land.</p> <p>Situations where this Order may apply include, but are not limited to:</p> <p>a) Use of a defective septic tank or a septic closet on premises after the date specified (in an Order No 24 served on the owner or occupier of the premises) being the date by which the premises were required to be connected with a sewerage system.</p> <p>b) Construction work on a septic tank or a septic closet on premises after the date specified (in an Order No 24 served on the owner or occupier of the premises) being the date by which the premises were required to be connected with a sewerage system</p> <p><b>Criteria Does Not Include:</b></p> <p>a) Any activity that is covered by any other Act or Regulation.</p> <p>b) Any activity that is controlled by another authority</p>	<p><b>Criteria</b> No additional criteria.</p> <p><b>17. Order No.18 - Animals</b></p> <p><b>To Do What?</b> Not to keep birds or animals on premises, other than of such kinds, in such numbers or in such manner as specified in the order.</p> <p><b>In What Circumstances?</b> Birds or animals kept on premises are:</p> <p>a) in the case of any premises (whether or not in a catchment district) of an inappropriate kind or number or are kept inappropriately,</p> <p><b>To Whom?</b> Occupier of premises.</p> <p><b>Criteria</b> NOTE: There are no restrictions on the number of birds and animals that can be kept in the Shire in normal circumstances. The standards below apply only where:</p> <ul style="list-style-type: none"> <li>• A legitimate problem has been identified relating to the numbers and/or types of birds or animals kept upon a particular premise.</li> <li>• There is a detrimental impact on the health, amenity and safety of others.</li> <li>• Voluntary rectification of the problem does not occur, hence an order is required under the provisions of Section 124 of the Local Government Act 1993 to address the problems that have arisen.</li> </ul> <p>Where it is considered by the investigating officer that the type or number of the bird(s) or animal(s) is inappropriate for the premises due to the impact occurring, restrictions on numbers and/or types kept as prescribed in the Orders Schedule may be applied. The numbers specified for particular species in the standard are based on what is considered a manageable and generally acceptable number. These numbers may however, be varied by the investigating officer depending on the circumstances (See Schedule 5 "Standards for Keeping Birds and Animals" Local Government (General) Regulation 2005.</p> <p><b>General criteria for all animals</b> Criteria for issuing an order may include (but not limited to):</p> <ol style="list-style-type: none"> <li>Continuing offensive noise at inappropriate times.</li> <li>Odour problem from proximity to enclosures or poor cleaning.</li> <li>Vermin infestation through poor cleaning.</li> <li>Addressing nuisances, health or safety threats.</li> </ol> <p>Note: Where the keeping of birds or animals on premises is capable of being regulated by the Environment Protection Authority, Council is excluded from making Order No. 18.</p>
<p><b>15. Order No.16 – Cease use or evacuate premises</b></p> <p><b>To Do What?</b> To cease the use of premises or to evacuate premises.</p> <p><b>In What Circumstances?</b> A person to whom Order No. 15 is given has failed to comply with the Order.</p> <p><b>To Whom?</b> The person to whom Order No. 15 is given.</p> <p><b>Criteria</b> No additional criteria.</p>	<p><b>16. Order No.17 – Leave or not enter premises</b></p> <p><b>To Do What?</b> To leave premises or not to enter premises.</p> <p><b>In What Circumstances?</b> A person to whom Order No. 15 is given has failed to comply with the Order.</p> <p><b>To Whom?</b> Any person</p>

Where the maximum number of bird(s) or animal(s) permitted to be kept is not specified by this policy, a determination can be made at the discretion of the investigating Council officer after they have considered:

- a) The number and type of bird(s) or animal(s) being kept,
- b) The conditions in which they are kept
- c) Actual and potential impacts on neighbours or the public.

**Criteria for poultry**

Fowl - For the purpose of this Policy, fowl shall include domestic fowl or guinea fowl and does not include ducks, geese or turkeys.

- a) No roosters are permitted to be kept;
- b) The number of fowl shall be limited to twenty (20) per premise.
- c) Must not be kept within 4.5 metres of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.

Poultry (other than fowl's):

- d) must not be kept within 30 metres of a dwelling, public hall, school or premises used for the manufacture, preparation, sale or storage of food.

**General Poultry Requirements:**

- e) The floors of the poultry houses must be paved with concrete or mineral asphalt underneath the roosts or perches. Poultry houses more than 15.2 metres from a dwelling, public hall, schools or premises used for the manufacture, preparation, sale or storage of food and located on clean sand need not comply with this requirement.
- f) Poultry must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.
- g) Poultry yards must be enclosed to prevent the escape of poultry.

**Criteria for birds other than poultry**

- a) Aviaries must not be located within 4.5 metres of a dwelling, public hall, school, or premises used for the manufacture, preparation, sale or storage of food.
- b) Aviaries must not be kept under such conditions as to create a nuisance or to be dangerous or injurious to health.

**Criteria for swine, goats and sheeps**

- a) Swine, goats or sheep must not be kept (and animal waste products must not be deposited) within 60 metres of a dwelling, shop, office, factory, church, or other place of public worship, school or public place.

**Criteria for horses**

- a) One (1) only horse may be kept on premises without the Development Consent of Council.
- b) Must be kept no closer than 9 metres from a dwelling, school, shop, office, factory, workshop, church or other place of public worship, public hall or premises used for the manufacture, preparation or storage of food.
- c) The floors of any stables must be paved with concrete or mineral asphalt or equally impervious material and must be properly graded to drain.
- d) Horse yards must be enclosed to prevent the escape of horses.

- e) Where more than one (1) horse is kept on a premises, any conditions of Development Consent shall also apply.

**Criteria for dogs**

- a) Premises used for the keeping of a dog should be appropriately fenced to secure the dog/s within the premises.

**Criteria Does Not include:**

- a) The feeding of wild or native birds and/or animals;
- b) Damage caused by wild or native birds or animals;
- c) The trapping of any wild or native birds or animals;
- e) The control of or treatment of termites on private or public land;

**18. Order No. 19 – Tennis court**

**To Do What?**

To use or not to use a tennis court as specified.

**In What Circumstances?**

Actual or likely annoyance or threat to the safety of neighbours or users of a public place.

**To Whom?**

Occupier of land

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration:

- a) Tennis courts are not to be used after sundown unless otherwise approved by Development Consent.
- b) Tennis courts on private property shall not be used for commercial purposes without Development Consent being issued, i.e. for hire to non residents of the property.

**19. Order No. 20 - Food**

**To Do What?**

To do such things as are specified in the Order to put premises, vehicles or articles used for the manufacture, preparation, storage, sale, transportation or other handling or use of or in relation to food into a clean or sanitary condition.

**In What Circumstances?**

The premises, vehicle or article, is not in a clean or sanitary condition.

**To Whom?**

Owner or occupier of premises or owner or operator of vehicle or article.

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration:

- a) The premises including any fixtures, fittings, utensils and equipment has not been adequately cleaned and there is accumulations of dirt, dust, grease, oil, food matter or any other matter that could contaminate or likely contaminate any food stuffs present on the premises
- b) The food handling procedures and hygiene standards of operators create such unsanitary conditions that will cause contamination or is likely to cause contamination of any food stuffs present on the premises.
- c) There is "non compliance with the following standards that cause the premises to be in an unclean or unsanitary condition as described above:
  - I. The Australia New Zealand Food Standards Code.
  - II. Australian Standard 1668.2 The Use of Ventilation and Air Conditioning in Buildings – Ventilation Design for Indoor Air Contaminant Control.
- d) In the case of water carrying vehicles (See Clause 93 of the Local Government (General) Regulation 2005):
  - I. Whether a vessel used on a vehicle to cart water has an aperture that is large enough to enable easy inspection of the interior or thorough cleaning of the interior.
  - II. Whether the cover of any such aperture is of a kind that is able to be kept thoroughly clean.

**20. Order No. 21 – Safety and health**

**To Do What?**

To do or refrain from doing such things as are specified in the Order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.

**In What Circumstances?**

The land or premises are not in a safe or healthy condition.

**To Whom?**

Owner or occupier of land or premises.

**Criteria**

Land or premises would be considered not to be in a safe and healthy condition if the safety or the health of the owner or occupier of the land or premises, or the community, is detrimentally affected. Criteria and actions that need to be considered include, but is not limited to:

- a) The abatement of dampness in walls and ceilings in any property;
- b) The repair of leaky roofs and renewal or repair of defective guttering and down piping [where it causes health & safety issues and not damage - See Order 12];
- c) Provision of adequate wholesome water supply;
- d) The renewal of broken window glass and sash cords to render windows capable of being opened top and bottom;
- e) The removal of defective floor timbers and stair treads and replacement with sound material;

- f) The renewal or repair of waste pipes; and sanitary fittings and flush pipe to water closet pans;
- g) Clearing of choked sewerage service pipes;
- h) Repair of defective septic tanks, pipes and absorption pits;
- i) The removal of the following accumulations which are likely to afford harbours for vermin or otherwise pose a threat to health and safety to any person:
  - I. disused and/or second hand building materials or household fixtures and fittings;
  - II. dilapidated and/or abandoned motor vehicle or ancillary parts and accessories or machinery;
  - III. dilapidated and/or abandoned boats, watercraft, trailers or caravans;
  - IV. disused and/or second hand containers, bottles, scrap metal, waste paper, rags, rubbish or other scrap materials; and
  - V. tree trunks, tree stumps, organic material, vegetation or firewood;
- j) Provision of suitable facilities for toilet, kitchen sink, bathing and for washing of clothes hot and cold water provided.
- k) Provision of suitable cooking facilities;
- l) The control of animal enclosures in so far as their operational aspects in relation to environmental health is concerned.
- m) The treatment of an untreated swimming pools or excavation where the condition of the water within is or is likely to be breeding mosquitoes.
- n) The boarding up or fencing off of a dilapidated building to prevent unauthorised access where there is a safety issue from injury or fire.
- o) Cleaning of garbage containers.
- p) Potential for collapse of a structure, or part thereof, such as a wall, fence or other building
- q) Disconnection of an electric fence from its energiser or otherwise render it inoperable.

**Criteria Does Not Include:**

Defective retaining walls, buildings or structures that are dilapidated or appear defective if they:

- a) are located on private property and
- b) would not impact upon any adjoining public land if they were to collapse and
- c) would not pose a threat to health and safety of persons on the adjoining public land in any way.

Where the condition of land or premises in respect of health or safety is capable of being regulated by the Environment Protection Authority, Council is excluded from making Order No. 21.

**21. Order No. 22 – Waste**

**To Do What?**

To store, treat, process, collect, remove, dispose of or destroy waste which is on land or premises in the manner specified in the order provided that it is not inconsistent with the regulations made under the Protection Of the Environment Operations Act 1997

**In What Circumstances?**

Waste is present or generated on the land or premises and is not dealt with satisfactorily and is not regulated or controlled by, or subject to, a licence issued under the Protection Of the Environment Operations Act 1997.

**To Whom?**

Owner or occupier of land or premises, owner of or person responsible for the waste or for any receptacle or container in which the waste is contained.

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration:

- a) Waste is being placed on the roadway for collection by Council not in the approved impervious receptacles with close-fitting lids that are provided by Council.
- b) Where waste is present on land or premises and is not being properly stored, collected or removed satisfactorily from those premises.
- c) Defective site absorption septic tank system.
- d) Disposal of human waste on site without an approved method of waste disposal.

**22. Order No. 24 – Connect to sewerage system**

**To Do What?**

To connect premises with a sewerage system by a specified date.

**In What Circumstances?**

The premises are situated within 75 metres of a sewer of the Council.

**To Whom?**

Owner or occupier of premises.

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration:

- a) The distance from the premises to the connection point of the sewer must be not further than 75 metres and:
  - I. be located within the subject premises, or
  - II. have legal access using an easement for sewerage services over any adjoining premises to the sewer connection point, or
  - III. has access to the sewer located within an adjoining Council road reserve and
  - IV. connection to the sewer can only be made via a junction point established by Council.
- b) Whether the existing sewerage management facility is so defective to be a threat to public health and/or is or likely to have a detrimental impact on the environment.

**23. Order No. 25 – Human waste**

**To Do What?**

Not to use or permit the use of a human waste storage facility on premises after a specified date.

**In What Circumstances?**

It is necessary for the purpose of protecting public health.

**To Whom?**

Owner or occupier of premises

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration.

- a) The human waste storage facility is so defective or poorly designed so as to permit human waste to discharge or overflow from the storage facility onto the adjacent ground or floor area and in such a manner to be a danger to the health of the public.

**Criteria Does Not Include:**

Where the use of human waste storage facilities is capable of being regulated by the Environment Protection Authority, Council is excluded from making an Order No. 25.

**24. Order No. 27 – Public place, remove object or matter**

**To Do What?**

To remove an object or matter from a public place or prevent any object or matter being deposited there.

**In What Circumstances?**

The object or matter:

- a) Is causing or is likely to cause an obstruction or encroachment of or on the public place and the obstruction or encroachment is not authorised by or under any Act, or
- b) Is causing or is likely to cause danger, annoyance, or inconvenience to the public.

**To Whom?**

Person causing obstruction or encroachment or owner or occupier of land from which the object or matter is likely to emanate.

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration:

- a) Definition of Encroachment:
- b) Definition of Obstruction:

c) Definition of object or matter: Any article, item or thing which is visible and tangible and includes but is not limited to:

- I. Advertising sign, advertisement generally;
- II. Motor vehicles or motor vehicles parts;
- III. Caravans or caravan parts;
- IV. Trailers/boats or trailer/boat parts;
- V. Machinery, equipment and appliances;
- VI. Second hand materials including building materials;
- VII. Demolition materials;
- VIII. Scrap materials;
- IX. Sand, soil rock, blue metal and any other material derived from any construction or dredging process;
- X. Any organic or vegetative material;
- XI. Any industrial or commercial waste product;
- XII. Any household fixtures, rubbish or waste;
- XIII. Second hand containers, bottles , scrap metal, waste paper, rags, or rubbish;
- XIV. Any recycled or composted material;

**Criteria Does Not include:**

This criteria does not include the placing of articles on a public place during a designated period of a Council clean up provided these articles do not breach conditions (a) and (b) above.

**25. Order No. 28 – Public place, prevent or repair damage**

**To Do What?**

To take whatever steps are necessary to prevent damage to a public place and repair damage to a public place.

**In What Circumstances?**

There is actual or likely damage:

- a) By excavation or removal or material from or adjacent to the public place; or
- b) By a work or structure; or
- c) By surface drainage or irrigation spray.

**To Whom?**

- a) Person responsible for the excavation or the removal of the material.
- b) Owner or person entitled to the benefit of the work or structure.
- c) Owner or occupier of land from which the surface drainage flows or from which spray emanates.

19

DRAFT Local Orders Policy Jun2006.doc

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration:

- a) Whether the activity is associated with any approval issued by Council.
- b) If the activity is related to an approval issued by Council, whether the conditions of the approval being complied with.

**26. Order No. 29 – Public place, alter or repair work or structure**

**To Do What?**

To alter or repair a work or structure on, over or under a public place.

**In What Circumstances?**

It is in the public interest to do so.

**To Whom?**

Owner of the work or structure.

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration.

- a) To alter or repair structures on, over, or under the public way not in accordance with approvals or considered unsafe or dangerous.
- b) Repairs required to private services within a public place such as, but not limited to, sewer services and roof water / storm water pipes not covered by lease agreements.
- c) Driveway crossings which are not being maintained in a safe condition.
- d) Shop awnings which are not being maintained in a safe or sightly condition.
- e) Maintenance of underground pipes within a public place.

**27. Order No.30 – Comply with an approval**

**To Do What?**

To comply with an approval.

**In What Circumstances?**

The approval is not being complied with.

**To Whom?**

Person entitled to act on the approval or person acting otherwise than in compliance with the approval.

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration:

20

DRAFT Local Orders Policy Jun2006.doc

**PART 3 – OTHER MATTERS RELATING TO ORDERS**

- a) An approval granted by Council has not been complied with or
- b) Conditions of an approval granted by Council have not been complied with.

**28. Order under Section 125 of the Local Government Act 1993**

**To Do What?**

To abate a public nuisance or order a person responsible for a public nuisance to abate it.

**In What Circumstances?**

Where a nuisance consists of interference with the enjoyment of public rights. A nuisance is "public" if it materially affects the reasonable comfort and convenience of a sufficient class of people to constitute the public or a section of the public.

**To Whom?**

The person(s) responsible for causing a public nuisance.

**Criteria**

When determining whether a Notice of Proposed Order or Order is to be given, the following criteria are to be taken into consideration:

- a) The source of the nuisance need not be located on, or in, a public place.
- b) The impact of the nuisance must affect the general public and not a localised group.

Example 1 - Lighting from a private premises impacting upon motor vehicle drivers on a public road.  
Example 2 - Any wrongful or negligent act or omission in a public road that interferes with the full, safe and convenient use by the public of their right of passage is a public nuisance.

**29. What must council consider before giving an order?**

Council must ensure that:

- the type and circumstances of the order and the person on whom the order will be served are described in the Table to Section 124 of the Act; or
- the activity constitutes a public nuisance under Section 125 of the Act; and
- the relevant provisions of the Act, Regulations, Local Approvals Policy and any additional criteria adopted in a Local Orders Policy have been considered (LG Act s131).

**30. What must be done before an order is served?**

Council must issue a notice of intention to serve the order which provides the following information (Section 132):

- the name of the person for whom the order is intended;
- the terms of the proposed order;
- how long the person will have to comply with the proposed order;
- an opportunity for the person to make representations to council to explain why a proposed order should not be given or that the terms of, or period for compliance are, unreasonable;
- how, when and to whom representations can be made (LG Act s132 (3));
- right of appeal to the Land and Environment Court and time period within which an appeal may be made (LG Act s138).

**31. Who can make representations?**

The person on whom the proposed order is to be served (or their barrister, solicitor or agent) can make representations (LG Act s133).

**32. How should representations be made and considered?**

Representations can be made in writing or orally to the council, a nominated committee or council officer. Council must hear and consider any representations made regarding proposed orders (LG Act s134). Consideration must be given to the special circumstances of any residents if order No 15A is proposed to be served.

**33. What does Council do after hearing representations?**

The council, nominated committee or officer can proceed with the proposed order, make modifications to the order or not give the order (LG Act s135 (1)).  
If modifications are made to the order as a result of the representations a further notice of intention is not required (LG Act s135 (2)).

**34. Are there any exemptions to these procedures?**

The procedures normally observed before giving orders do not apply to orders given, and expressed to be given, in an emergency and in the case of Order No 15 when the cessation of an activity is ordered because it constitutes a life threatening hazard, a threat to public health or public safety and is not regulated under any other Act or by a public authority (LG Act s129 (2)).

**35. What information should the order contain?**

The order should contain:

- Reasons for the order (LG Act s136 (1)) except in urgent cases when reasons must be given the next working day (LG Act s36 (3)).
- The period in which the terms of the order are to be complied with (LG Act s137 (1)).
- Notice of the right to appeal against the order or part of the order (LG Act s138 (a)).
- The time period within which an appeal can be made (s138 (b) *including both periods where it is a "particulars of work" order*).
- Any relevant provisions of the Act, Regulations and Local Approvals Policy and Local Orders Policy not complied with (Local Government (General) Regulation 2005 cl 99(a)).
- Notice that it is an offence not to comply with an order and the maximum penalty (Local Government (General) Regulation 2005 cl. 99(b)).
- Notice that if the order is not complied with council can undertake the work and recover costs (Local Government (General) Regulation 2005 cl. 99(c)).

In addition an order may specify the standard a premises is to meet, the nature of work that would meet the specified standard and the time period (not exceeding 3 months) *within which particulars of work must be submitted* (LG Act s139).

**36. How long does Council have to consider whether the proposed works meet the standards specified in an order?**

Council has 28 days in which to consider the proposed works and can:

- (1) accept the proposed works without modification and order the completion of the works immediately;
- (2) accept the proposed works with modifications;
- (3) reject the proposed works

If council is still not satisfied with the proposed works, then it must within 3 months prepare a schedule of works and order the person to carry out those works (LG Act s141 (3)). An order under section 141 forms part of the order under section 124 to which it relates.

**37. Can Council recover any expenses involved in this process?**

Yes, Council can recover any expenses in preparing particulars of work to be completed (LG Act s141 (5)).

**38. How do orders affect heritage items?**

Council must first consider the impact of the order on the heritage item and must notify the Heritage Council of its intention to serve an order if the item is listed in the Register of the National Estate or included as an order under the Heritage Act 1977 (s142 (1) (2) (3)).

**39. How is an order given and when does it take effect?**

A copy of the order can be served by a council officer or posted to the person to whom the order is addressed (LG Act s144). It takes effect from the time it is served or a later time if specified in the order (LG Act s144).

**40. Does Council have the power to give an order under another act?**

Council is able to give orders under other Acts, provided that an authority has been given. For example council may serve an order under the Environmental Planning and Assessment Act 1979, the Companion Animals Act 1998, Protection of the Environment Operations Act 1997, the Food Act 2003. The relevant provisions of the respective acts will apply in such circumstances.

**41. What happens when a person fails to comply with an order?**

The person is guilty of an offence under the LG Act for failure to comply with an order (LG Act s628). The maximum penalties that apply to particular orders are as follows:

- a) Orders Nos 1, 3,5 and 7 to 12 - 50 penalty units for an individual and 100 penalty units for a corporation
- b) Orders Nos 15,16 and 17 - 100 penalty units for an individual and 200 penalty units for a corporation
- c) Orders Nos 18 to 25 and 27 to 29 - 20 penalty units.
- d) Order No 30 - The same penalty as the penalty imposed for carrying out the activity the subject of the approval otherwise than in accordance with the approval.
- e) Order under Section 125 - 20 penalty units.

In June 2006 one penalty unit was equal to \$110 (See Section 17 of the Crimes (Sentencing Procedure) Act 1999).

**42. Is an approval necessary for work to be undertaken?**

No, a person who carries out work in compliance with an order does not have to make an application for approval of the work (LG Act s138A).

**43. Must an occupier of land permit an owner to carry out work?**

Yes, the occupier must within 2 days of the order being served allow the owner to do the work (LG Act s148 (1) (2)). However if the occupier does not permit the owner to do work the owner is not considered guilty of an offence for failure to comply (LG Act s149 (3)).

**44. Can Council carry out the works?**

Yes, if a person does not comply with the terms of an order then council can carry out the works and recover the costs (LG Act s141 (5) and s678).

**45. What rights of appeal does a person have against an order or part of an order?**

A person may appeal to the Land and Environment Court within 28 days of the order being served (LG Act s180 and Land and Environment Court Rules 1980 s17).

**46. Does the appeal prevent the order from operating?**

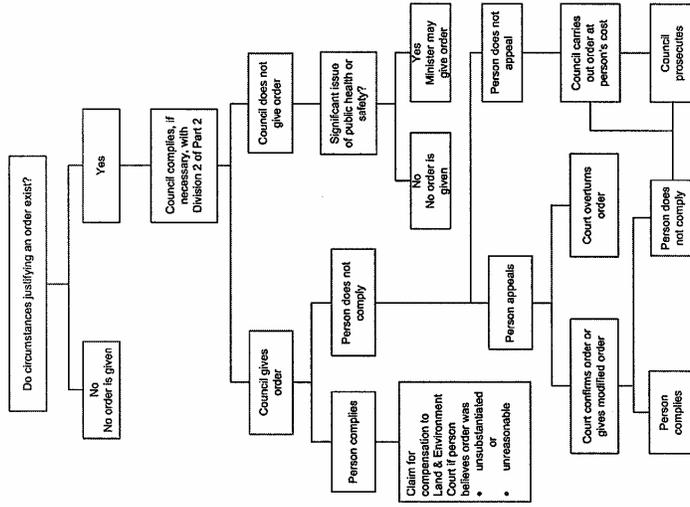
No, the order operates while the appeal is being heard in the Land and Environment Court.

**47. Is a building owner entitled to any compensation from Council for expenses involved in complying with an order?**

The only time a building owner is entitled to compensation is if Council orders the demolition of a building (Order No 1) or repair or make structural alterations to a building (Order No 3) that is located in a proclaimed catchment district which causes or is likely to cause the pollution of a water supply (LG Act s128).

**48. Overview of legal process to issue an order**

The diagram below provides an overview of the process followed when a Council is considering issuing an order, and has been copied from Part 2 of the Local Government Act 1993.



**49. Dictionary**

The dictionary below represents a partial extract from the dictionary of the Local Government Act 1993 and should be read in conjunction with this Local Approvals Policy.

act means the Local Government Act 1993.

council means the council of an area, and includes an administrator.

dwelling, in Division 1 of Part 8 of Chapter 15, means a building or part of a building used as a place of dwelling.

human waste means human faeces and urine.

human waste storage facility means a device for holding or disposing of human waste, including a cesspit, septic tank, septic closet, water closet, chemical closet, humus closet and combustion closet.

public road means a road which the public are entitled to use.

road includes:

- a) highway, street, lane, pathway, footpath, cycleway, thoroughfare, bridge, culvert, causeway, road-ferry, ford, crossing, by-pass and trackway, whether temporary or permanent, and
- b) any part of a road and any part of any thing referred to in paragraph (a), and
- c) any thing forming part of a road or any thing forming part of any thing referred to in paragraph (a).

sewerage work means the construction, alteration, extension, disconnection, removal, ventilation, flushing, cleansing, maintenance, repair, renewal or clearing of any sewerage service pipes or fittings or fixtures communicating or intended to communicate, directly or indirectly, with:

- a) a septic tank, an effluent or a sullage disposal system, or
- b) any sewer of a council,

and includes work of sanitary plumbing and work of house drainage.

waste means:

- a) effluent, being any matter or thing, whether solid or liquid or a combination of solids and liquids, which is of a kind that may be removed from a human waste storage facility, sullage pit or grease trap, or from any holding tank or other container forming part of or used in connection with a human waste storage facility, sullage pit or grease trap, or
- b) trade waste, being any matter or thing, whether solid, gaseous or liquid or a combination of solids, gases and liquids (or any of them), which is of a kind that comprises refuse from any industrial, chemical, trade or business process or operation, including any building or demolition work, or
- c) garbage, being all refuse other than trade waste and effluent,

and includes any other substance defined as waste for the purposes of the Protection of the Environment Operations Act 1997, and a substance is not precluded from being waste merely because it is capable of being refined or recycled.

water supply work means the construction, alteration, extension, disconnection, removal, flushing, cleansing, maintenance, repair, renewal or clearing of any pipes or fittings of any water service communicating or intended to communicate, directly or indirectly, with any water main of a council, but does not include changing a washer.

END.

<b>MANAGER PLANNING AND REGULATIONS REPORT TO COUNCIL MEETING 20 JULY 2006</b>
------------------------------------------------------------------------------------

**Item No:** 14

**Subject:** Development and Complying Development Certificate Applications

**Author:** Matthew Goodwin -Manager Planning and Regulation

**File No:** 315/01/00/00

**Summary:**

This report provides a summary of the Development and Complying Development Certificate applications recently dealt with by the Manager Planning and Regulations and General Manager under delegated authority.

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

The following tables provide a summary of Development (DA) and Complying Development Certificate (CDC) applications dealt with under delegated authority by the Manager Planning and Regulations and General Manager during June 2006.

DA	DEVELOPMENT	DECISION	DATE	LAND (lot/sec/DP)	LOCATION	ZONING
2006015	Use existing dwelling as offices & education facilities	Approved	6-Jun-2006	7//668164	Walgett	2. Village

CDC	DEVELOPMENT	DECISION	DATE	LAND (lot/sec/DP)	LOCATION	ZONING
2006019	Construct alterations & additions to dwelling	Approved	5-Jun-06	58//752271	Walgett	1.Non Urban
2006020	Construct new garage	Approved	14-Jun-06	411//774968	Walgett	2. Village
2006021	Construct extension to existing garage	Approved	23-Jun-06	44/27/555138	Walgett	2. Village
2006022	Construct new front fence	Approved	23-Jun-06	B//413242	Walgett	2. Village

**Relevant Reference Documents:**

- Respective Development Application and Complying Development Certificate files.

**Stakeholders:**

- Public and applicants.

**SHIRE OF WALGETT –AGENDA**

**Financial Implications:**

Nil

**Recommendation:**

**That Walgett Shire Council resolve to note the Development and Complying Development Certificate applications dealt with under delegated authority by the Manager Planning and Regulation and General Manager during June 2006.**

<b>MANAGER ENGINEERING REPORT TO COUNCIL MEETING 20 JULY 2006</b>
-----------------------------------------------------------------------

**Item No:** 15  
**Subject:** Urban Subdivision - Walgett  
**Author:** Alan Nelson – Manager of Engineering  
**File No:** Ass 2495

---

**Summary:**

This report recommends that no action be taken at the present time to complete an urban subdivision and make available for sale, residential land near the Walgett Aerodrome.

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

In August 2001 Council resolved to create a new urban subdivision near the Walgett Aerodrome. This subdivision would create 50 blocks of minimum size 1000 square metres.

A Development Application was approved in the following year for the subdivision of freehold land that comprises part of the lot upon which the Walgett Aerodrome is located. Very little progress beyond this stage has been achieved, other than finalising the concept plan for the layout of blocks and roads.

To progress this matter, a registered surveyor needs to be engaged to prepare a title plan for registration with the Land Titles Office. To permit Council to sign the title plan under the common seal of Council, the aerodrome land needs to be classified as operational land, something which is currently underway.

It is considered that there is a good supply of land within Walgett at the present time and little pressure to develop additional supply at this time. To move forward with this subdivision, to the point where people could purchase land for the purpose of building a home, would involve significant expenditure. It would be very doubtful if Council could recover the costs involved in finalising this subdivision from land sales, even in the longer term. Accordingly, it is suggested that no further work be undertaken to implement this subdivision until such time that Council considers a demand for residential land in Walgett is not being satisfied.

**Relevant Reference Documents:**

- Council File No Ass 2495
- Council Minutes – August 2001

## SHIRE OF WALGETT –AGENDA

### **Stakeholders:**

- Walgett Shire Council

### **Financial Implications:**

There are no financial implications, based upon the recommendation contained in this report. It should be noted that no allowance has been made in the 2006/07 budget to undertake any work to advance this subdivision.

### **Recommendation:**

**That no action be taken to complete the proposed urban subdivision near Walgett Aerodrome until such time that there is a clear indication that the development of Walgett is being compromised by a lack of available urban land for housing.**

<b>MANAGER ENGINEERING REPORT TO COUNCIL MEETING 20 JULY 2006</b>
-----------------------------------------------------------------------

**Item No:** 16  
**Subject:** Lightning Ridge Water Supply - Chlorination  
**Author:** Alan Nelson – Manager of Engineering  
**File No:** 175/03/03/00

---

**Summary:**

This report recommends that Council consults with the Lightning Ridge community in relation to the chlorination of the town water supply, in response to recent events which saw some contamination of the supply.

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

The Lightning Ridge community has previously indicated a degree of opposition to the introduction of chlorine into their town water supply as a disinfectant. However, recent events, which saw an unacceptable level of contamination in a test sample from the water supply and a need to dose the supply at the reservoir, clearly indicate that Council is placing itself at risk by complying with the wishes of at least some of the community by not acting to chlorinate the supply on a permanent basis.

Disinfection of a water supply can occur by a number of means, the most common being chlorination. There are other means available including UV irradiation and ozonisation but both of these methods produce no residual effect after water passes the point of contact. This means that biological regrowth can occur within the distribution network, thereby placing consumers at some risk. The vast majority of water supply authorities throughout Australia inject small quantities of chlorine into water for microbiological control.

In 2001, the Department of Land and Water Conservation made a strong recommendation to Council that the Lightning Ridge water supply be treated by aeration, for cooling and reduction of taste and odour, as well as chlorination, for disinfection. Tenders were invited for works to put this recommendation into place, however this project was abandoned at the last minute following community, and Council, objections.

It is suggested that the community be engaged again to promote awareness that Council is no longer willing to accept this risk of providing an untreated water supply to Lightning Ridge, given the potential threat to public health that is involved. It is also suggested that a representative of the Department of Energy, Utilities and Sustainability be invited to participate in this community engagement.

## **SHIRE OF WALGETT –AGENDA**

The estimated cost, to provide aeration and chlorination of the Lightning Ridge water supply is \$150,000. This type of work would be eligible for subsidy from the State Government, however, given the desirability to have it completed in the short term, the wait for subsidy may not be justifiable. In any case, funds are available within the Lightning Ridge water supply fund to accommodate this level of expense.

### **Relevant Reference Documents:**

- Council File No 255/05/04/00
- Australian Drinking Water Guidelines

### **Stakeholders:**

- Walgett Shire Council
- Lightning Ridge Community
- Department of Energy, Utilities and Sustainability

### **Financial Implications:**

The estimated cost to aerate and chlorinate the Lightning Ridge water supply is \$150,000. However, this report does not recommend any significant expenditure ahead of community consultation, the results of which shall be reported back to a subsequent meeting of Council.

### **Recommendation:**

**That Council engage the Lightning Ridge community to discuss a proposal to aerate and chlorinate the Lightning Ridge water supply and that the results of this engagement be reported back to the next meeting of Council.**

<b>MANAGER ENGINEERING REPORT TO COUNCIL MEETING 20 JULY 2006</b>
-----------------------------------------------------------------------

**Item No:** 17

**Subject:** Supply of Water to Grawin, Glengarry, Sheeppark Opal Fields

**Author:** Alan Nelson – Manager of Engineering

**File No:** 032/01/01/56

---

**Summary:**

This report recommends that Council endorse drought subsidy guidelines suggested by the Department of Energy, Utilities and Sustainability.

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

For approximately the past three years a State Government funded drought subsidy has applied to water carted from Walgett to the opal fields north west of Cumborah. A meeting was held in Walgett in late June, between representatives of the affected community, the Department of Energy, Utilities and Sustainability and Council to discuss what would constitute an acceptable means of determining future periods when drought subsidy arrangements should apply. The meeting was informed, and there was general acceptance of this point, that drought subsidy could not last through all periods.

A proposal put forward by the Departmental representative was accepted and this essentially said that a drought subsidy would apply when the area was shown by Bureau of Meteorology records to have suffered below average, or worse, rainfall over the past three monthly reporting period. The meeting was confident that the responsible State Government Minister would agree to this arrangement. The subsidy equates to 90% of the cost of carting water, meaning that in times of subsidy 10% of the cost would need to be met by Council, or the opal fields community, and in other times 100% of the cost would need to be met by Council or the local community.

The community representatives at the meeting suggested that Council impose a charge on all ratepayers in the area, to cover the cost of carting water, other than those costs which would be recovered by subsidy. It is somewhat difficult to forecast what this charge would need to be, as it is dependant on two variable factors, these being the number of months that the subsidy applies for and the water demand of the community at any time. However, on the basis of the past three years, if this water demand were repeated, the cost of water carting to be met by the community would be about \$4,500 per annum. Council's Rates Clerk indicates there are approximately 150 assessments in the area, therefore an annual charge of \$30 is indicated. This, of course, assumes that no water is carted in periods where the subsidy does not apply. If this were the case, then the annual charge would need to be higher.

## **SHIRE OF WALGETT –AGENDA**

The Bureau of Meteorology does not have a rainfall recording station within the opal fields, however a station at Cumborah is considered to be sufficiently close to be a reliable indicator. Over the past three years, Cumborah has seen below average rainfall for 72% of months, whereas the figure for the past ten years, the length of time the rainfall station has been operating, is 62%. Accordingly, the frequency of water carting over the past three years should be able to be used as an upper limit for future carting. It should also be possible to avoid carting in unsubsidised periods, unless water demand grows in the area. However, the much greater cost of carting in unsubsidised periods, if passed on to the community, should be a natural barrier to water consumption growth.

The Local Government Act does not permit Council to impose a water charge on this area, as there is no mains reticulation in the area. Accordingly, a request has been sent to the Department of Local Government, asking what options Council has for recovering this expense from the residents by easily managed means. At the time of writing this report, a reply from the Department of Local Government has not been received.

A further report on this matter will be presented to Council. In the event that a charge on ratepayers can be made, Council will need to determine the amount of the charge and comply with any requirements imposed by the Minister in accordance with Section 533 of the Local Government Act. In the event that a charge on ratepayers cannot be made, Council will need to determine if costs are to be charged to the general fund or not.

### **Relevant Reference Documents:**

- Council File No 032/01/01/56
- 'Drought Relief for Country Towns' – State Government Publication

### **Stakeholders:**

- Residents of Grawin, Glengarry, Sheeppark Opal Fields
- Department of Energy, Utilities and Sustainability
- Walgett Shire Council

### **Financial Implications:**

- Uncertain at this time but not anticipated to be significant

### **Recommendation:**

**That Council accept in principle, the broad parameters for establishing the eligibility for drought assistance subsidy to the residents of the Grawin, Glengarry, Sheeppark opal fields and that cost recovery of the unsubsidised costs be pursued with the local community if the Department permits this to occur through the rating system.**

<b>MANAGER ENGINEERING REPORT TO COUNCIL MEETING 20 JULY 2006</b>
-----------------------------------------------------------------------

**Item No:** 18

**Subject:** Water Supply to Preserved Opal Fields – Lightning Ridge

**Author:** Alan Nelson – Manager of Engineering

**File No:** 032/06/01/84

---

**Summary:**

This report recommends that Council not permit people residing outside the Lightning Ridge Town Boundary on mineral claims, the opportunity to lawfully connect to the town water supply, other than those residing on Western Lands Leases and Mining Purpose Leases who are already lawfully connected, and have been connected for sometime, as a consequence of decisions of previous administrations.

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

This report was presented to Council's June meeting, at which stage Council resolved to defer the report to the next meeting, to allow the Administrator, at his request, to make some additional enquiries relative to the subject. With the change in Administrator, these enquiries have not been pursued, accordingly the report, in unamended form, is again presented for consideration.

The 2006/07 management plan provides for the replacement of the small (50mm) water main which runs from Opal Street (at Butterfly Avenue) to the Lightning Ridge Aerodrome. Investigations were carried out, with limited success, to identify and disconnect unlawful water connections along this pipeline, following advice from Council's resident team leader at the Lightning Ridge Aerodrome residence that water pressure and volume at the aerodrome was virtually nil at various times.

It is considered that unlawful connections to a replacement water main to the Lightning Ridge Aerodrome cannot be discounted entirely. However, with the implementation and regular reading of meters on all lawful connections, the scope of water lost, whether this be by unlawful connections or system leaks, will be able to be better tracked.

It is acknowledged that some people residing on mineral claims are keen to pay for a lawful connection to this replacement water main, assuming the replacement main is installed alongside the existing main. There is however, an alternative to relocate this main to service a proposed new Council subdivision east of Fantasia Street. This is yet to be decided, however, in this event, the existing main would need to be retained in some form to service several existing consumers.

## **SHIRE OF WALGETT –AGENDA**

It must be recognised that it is neither possible nor feasible for the current water supply infrastructure to meet the water requirements of all people residing on mining claims outside the Lightning Ridge Town Boundary. Accordingly, to supply some and not others will probably only lead to disputation and problems for future Council administrations. In addition, the supply of town water to mineral claim sites, where a sewerage system is not in place, will also lead to potential problems.

There appears to be a consensus amongst State Government agencies that the opal fields surrounding Lightning Ridge should not be serviced along the lines of a village area, something which it is expected that the forthcoming Local Environment Plan will confirm. Supply of town water would be seen as the first step in 'urbanising' these areas. It would clearly be unaffordable, both to those already residing in the area and others who may be expected to cross subsidise the development of services, to proceed in this direction. Those who established in these areas did so in the present environment which should remain as is.

### **Relevant Reference Documents:**

- Council File No 032/06/01/84
- Walgett Shire Management Plan 2006/07

### **Stakeholders:**

- Walgett Shire Council
- People residing on mineral claims surrounding Lightning Ridge

### **Financial Implications:**

The 2006/07 management plan provides \$250,000 for replacement of the water main leading to the Lightning Ridge Aerodrome.

### **Recommendation:**

**That Council not permit people residing outside the Lightning Ridge Town Boundary on mineral claims, the opportunity to lawfully connect to Council's town water supply, other than those residing on Western Lands Leases and Mining Purpose Leases who are already lawfully connected, and have been connected for sometime, as a consequence of decisions of previous administrations.**

<b>MANAGER ENGINEERING REPORT TO COUNCIL MEETING 20 JULY 2006</b>
-----------------------------------------------------------------------

**Item No:** 19  
**Subject:** Cumborah Water Supply – Stage Two  
**Author:** Alan Nelson – Manager of Engineering  
**File No:** 032/11/01/49

---

**Summary:**

This report recommends that Council note the priority assigned to Cumborah Water Supply (stage two works) and that pre-construction activities be undertaken as time and resources permit.

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

The provision of a water supply for the village of Cumborah comprises work over two stages. Stage One, which has been complete for over a year, comprised the sinking of an artesian bore in the village and the provision of a standpipe, which is currently unmetered, in Cumborah Street outside the boresite.

Stage Two comprises the design and construction of a reticulation network to allow the village residents to connect to the water supply. In December 2005, Council resolved as follows :

***“It was resolved on the Motion of the Administrator that Council proceed with the conceptual design for Stage 2 of the Cumborah Water Supply project and that a further report be submitted to Council with preliminary costings when this design is complete.”***

To date, no action has been taken to implement this resolution, because of other commitments considered to be of a higher priority. Since this resolution was passed, Council has been advised that the Stage Two project has been assigned a ranking of six within the Country Towns Water Supply and Sewerage Programme. Given the extent to which this programme is presently underfunded by the State Government, this priority would suggest, unless a substantial injection of additional funding is forthcoming, that it could be several years at least before the project receives State Government subsidy funding.

Accordingly, Council needs to indicate whether or not the project should proceed in the absence of a State Government subsidy. The State Government will not consider, under any circumstances, a claim for retrospective funding, accordingly if Council chooses to move forward with the construction of this project it will need to do so knowing that all costs will need to be met by the ratepayer.

## **SHIRE OF WALGETT –AGENDA**

Cumborah is a typical village in that residences tend to be spread out, thereby increasing servicing costs. Residents of Cumborah are not considered to be wealthy, accordingly to impose upon them the full cost of stage two construction would almost certainly create considerable hardship. Alternately, to subsidise this construction cost from either the other water funds or Council's general fund would also probably generate some criticism.

Pre-construction activities need to be completed and funded by Council, irrespective of whether or not the construction proceeds under a subsidised arrangement. Accordingly, the resolution passed by Council in December 2005 is still relevant, however, given the above facts, it is proposed that the work required to implement this resolution be assigned a relatively low priority.

### **Relevant Reference Documents:**

- Council File No 255/05/09/00

### **Stakeholders:**

- Walgett Shire Council
- Residents of Cumborah
- NSW State Government

### **Financial Implications:**

- Not known at this stage

### **Recommendation:**

**That Council note the low priority given to Cumborah Water Supply (stage two) and that Council staff undertake pre-construction activities associated with this project as time and resources permit.**

<b>MANAGER ENGINEERING REPORT TO COUNCIL MEETING 20 JULY 2006</b>
-----------------------------------------------------------------------

**Item No:** 20  
**Subject:** Timber Bridge Replacement Programme  
**Author:** Alan Nelson – Manager of Engineering  
**File No:** 195/04/00/00

---

**Summary:**

In view of the fact that the NSW Government has not provided funds through the Roads and Traffic Authority to commence the Timber Bridge Replacement Programme in 2006/07, it is suggested that Council re-allocate the matching contribution from the 2006/07 Block Grant to extend the bitumen seal on Regional Road No 333.

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

The Timber Bridge Replacement Programme was first mentioned a couple of years ago and was envisaged to fund the replacement of all timber bridges on regional roads over an eight year period. The programme was developed on the basis that Council would fund 50% of bridge replacement costs, normally through its Block Grant, and the Timber Bridge Replacement Programme would fund the other 50%.

In a Mini Budget announcement by the NSW Government in May 2004, the introduction of this programme was deferred to 1 July 2006 as a cost saving measure, however subsequent to this it would appear that the programme has been deferred indefinitely. At this stage, there is no expectation that any funding from this source will be made available in 2006/07.

Council's forward Five Year Roads Programme made an allowance of \$500,000 in 2006/07 to replace the timber bridge over the Castlereagh River on Regional Road No 333 (Walgett-Carinda). \$250,000 was to come from the Timber Bridge Replacement Programme and \$250,000 from the 2006/07 Block Grant. As the bridge replacement will now be deferred, unless Council sees fit to proceed with the work at full cost to the Block Grant, \$250,000 will be available for re-allocation. It is strongly recommended that the work not proceed this year at total cost to the Block Grant, however it is considered fair and reasonable that the funds available for re-allocation be directed towards Regional Road No 333 for extension of the sealed length.

**Relevant Reference Documents:**

- NSW State Budget 2006/07
- Five Year Roads Programme – Walgett Shire

## SHIRE OF WALGETT –AGENDA

### **Stakeholders:**

- Walgett Shire Council
- Residents of Carinda and District
- NSW Government
- Roads and Traffic Authority

### **Financial Implications:**

\$250,000 which has been incorporated into Council's Five Year Roads Plan, but not into Council's budget for 2006/07, as income from the Timber Bridge Replacement Programme is most unlikely to be received.

### **Recommendation:**

**That funds totalling \$250,000 from Council's Block Grant for 2006/07, be re-allocated from construction of a bridge over the Castlereagh River on Regional Road No 333 to extension of the bitumen seal on Regional Road No 333.**

<b>MANAGER ENGINEERING REPORT TO COUNCIL MEETING 20 JULY 2006</b>
-----------------------------------------------------------------------

**Item No:** 21  
**Subject:** Burren Junction Bore Baths  
**Author:** Alan Nelson – Manager of Engineering  
**File No:** 195/04/00/00

---

**Summary:**

This report suggests that Council, despite almost certainly having allocated sufficient funds in the current budget to complete the redevelopment of the Burren Junction Bore Baths, seeks funding contributions from State and Commonwealth agencies, having due regard to the fact that users of the facility are mostly non-local people.

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

In December 2004, Council passed the following resolution :

***'It was resolved on the Motion of the Administrator that a Memorandum of Understanding (MOU) be negotiated with Burren Bore Trustees to include an agreed timetable and continued supply of water for a bore bath facility.'***

The agreement essentially required Council to develop an alternate means of operating the bore baths facility, without a continuous stream of waste water draining into an open drain, as is presently occurring. The agreement contained a deadline of 16 December 2006 to achieve the means of operation, otherwise the bore water supply would be turned off and the bore capped.

The facility is incredibly popular and rumours that it may have been earmarked for closure prompted a huge number of letters and petitions to Council to retain the facility. These letters have largely originated from outside the Walgett Shire and it is suggested that they could be used to produce a strong case to the State Government for financial assistance with the cost of redeveloping the facility to achieve the water savings required.

To date, Council has engaged an experienced groundwater consultant from South Australia, recommended by the Department of Natural Resources, to investigate the originally favoured option of reinjecting waste water back into the Great Artesian Basin. This option has been rejected, on the basis of potential problems with the reinjection process.

Expressions of interest have been invited for the design and construction of a new bore baths facility based upon a much smaller pool size, heat exchange technology to keep the pool at a suitable temperature and discharge of waste water from the heat exchanger to the stock and reticulation networks servicing the Burren and Drilool bore water trust districts.

## **SHIRE OF WALGETT –AGENDA**

These expressions of interest close on Tuesday July 18, after which selected firms shall be invited to tender. After this stage, the cost of the project shall become apparent.

Council has received a Community Water Grant of \$50,000 (including GST) from the Commonwealth towards this project, however much of this has already been spent on consultancy expenses. The current Council budget has provided \$250,000 for the project and, at this stage, it is anticipated that this will be sufficient to complete the project. However, given the fact that the facility is of very limited economic benefit to Walgett Shire and most users of the facility reside outside the area, there is a strong case to seek a significant contribution towards the cost from the State Government. The bore baths should not be considered to be a local facility, rather a regional, or even state, facility and funding of their re-development should be contributed on this basis.

Many of the users claim significant health benefits from their use of the baths and, given recent initiatives of both State and Commonwealth Governments towards healthy lifestyles, it would seem that an approach on this basis would have merit. The significant water saving and environmental benefits which will flow from this project also suggest an application to the NSW Department of Natural Resources. However, given the time constraints that apply, application for funding from established programmes may need to be varied to some extent. It is emphasised that the three funding applications to date have been somewhat compromised by the fact that the project lacked firm definition, in terms of a technical solution, and cost estimates were also very poorly defined. One application, for a Community Water Grant mentioned above, has been successful but applications to NSW Department of Sport, Recreation and Racing and NSW Health have been unsuccessful.

It is suggested that fresh applications be prepared and submitted to :

- (a) NSW Health
- (b) NSW Sport, Recreation and Racing
- (c) Tourism NSW
- (d) NSW Department of Natural Resources
- (e) Department of Environment and Heritage
- (f) Department of Health and Ageing
- (g) Department of Industry, Tourism and Resources

seeking financial support for the project having regard to the regional/state categorisation of the facility, which can be substantiated by the origin of the many letters of support for the retention of the facility.

### **Relevant Reference Documents:**

- Council Resolution No 157/04
- Council File No 032/01/01/56
- Council File No 195/04/00/00

## **SHIRE OF WALGETT –AGENDA**

### **Stakeholders:**

- Burren Junction Bore Water Trust
- Walgett Shire Council
- Users of Burren Junction Bore Baths
- Department of Natural Resources
- Drilidool Bore Water Trust

### **Financial Implications:**

It is anticipated that the current budget has allocated sufficient funds to complete this project without further external assistance. However, any external assistance that can be attracted will obviously reduce the amount of funding that Council will be required to contribute.

### **Recommendation:**

**That applications be submitted to State and Commonwealth agencies including, but not necessarily limited to :**

- (a) NSW Health**
- (b) NSW Sport, Recreation and Racing**
- (c) Tourism NSW**
- (d) NSW Department of Natural Resources**
- (e) Department of Environment and Heritage**
- (f) Department of Health and Ageing**
- (g) Department of Industry, Tourism and Resources**

**for financial assistance towards the cost of renovating the Burren Junction Bore Baths.**

<b>MANAGER ENGINEERING REPORT TO COUNCIL MEETING 20 JULY 2006</b>
-----------------------------------------------------------------------

**Item No:** 22  
**Subject:** REPAIR Programme – 2006/2007  
**Author:** Alan Nelson – Manager of Engineering  
**File No:** 195/04/00/00

---

**Summary:**

This report advises Council that a grant of \$250,000 has been made available for reconstruction and sealing of a length of the Walgett-Carinda Road.

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

In late 2005, Council submitted applications for funding from the REPAIR programme for works on several regional roads including Walgett-Carinda, Collarenebri-Burren Junction and Collarenebri-Mungindi. Applications are awarded points by a review panel comprised of representatives of Local Government and the Roads and Traffic Authority.

Council was advised earlier this year of the results of this assessment process and, based on these results, the Walgett-Carinda Road was considered to have a very good chance of being funded under the 2006/07 REPAIR Programme. Advice just received confirms that a grant of \$250,000, which Council must match from the Block Grant, has been received for this road.

**Relevant Reference Documents:**

- Council File No 195/04/00/00

**Stakeholders:**

- Walgett Shire Council
- Residents of Carinda and District
- Roads and Traffic Authority

**Financial Implications:**

None. This result was anticipated and the 2006/07 budget has been framed accordingly.

**Recommendation:**

**That Council note the allocation of \$250,000 from the REPAIR Programme in 2006/07 for works on the Walgett-Carinda Road.**

<b>MANAGER ENGINEERING REPORT TO COUNCIL MEETING 20 JULY 2006</b>
-----------------------------------------------------------------------

**Item No:** 23  
**Subject:** Fees for Hiring of addition Sanitary Bins  
**Author:** Kaye Stone – Asset Officer  
**File No:** 305/08/04/00

---

**Summary:**

This report recommends that Council pass on the servicing cost of any additional sanitary bins at the Walgett Showground to the customer.

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

Walgett Shire Council as the appointed Reserve Trust Manager of the Walgett Showground and Racecourse reserve resolved on the 18 October 2005 as follows;

*Resolved that arrangements be made for one of the main toilets used to be supplied with a Sanitary Bin throughout the year and that on other occasions Sanitary Bins be arranged on a monthly basis as required according to bookings.*

Council was notified of the above resolution and in doing so has installed a sanitary bin in the ladies toilets at the Walgett Showground on a permanent basis, the cost of which has been met by the Walgett Showground and Racecourse Reserve Trust.

On a number of occasions Council has been requested to install further sanitary bins on a temporary basis eg Walgett Show, Walgett Bushmans Carnival and Pony Club at a cost of \$25.00 per bin.

**Relevant Reference Documents:**

- Walgett Showground and Racecourse Reserve Minutes

**Stakeholders:**

- Walgett Shire Council
- Walgett Showground and Racecourse Reserve Trust
- Walgett Community

**SHIRE OF WALGETT –AGENDA**

**Financial Implications:**

Income received to be deposited into the Walgett Showground and Racecourse Reserve Trust Account to be reinvested back into the reserve.

**Recommendation:**

**That Council amend its 2006-2007 Management Plan, by adding the additional cost of servicing Sanitary Bins, this being \$25.00 per event or as advised by the servicing contractor.**

**COMMITTEE MINUTES TO COUNCIL MEETING 20 JULY 2006**

**Item No:** 24

**Subject:** Minutes of the Local Area Traffic Committee Meeting – 29 June 2006

**Author:** Local Area Traffic Committee

**File No:** 145/04/00/00

MINUTES OF THE LOCAL AREA TRAFFIC COMMITTEE MEETING HELD THURSDAY  
29th JUNE 2006 AT 3.00PM IN THE WALGETT SHIRE MEETING ROOM  
FILE:145/04/00/00

**PRESENT:**

Alan Nelson, Chair	Manager Engineering, Walgett Shire Council
David Vant	Roads &Traffic Authority
David Simmons	Walgett Police

**1. APOLOGIES:**

Mary Casey-Marshall (Local Member's Representative)

**2. PREVIOUS MINUTES**

**Moved Alan Nelson Seconded David Vant that the minutes of the January 2006 meeting held in the Walgett Shire Council Administration Building be accepted as a true and accurate record of proceedings. CARRIED**

**3. BUSINESS ARISING FROM PREVIOUS MEETING**

Alan Nelson advised that no action had been taken as yet with respect to Item 6 of the minutes – Lightning Ridge Central School (Drop Off Zone)

**Moved David Vant Seconded David Simmons that the matter of the Lightning Ridge Central School parking layout be referred to Sharon Grierson of the RTA for her attention.  
CARRIED**

**4. INCOMING CORRESPONDENCE**

All incoming correspondence has been included in the various agenda items.

**5. REQUEST FOR SCHOOL BUS SIGNAGE – SH18 AND RR437**

A request has been received from a resident in this area north of Lightning Ridge, that school bus stop signs be erected on the approaches to the intersection of State Highway No 18 and Regional Road No 437. It is not RTA policy to approve of these signs as the locations tend to change. Alan Nelson pointed out that approval had been given last year to the installation of ‘School Bus Route’ signs at 10 kilometre intervals along SH12 between Walgett and Collarenebri and suggested a similar approach here.

**Moved Alan Nelson Seconded David Simmons an approach be made to the RTA to fund the installation of ‘School Bus Route’ signs at 10 km intervals along SH18 north of Lightning Ridge where the school bus operates.**

**CARRIED**

**6. REQUEST FOR SCHOOL BUS SIGNAGE – BUTTERFLY AVENUE**

Alan Nelson indicated Council had, at some stage in the past, installed a seat on the footpath for children to sit on whilst waiting for the school bus in Butterfly Avenue near Red Robin Street. A petition has been received from a number of local residents suggesting that speeding traffic is placing children at risk whilst crossing the road. Following discussion, it was agreed that a sign as requested was not likely to achieve a positive result.

**Moved David Vant Seconded David Simmons that this request be denied and that the school bus operator be asked to comment on the situation and that consideration be given, if necessary, to relocating the bus stopping point. Furthermore, that the Police Highway Patrol be asked to increase patrols in this area.**

**CARRIED**

**7. SIGNAGE AT WALGETT TOWN ENTRANCES**

A request has been received from the Walgett and District Tourism Association Ltd that Council supply and erect entrance signs on the Castlereagh Highway approaches to Walgett. No specific details concerning these signs was provided.

**Moved Alan Nelson Seconded David Simmons that the application for entrance signs on the Castlereagh Highway entrances to Walgett be approved in principle, subject to the RTA concurring with the sign’s size, layout, content and location.**

**CARRIED**

**8. MACHINERY CROSSING – SH18 NEAR BARWON RIVER BRIDGE**

A letter was tabled from the owner of the property on the southern approach to the Barwon River bridge north of Walgett, seeking approval to install ‘Machinery Crossing’ signs at the point where his farm entrance joins the highway. The letter claimed frequent crossing of the highway at this point by trucks and farm machinery but gave no specific figures to reinforce this statement. David Vant suggested that sight distance was adequate, however it could be improved by the removal of one small tree from the applicant’s property.

## SHIRE OF WALGETT –AGENDA

**Moved David Vant Seconded David Simmons that approval to erect ‘Machinery Crossing’ signs be denied on the basis of available sight distance and lack of information on frequency and times of plant crossings. CARRIED**

### 9. SPEEDING TRAFFIC – OPAL STREET, LIGHTNING RIDGE

A letter was tabled from a resident of Lightning Ridge, seeking the installation of speed bumps in Opal Street, Lightning Ridge. The letter claims flagrant disregard of the urban speed limit by some motorists, thereby placing lives in danger, particularly children playing in the park at Black Prince Drive.

**Moved David Vant Seconded David Simmons that a traffic classifier be installed at this point to ascertain traffic patterns and that results be reported back to the next meeting of the Committee.**

**CARRIED**

### 10. INSTALLATION OF REST AREA SIGNAGE

Alan Nelson advised that the Kamilaroi Highway Committee had engaged a contractor to erect signage at rest areas along the Kamilaroi Highway, including two sites in Walgett Shire. The contractor was stopped from erecting signage at the two sites and the signs are currently safely stored at the Council Works Depot. These sites are adjacent to the Dangar Bridge west of Walgett where a rest area is currently being completed and at the Cryon Hall east of Walgett where only a defacto rest area exists. Some concerns were expressed, particularly relating to the unofficial Cryon site.

**Moved David Vant Seconded David Simmons that the installation of rest area signage be referred to the RTA.**

**CARRIED**

### 11. PARKING RESTRICTIONS – WALGETT POST OFFICE

An oral request was passed to the Committee to consider the implementation of a limited number of parking spaces outside the Walgett Post Office with a time limit for parking during normal business hours. After discussion, it was felt that the two closest spaces to the Post Office should be limited to 15 minutes between the hours of 9am and 5pm during week days.

**Moved David Simmons Seconded David Vant that two parking spaces outside the Walgett Post Office be restricted to 15 minutes in the period 9am to 5pm during week days.**

**CARRIED**

### 12. NEXT MEETING

To be advised.

**There being no further business, the meeting closed at 3.50PM.**

**COMMITTEE MINUTES TO COUNCIL MEETING 20 JULY 2006**

**Item No:** 25

**Subject:** Walgett Shire Council Consultative Committee Minutes – 3 May 2006

**Author:** Walgett Shire Council Consultative Committee

**File No:** 145/04/00/00

**MINUTES OF THE MEETING  
WALGETT SHIRE COUNCIL CONSULTATIVE COMMITTEE**

**FILE: 145/04/07**

The following are minutes of the Walgett Shire Council Consultative Committee Meeting held on Wednesday, 3 May 2006 in the Walgett Council Chambers, commencing at 3.15pm.

**1. PRESENT**

Peter McHutchinson	Chairperson
Michael Woodham	Deputy Chairperson
Bronwyn Newton	Secretary
Roy White	Management Representative
John Radman	Committee Member

3.50pm	Stephen McLean	Management Representative
4.25pm	Janet Babic	Management Representative

**2. APOLOGIES**

Ian Taylor	LG&A Representative
Len Smyth	DEPA Representative

**Observer:** Terry Dray – United Services Union

**3. MINUTES**

The Minutes of the Consultative Committee Meeting held on Wednesday, 19 April 2006 were confirmed, with the following amendment required under the first heading – Present, Michael Woodham should be listed as Deputy Chairperson.

**4. BUSINESS ARISING**

**First Aid Allowance**

Consultative Committee Secretary, Mrs Bronwyn Newton advised that she had spoken with General Manager, Stephen McLean regarding the First Aid Allowance. Stephen was asked what he expected the committees to do when a number of committee members have no access to computers and no experience in writing policy/procedures.

General Manager, Stephen McLean informed the committee that all that was expected was their input on what content should be included in the policy/procedure and then it would be referred to Council's Occupational Health & Safety Officer, Mr David Callander to collate and format.

**ACTION-**

Consultative Committee Secretary, Mrs Bronwyn Newton to supply a Copy of the Dubbo City Council First Aid Policy and Procedure to committee members.

The content of the Walgett Shire Council First Aid Policy & Procedure to be discussed at the 7<sup>th</sup> June 2006 Consultative Committee Meeting.

**Organisational Structure**

Chairperson, Mr Peter McHutchison enquired if the endorsed Organisation Structure had been displayed at each worksite.

Consultative Committee Secretary, Mrs Bronwyn Newton was awaiting an electronic copy of the endorsed Organisational Structure from the General Manager, Mr Stephen McLean.

**ACTION:**

Consultative Committee Secretary, Mrs Bronwyn Newton to supply a copy of the current Organisation Structure to all workplaces for employees to view.

**Support Services Coordinator**

The position description of Support Services Coordinator was submitted for endorsement by the committee. The following changes were made: -

Objective – Point 2 & Point 4; Replace the word “manage” to “oversee”

The selection criteria noted below from Essential Criteria should read:-

Point 2

*“Proven ability in the supervision and co-ordination of staff or work projects, including the establishment of individual work plans and the effective management of teams and individual staff performance and development issues.*

Coordinator Human Resources, Bronwyn Newton notified the committee that the position of Support Services Coordinator evaluation documents are still to be processed through the oo-soft program.

**RECOMMENDATION:**

**It was recommended that the Consultative Committee endorse the position description of Support Services Coordinator with the above amendments.**

**Uniform Policy**

Council’s Occupational Health & Safety Officer requested the committee to discuss and recommend changes to the draft Walgett Shire Council’s Staff Uniform Policy.

The committee recommend the following:-

Page 1 - Indoor Staff

- Uniforms to be reissued on a needs basis at Council expense (similar to the Outdoor Staff Uniform)

Page 2 -Outdoor Staff

- Add to Outdoor staff will be issued as a minimum:
  - Gumboots
  - Night Compliant Vest
  - Wet Weather Wear (Raincoat & Trousers)
  - 1 Cold Weather Jacket or Jumper
- Add to Personal Protective Equipment (PPE)
  - Safety Sunglasses/Goggles
- Special Circumstances
  - Employees working within the Flocon Crew – receive 2 pairs of boots
  - Employees working within the Water & Sewerage Crew – receive 2 pairs of boots

**ACTION-**

Consultative Committee Secretary, Mrs Bronwyn Newton to supply the recommended changes of the Walgett Shire Council Staff’s Uniform Policy to Council’s Occupational Health & Safety Officer, Mr David Callander.

*Note: -*

Stephen McLean, Management Representative departed the meeting 4.10pm.

**5. GENERAL BUSINESS**

**Mechanic - Leading Hand**

This item to be placed on the Consultative Committee Meeting Agenda for 7<sup>th</sup> June 2006.

**There being no further business the meeting closed at 4.50pm**

**Next Meeting of the Consultative Committee Meeting will be held on  
7th June 2006 at 3pm at the Council Chambers Meeting Room.**

**COMMITTEE MINUTES TO COUNCIL MEETING 20 JULY 2006**

**Item No:** 26

**Subject:** Walgett Shire Council Consultative Committee Minutes – 7 June 2006

**Author:** Walgett Shire Council Consultative Committee

**File No:** 145/04/00/00

**MINUTES OF THE MEETING  
WALGETT SHIRE COUNCIL CONSULTATIVE COMMITTEE**

**FILE: 145/04/07**

The following are minutes of the Walgett Shire Council Consultative Committee Meeting held on Wednesday, 7 June 2006 in the Walgett Council Chambers, commencing at 3.10pm.

**1. PRESENT**

Peter McHutchinson	Chairperson
Michael Woodham	Deputy Chairperson
Bronwyn Newton	Secretary
Janet Babic	Management Representative
Roy White	Management Representative
Ian Taylor	LGEA Representative
Len Smyth	DEPA Representative

**Observer:** Terry Dray – United Services Union

**2. APOLOGIES**

Stephen McLean	Management Representative
John Radman	Committee Member

**3. MINUTES**

The Minutes of the Consultative Committee Meeting held on Wednesday, 3 May 2006 were confirmed, with no amendments required.

**4. BUSINESS ARISING**

**First Aid Allowance**

The Committee discussed the content for Walgett Shire Council's First Aid Policy. The Committees recommendations would be forwarded to Council's Occupational Health & Safety Officer to collate and format for adoption by Council.

The Committee was supplied with a copy of Dubbo City Council's First Aid Policy & Procedures and elected to recommend the document with the following amendments:-

Page 4 – Clause 4 First Aid Officers

“Appointment of First Aid Officers is to be undertaken by the Occupational Health & Safety Officer every six months in consultation with employees, supervisors and HR Services for the following workplaces:

(Administration Building, Depots, Libraries, Family Day Care Office, Visitor Information Centre, Ranger, Youth Centres and Work Crews with 3 or more Workers)

**ACTION-**

Consultative Committee Secretary, Mrs Bronwyn Newton to supply a copy of the recommended Walgett Shire Council First Aid Policy to Council's Occupational Health & Safety Officer, Mr David Callander.

**Organisational Structure**

Chairperson, Mr Peter McHutchison enquired if this action had been completed.

Consultative Committee Secretary, Mrs Bronwyn Newton advised that the organisational structure had been updated as per the Council meeting endorsements and will be supplied to all workplaces for employees to view.

**Support Services Coordinator**

Coordinator Human Resources, Bronwyn Newton notified the committee that the position of Support Services Coordinator evaluation documents are still to be processed through the oo-soft program.

**Uniform Policy**

Consultative Committee Secretary, Mrs Bronwyn Newton advised that she had supplied the recommended changes of the Walgett Shire Council Staff's Uniform Policy to Council's Occupational Health & Safety Officer, Mr David Callander.

**5. GENERAL BUSINESS**

**Mechanic - Leading Hand**

Coordinator Human Resources, Mrs Bronwyn Newton supplied the Committee with copies of the Position Description of Mechanic – Leading Hand.

Coordinator Human Resources, Mrs Bronwyn Newton requested that the General Manger also review this position description before endorsement. Therefore requested that the document be reviewed at the next Consultative Committee meeting this will allow all members to read through the document and make suggested changes.

**Youth Centre Workers**

The position description of Youth Centre Workers was submitted to make the following change: -

Position Requirements and conditions:-

*"Hours of Duty are 3.00pm to 6.00pm, Monday to Friday, excluding public holidays."*

Discussion was held on the Grading of the position including the 25% and the clause referring to Annual Leave, Coordinator Human Resources, Bronwyn Newton informed the

## SHIRE OF WALGETT –AGENDA

Committee that this is a generic position description used for both Permanent and casual employees therefore the 25% referred to the casual loading.

Further discussion took place whether the position status should be permanent part-time or casual. It was noted that this is not a decision to be made by the committee and that the Coordinator Human Resources would discuss with the General Manager.

### **RECOMMENDATION:**

**It was recommended that the Consultative Committee endorse the position description of Youth Centre Workers with the following amendment: -**

#### **Position Requirements and conditions:-**

- \* **“Hours of Duty are 3.00pm to 6.00pm, Monday to Friday, excluding public holidays.”**
- \* **“Annual Leave will not be permitted during school vacations with the exception of the Christmas Break as determined by Council on a year to year basis.”**

*Note: -*

Peter McHutchison, Chairperson departed the meeting 4.10pm.

### **Proposed Policy – Flexible Work Practices**

Coordinator Human Resources, Mrs Bronwyn Newton supplied the Committee with copies of the Proposed Policy – Flexible Work Practices.

It was requested by the Committee members that an extraordinary meeting be held to discuss this item allowing time for each member to read the document thoroughly.

**Extraordinary Meeting of the Consultative Committee will be held on  
14th June 2006 at 8.30am at the Council Chambers Meeting Room.**

**There being no further business the meeting closed at 4.35pm  
Next Meeting of the Consultative Committee Meeting will be held on  
5<sup>th</sup> July 2006 at 3.00pm at the Council Chambers Meeting Room.**

**COMMITTEE MINUTES TO COUNCIL MEETING 20 JULY 2006**

**Item No:** 27

**Subject:** Walgett Shire Council Consultative Committee Minutes – 14 June 2006

**Author:** Walgett Shire Council Consultative Committee

**File No:** 145/04/00/00

**MINUTES OF THE MEETING  
WALGETT SHIRE COUNCIL CONSULTATIVE COMMITTEE**

FILE: 145/04/07

The following are minutes of the Walgett Shire Council Consultative Committee Meeting held on Wednesday, 14 June 2006 in the Walgett Council Chambers, commencing at 8.50am.

**1. PRESENT**

Bronwyn Newton	Secretary
Janet Babic	Management Representative
Roy White	Management Representative
Stephen McLean	Management Representative
John Radman	Committee Member
Ian Taylor	LGEA Representative
Len Smyth	DEPA Representative

**2. APOLOGIES**

Peter McHutchinson	Chairperson
Michael Woodham	Deputy Chairperson

**Observer:** Terry Dray – United Services Union

**5. GENERAL BUSINESS**

**Proposed Policy – Flexible Work Practices**

Coordinator Human Resources, Mrs Bronwyn Newton supplied the Committee with copies of the Proposed Policy – Flexible Work Practices for endorsement.

Discussion was held on the proposed policy by reading through each page individually and requesting committee members to make any suggested changes per page. The following suggested changes were proposed:

Page 1-General Policy and Overview  
1<sup>st</sup> Paragraph - Change last word from met to considered.  
2<sup>nd</sup> Paragraph – change conveniences to convenience.  
3<sup>rd</sup> Paragraph - Correct spelling error “than to then”  
4<sup>th</sup> Paragraph - - Correct spelling error “than to then”

Page 2 – Principles of Part-Time Work  
1<sup>st</sup> line - Delete – “for full time and”

Page 3 – Contents of Agreement  
Add dot point – “Entitlements”

## SHIRE OF WALGETT –AGENDA

Page 4 – Method of Job Sharing

Last Sentence – Add by - “Other Options may be adopted as approved **by** the employer and job sharers.”

Page 4 – Recruitment

3<sup>rd</sup> paragraph – Add “Joint” & “who are” – **Joint** applicants must submit a joint application, or suitable individuals **who are** identified through the selection process may agree to a job sharing arrangement proposed by Walgett Shire Council.

Page 7 – Working From Home Policy to be reviewed and incorporated into the document.

Page 8 – Hours of Duty

Add 1<sup>st</sup> dot point “or 76 hour Fortnight”

Move Rostered Day Off into a dot point under Hours of Duty

Page 8 - Overtime

Time Off in Lieu of Overtime policy to be reviewed and incorporated into document.

Page 8 - Time in Lieu

1<sup>st</sup> sentence - Correct spelling error “Mangaer to Manager”

### **RECOMMENDATION:**

**It was recommended that the Consultative Committee endorse the Proposed Policy – Flexible Work Practices with the amendments noted above.**

**Consultative Committee Secretary, Mrs Bronwyn Newton to supply a copy of the recommended changes to the proposed policy – Flexible Work Practices to Council’s Acting Manager Corporate Services, Mrs Emma Darcy.**

### **Plant Operator (Truck Driver)**

Coordinator Human Resources, Mrs Bronwyn Newton requested that the Consultative Committee consider the suggested position title change as note below:-

Plant Operator (Truck Driver) located under the Collarenebri team on the organisational structure be changed to Semi Skilled Worker to represent the correct position duties and grading associated with this position.

### **RECOMMENDATION:**

**It was recommended that the Consultative Committee endorse the position title change of Plant Operator (Truck Driver) located on the organisational Structure under the Collarenebri Team to Semi Skilled Worker.**

**There being no further business the meeting closed at 9.55am**

**Next Meeting of the Consultative Committee Meeting will be held on  
5<sup>th</sup> July 2006 at 3.00pm at the Council Chambers Meeting Room.**

**PRECINCT COMMITTEE REPORTS TO COUNCIL MEETING  
20 JULY 2006**

**Item No:** 28  
**Subject:** Walgett Precinct Committee Report – Meeting held 20 June 2006  
**Author:** Walgett Precinct Committee  
**File No:** 004/09/09/92

---

**REPORT FROM THE PRECINCT COMMITTEE**

**Name of precinct:** Walgett  
**Date of Meeting** 20<sup>th</sup> June 2006

**Number 68**  
**Number Present 5**

**Subject**

Walgett council - 12<sup>th</sup> May, 2006 - Development Application No. 2006015 to change the use of Lot 7, DP 668164, 23 Warrena Street, Walgett for the use of offices.

No objections

Chairman... *J. Baker*

Minute Secretary... *D. Mitchell*

**REPORT FROM THE PRECINCT COMMITTEE**

**Name of precinct:** Walgett  
**Date of Meeting** 20<sup>th</sup> June 2006

**Number 69**  
**Number Present 5**

**Subject**

Walgett Shire Council Draft Budget for the Year 2006/2007 and the Minutes of Council and Resolution by the Council in adopting the Budget.

Noted

Chairman... *J. Baker*

Minute Secretary... *D. Mitchell*

## REPORT FROM THE PRECINCT COMMITTEE

Name of precinct: Walgett  
Date of Meeting 20<sup>th</sup> June 2006

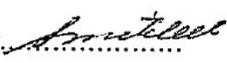
Number 70  
Number Present 5

### Subject

Walgett Shire Council - Development Application - Caravan Park at Leisure World Park.

No objections

Chairman.....

Minute Secretary.....

## REPORT FROM THE PRECINCT COMMITTEE

Name of precinct: Walgett  
Date of Meeting 20<sup>th</sup> June 2006

Number 70  
Number Present 5

### Subject

(d) Walgett Shire Council - Report on Public Hearings for Classification of Lands in regard to Council's LEP.

Your Chairman attended the Public Hearing and asked that Surveyor Dewhurst's original astronomical sighting location on Lot 30, DP253488 be excised and added to Lot 33, DP 253488. The recommendation from the Public Enquiry be that the land be excised and added to Lot 20 DP253488. Access to the land then be through a laneway at the back of the lots.

Chairman's Note - This recommendation at least preserves the site, but in many respects is disappointing. It was the understanding that the public wished to eventually see a public park or resting place made on Lot 33 with a feature made of the Astronomical Mark.

I have been lucky enough to show the report to Mr. Howie Rowe of the Surveying firm, Langford and Rowe and he fails to understand how Council staff can treat this matter very lightly. He believes that the locals would have wished to retain Lot 30 as open space. He also informed me that in the last issue of the Surveyor's magazine, the Surveyor General has asked that where they may find historic permanent surveyor points, that he be informed with the object of seeing proper restoration and included in the list of historic surveyor marks. Mr. Rowe will make the application to the Surveyor General.

Moved Barry Wright, seconded Shirley Mitchell that the Precinct Committee follow up with further objections

Chairman.....

Minute Secretary.....

**REPRESENTATIVE REPORTS TO COUNCIL MEETING 20 JULY 2006**

**Item No:**

**Subject:**

**Author:**

**File No:**

---

No Reports Submitted