



WALGETT SHIRE COUNCIL

AGENDA

18 SEPTEMBER 2007

Stephen McLean
General Manager



18 SEPTEMBER 2007

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 18 September 2007 **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 21 AUGUST 2007

1. SECRETARY – RESERVE TRUST MANAGEMENT’S REPORT

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3. GENERAL MANAGER’S REPORT

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9. CLOSED COUNCIL MEETING

SECRETARY RESERVE TRUST, MANAGEMENT COMMITTEE REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 1

Subject: Acceptance of Reserve Trust Minutes

Author: Kaye Stone – Secretary of the Reserve Trust

File No: 280/01/00/00

Summary:

This report recommends that Council accepts all the recommendations of the reserve trust meetings held 18 September 2007.

Comments (including issues and background):

Council as the appointed reserve trust manager has certain responsibilities in its role as manager they include;

- Develop and implement Plans of Management in accordance with the *Local Government Act 1993* and *Crown Lands Act 1989*
- Making regulatory decisions eg; use of the reserve, hours of entry, fees and charges etc
- Adopting Codes of Conduct
- Financial record keeping
- Counter-signing of development application and grants
- Holding Reserve Trust meetings as required

Reserve Trust Management Meetings are held prior to the Council meeting on the 3rd Tuesday of the Month. Members of the public are welcome to attend and can obtain an agenda on the relevant reserve by contacting Council.

Relevant Reference Documents:

- Reserve Trust Minutes

Stakeholders:

- Walgett Shire Council
- Reserve Trust Management Committees
- Department of Natural Resources
- Department of Lands

Financial Implications:

There may be costs associated with resolutions of the Reserve Trust meetings. These will be stated in the relevant Reserve Trust Minutes.

Recommendations:

- 1. That Council endorse the resolutions of the Reserve Trust meetings held 18 September 2007.**
- 2. That Council takes action to implement the resolutions of the Reserve Trusts.**

ADMINISTRATOR'S REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No:

Subject:

Author:

File No:

No Reports submitted

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 2

Subject: Code of Meeting Practice – Adoption

Author: General Manager, Stephen McLean

File No: 145/02/04/00

Summary:

The Code of Meeting Practice for Council has been reviewed and placed on public exhibition with submissions having closed on 6th September, with one submission received from Mrs Shirley Mitchell. The code of meeting practice is now presented for adoption.

Comments (including issues and background):

The proposed Code of Meeting Practice has been advertised in accordance with the requirements of the Local Government Act 1993. As stated, one submission was received from the public and the items raised have been considered in the code of meeting practice presented today for adoption. The amendments suggested are reproduced below.

36. Public Forum Presentations

36. (1) *Members of the public may speak at Public Forum Presentations, prior to the Council meeting limited to agenda items.*
- (2) *Guidelines relating to an address by a member of the public together with expected behaviour are as expressed for a Councillor by this code.*

71. Address by Public - Council and Committee Meetings

7. *Allegations against any person, staff member or councillor are inappropriate and will not be allowed. Any allegation or complaint must be in writing, addressed to the General Manager and shall be dealt under Councils Code of Conduct.*

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Relevant Reference Documents:

Local Government Act 1993
Local Government (General) Regulation 2005
Department of Local Government, Practice Note 16 (Meetings practice note)
Walgett Shire Council Code of Meeting Practice (available separately)
Submission from community member

Stakeholders:

Walgett Shire Council
NSW Department of Local Government

Financial Implications:

Nil

Recommendations:

That Council adopt the Code of Meeting Practice as presented, inclusive of amendments reproduced in this report.

Walgett Shire Council

Code of Meeting Practice

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PART 1 - PRELIMINARY

1. Citation and Aim

1. This Code may be cited as the Walgett Shire Council Code of Meeting Practice.

The aim of this Code is to achieve:

- a. Council and Committee meetings which are orderly, efficient and earn the respect of the Community.
- b. Council and Committee meetings, which display open government and allow access and participation by the community.
- c. Standards which promote and contribute to the democratic process.

2. Definitions

2. (1) In this Code:

Amendment, in relation to an original motion, means a motion moving an amendment to that motion. R231

Chairperson:

- (a) in relation to a meeting of the Council - means the person presiding at the meeting as provided by section 369 of the Act (see clause 12 of this Code), and
- (b) in relation to a meeting of a Committee of a Council - means the person presiding at the meeting as provided by section 267 (see clause 52 of this Code); R231

Committee, in relation to a Council, means a Committee established under Clause 260 of the Regulation or the Council when it has resolved itself into a Committee of the Whole. (see clause 43 of this Code) R231

Councillor, includes a member of the governing body of a County Council. R231

Record, means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a Councillor or an employee of the Council and, in particular, includes the Minutes of Meetings of the Council or of a Committee of the Council;

Relative, in relation to a person, means any of the following:

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

LGA Act Dictionary

the Act means the Local Government Act 1993;

the Code means the Walgett Shire Council Code of Meeting Practice; and

the Regulation means the Local Government (General) Regulation 2005.

- (2) Expressions used in this Code, which are defined in the dictionary at the end of the Act, have the meanings set out in the dictionary.

3. Act and Regulation

3. (1) This Code is made pursuant to Section 360(2) of the Act, which states:

A Council may adopt a Code of Meeting Practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.

- (2) It incorporates relevant provisions of the Regulation and the Act.

- (3) In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

4. (1) Notes in the text of this Code are explanatory notes and do not form part of this Code. They are provided to assist understanding or to indicate supplementary or explanatory information.

- (2) Legislative references are shown in the following manner:

S369 - Section 369 Local Government Act 1993

R231- Clause 231 Local Government (General) Regulation 2005

- (3) The omission of any such reference generally indicates that the item is a non-statutory or discretionary provision.

PART 2 - CONVENING OF AND ATTENDANCE AT COUNCIL MEETINGS

5. Frequency of Meetings of the Council

5. (1) The Council is required to meet at least 10 times each year, each time in a different month. S365
- (2) The Council shall, by resolution, set the time, date and place of Ordinary Meetings of the Council.

6. Extraordinary Meetings

6. (1) The General Manager may call an Extraordinary Meeting of the Council for any specific purpose following consultation with the Mayor
- (2) If the Mayor receives a request in writing signed by at least 2 Councillors, the Mayor must call an extraordinary meeting of the Council to be held as soon as practicable but in any event within 14 days after receipt of the request. S366

7. Notice of Meetings

a. Notice to Councillors

7. (1) The General Manager of a Council must send to each Councillor, at least 3 days before each meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than 3 days may be given of an extraordinary meeting called in an emergency.
- (3) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a Councillor in electronic form but only if all Councillors have facilities to access the notice, agenda and business papers in that form. S367 (1) - (3)

b. Notice to the Public

A Council must give notice to the public of the times and places of its meetings and meetings of those of its Committees of which all the members are Councillors.

- (4) This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with, which states:
- (5) A notice of a meeting of a Council or of a Committee must be published in a newspaper circulating in the area before the meeting takes place.
- (6) The notice must specify the time and place of the meeting.
- (7) Notice of more than one meeting may be given in the same notice.

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- (8) This clause does not apply to an extraordinary meeting of a Council or Committee.
R232

8. Quorum

8. The quorum for a meeting of the Council is a majority of the Councillors of the Council who hold office for the time being and are not suspended from office. S368

9. What Happens When a Quorum is not Present

9. (1) A Meeting of the Council must be adjourned if a Quorum is not present:
- a) within half an hour after the time designated for the holding of the meeting; or
 - b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
- a) by the Chairperson, or
 - b) in his or her absence - by the majority of the Councillors present, or
 - c) failing that, by the General Manager.
- (3) The General Manager must record in the Council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a Quorum) at or arising during a Meeting of the Council, together with the names of the Councillors present.
R233

10. Minister to convene meetings in certain cases

10. (1) Whenever an area is constituted or reconstituted, the Minister is required:
- (a) to convene the first meeting of the Council of the area, and
 - (b) to nominate the business to be transacted at the meeting, and
 - (c) to give the Councillors notice of the meeting.
- (2) If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
- (3) The Council must transact the business nominated by the Minister for a meeting convened under this clause.
R234

11. Presence at Council Meetings

11. A Councillor cannot participate in a meeting of the Council unless personally present at the meeting. R235

NOTE: To be present a Councillor must be within the room in which the meeting is being held.

12. Attendance of General Manager at Meetings

12. (1) The General Manager is entitled to attend, but not to vote at, a meeting of the Council or a meeting of a Committee of the Council of which all the members are Councillors.
- (2) The General Manager is entitled to attend a meeting of any other Committee of the Council and may, if a member of the Committee, exercise a vote.
- (3) However, the General Manager may be excluded from a meeting of the Council or a Committee while the Council or Committee deals with a matter relating to the standard of performance of the General Manager or the terms of the employment of the General Manager. S376 (1)-(3)

PART 3 - PROCEDURE FOR THE CONDUCT OF COUNCIL MEETINGS

13. Chairperson of Council Meetings

13. (1) The Mayor or, at the request of or in the absence of the Mayor, the Deputy Mayor presides at Meetings of the Council.

(2) If the Mayor and the Deputy Mayor are absent, a Councillor elected to chair the meeting by the Councillors present presides at a Meeting of the Council.

S369 (1)-(2)

(3) If no chairperson is present at a meeting of a Council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting. R236

NOTE: Section 369 (2) of the Act provides for a Councillor to be elected to chair a meeting of a Council when the Mayor and Deputy Mayor are absent.

(4) The election must be conducted:

(a) by the General Manager or, in his or her absence, an employee of the Council designated by the General Manager to conduct the election, or

(b) if neither of them is present at the meeting or there is no General Manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.

(5) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.

(6) For the purposes of subclause (5), the person conducting the election must:

(a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips, and

(b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.

(7) The candidate whose name is on the drawn slip is the candidate who is to be the Chairperson. R236

14. Chairperson to have Precedence

14. When the Chairperson rises (or speaks) during a meeting of the Council:

(a) any Councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and

(b) every Councillor present must be silent to enable the Chairperson to be heard without interruption. R237

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NOTE: It has been traditional for the Chairperson of this Council not to stand when speaking. Whilst the Clause of the Regulation states "rises", the practical effect of this is that when the Chairperson speaks, then precedence is taken over all other Councillors. The Chairperson will "stand" only when it is necessary to assert his or her authority or to take control.

15. Chairperson's Duty with Respect to Motions

15. (1) It is the duty of the Chairperson at a Meeting of the Council to receive and put to the meeting any lawful motion that is brought before the meeting.
- (2) The Chairperson must rule out of order any motion that is unlawful or the implementation of, which would be unlawful.
- (3) Any motion, amendment or other matter that the Chairperson has ruled out of order is taken to have been rejected. R238 (1)-(3)

16. Minutes

16. (1) The Council must ensure that full and accurate minutes are kept of proceedings of a meeting of the Council. S375 (1)
- (2) The General Manager must ensure that the following matters are recorded in the Council's minutes:
 - (a) details of each motion moved at a Council meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost. R254 (a-c)
- (3) The minutes must, when they have been confirmed at a subsequent meeting of the Council, be signed by the person presiding at the subsequent meeting. S375 (2)
- (4) Every entry in the minutes of the business transacted at a meeting of the Council and purporting to be signed by the person presiding at a subsequent meeting of the Council is, until the contrary is proved, evidence:
 - (a) that the business as recorded in the minutes was transacted at the meeting, and
 - (b) that the meeting was duly convened and held. S703

17. Order of Business

17. (1) At a meeting of a Council (other than an extraordinary meeting), the General order of business is (except as provided by this Regulation) as fixed by the Council's code of meeting practice or (if the Council does not have a code of meeting practice or its code of meeting practice does not fix the General order of business) as fixed by resolution of the Council.

NOTE: The adopted standing orders could be varied by resolution passed at any previous meeting. **See attachment A Page 42**

- (2) The order of business fixed under subclause (1) may be altered if a motion to that effect is carried. Such a motion can be moved without notice.
- (3) Despite Clause 250, of the regulations only the mover of a motion referred to in subclause (2) may speak to the motion before it is put. R239

18. Agendas and Business Papers for Council Meetings

- 18. (1) The General Manager must ensure that the agenda for a Meeting of the Council states:
 - (a) all matters to be dealt with arising out of the proceedings of former Meetings of the Council; and
 - (b) if the Mayor (or the Deputy Mayor if acting for the Mayor) is the Chairperson - any matter or topic that the chairperson proposes, at the time when the Agenda is prepared, to put to the meeting and
 - (c) subject to subclause (2) any business of which due notice has been given.
- (2) The General Manager must not include in the agenda for a meeting of the Council any business of which due notice has been given if, in the opinion of the General Manager, the business is (or the implementation of the business would be) unlawful. The General Manager must report (without giving details of the item of business) any such exclusion to the next meeting of the Council.
- (3) The General Manager must cause the Agenda for a Meeting of the Council or a Committee of the Council to be prepared as soon as practicable before the meeting.
- (4) The General Manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
- (5) Nothing in this clause limits the powers of the Chairperson under Clause 243.

19. Giving Notice of Business

- 19. (1) The Council must not transact business at a Meeting of the Council:
 - (a) unless a Councillor has given notice of the business in writing by 5.00pm on the fourth working day immediately preceding the meeting; and

NOTE: A working day is a day that is not a Saturday, Sunday or Public Holiday.

- (b) unless notice of business has been sent to the Councillors at least 3 days before the meeting of the Council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted

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at the meeting. In the event of an Extraordinary Meeting called in an emergency, notice of less than 3 days may be given.

S367,

R241(1)

- (c) The times specified in (a) may be varied with notice by the General Manager when a Public Holiday falls within the meeting cycle.
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before, the Council; or
 - (b) is the election of a Chairperson to preside at the meeting as provided by Clause 236 (1) of the Regulation ;or
 - (c) is a matter or topic put to the meeting by the Chairperson in accordance with Clause 243 of the Regulation; or
 - (d) is a motion for the adoption of recommendations of a Committee of the Council.
- (3) Despite subclause (1), business may be transacted at a Meeting of the Council even though due notice of the business has not been given to Councillors. However this can only happen if:
 - (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice.

R241

(3)

- (4) Despite clause 250, only the mover of a motion referred to in subclause (3) can speak to the motion before it is put.

R241 (4)

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20. Agenda for Extraordinary Meeting

20. (1) The General Manager must ensure that the agenda for an Extraordinary Meeting of the Council deals only with the matters stated in the notice of the meeting.

(2) Despite subclause (1), business may be transacted at an Extraordinary Meeting of Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:

(a) a motion is passed to have the business transacted at the meeting; and

(b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the Agenda for the meeting has been disposed of.

(3) Despite Clause 250, of the regulation only the mover of a motion referred to in subclause (2) can speak to the motion before it is put. R242 (1) - (3)

21. Mayoral Minutes

21. (1) If the Mayor is the Chairperson at a Meeting of the Council, the Chairperson is, by minute signed by the Chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the Council or of which the Council has official knowledge.

(2) Such a minute, when put to the meeting, takes precedence over all business on the Council's agenda for the meeting. The Chairperson (but only if the Chairperson is the Mayor) may move the adoption of the minute without the motion being seconded.

(3) A recommendation made in a minute of the Chairperson (being the Mayor) or in a report made by a Council employee is, so far as adopted by the Council, a resolution of the Council. R243 (1)-(3)

22. Report of a Departmental Representative to be tabled at Council Meeting

22. When a report of a Departmental Representative has been presented to a meeting of the Council in accordance with section 433 of the Act, the Council must ensure that the report:

(a) is laid on the table at that meeting; and

(b) is subsequently available for the information of Councillors and members of the public at all reasonable times. R244

23. Notice of Motion - Absence of Mover

23. In the absence of a Councillor who has placed a notice of motion on the Agenda for a Meeting of the Council:

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- (a) any other Councillor may move the motion at the meeting; or
- (b) the Chairperson may defer the motion until the next meeting of the Council at which the motion can be considered. R245

24. Motions to be Seconded

- 24. (1) A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to Clauses 243(2) and 250(5). R246

25. How Subsequent Amendments or Motions may be Moved

- 25. (1) If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the Council at any one time. R247

26. Motions of Dissent

- 26. (1) A Councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course.
- (3) Despite Clause 250, only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply R248 (1-3)

27. Petitions and Correspondence may be presented to the Council

- 27. (1) A Councillor may present a petition and/or correspondence to the Council.
- (2) The Chairperson will only permit discussion on the petition or correspondence if the subject matter is already on the agenda for that meeting or is a matter, which can be dealt with under Clause 19(3).
- (3) Any correspondence or other documentations proposed to be tabled by a member of the public must be presented to the Chairperson who is to be responsible for deciding whether the matter is to be distributed at the meeting or resubmitted to a future meeting.

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28. Mode of Address

28. Councillors shall at all times address other Councillors by their official designation, as Mayor or Councillor.

29. Questions may be put to Councillors and Council Employees

29. (1) A Councillor:

- (a) may, through the Chairperson, put a question to another Councillor; and
 - (b) may, through (the Chairperson and) the General Manager, put a question to a Council employee.
- (2) However, a Councillor or Council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) The Councillor must put every such question directly, succinctly, and without argument.
- (4) The Chairperson must not permit discussion on any reply or refusal to reply to a question put to a Councillor or Council employee under this clause. R249 (1)-(4)

30. Limitation as to Number of Speeches

30. (1) A Councillor who, during a debate at a meeting of a Council, moves an original motion has the right of general reply to all observations that are made by another Councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.

(2) A Councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.

(3) A Councillor must not, without the consent of the Council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a Councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the Councillor to make a statement limited to explaining the misrepresentation or misunderstanding.

(4) Despite subclauses (1) and (2), a Councillor may move that a motion or an amendment be now put:

(a) if the mover of the motion or amendment has spoken in favour of it and no Councillor expresses an intention to speak against it, or

(b) if at least 2 Councillors have spoken in favour of the motion or amendment and at least 2 Councillors have spoken against it.

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- (5) The chairperson must immediately put to the vote, without debate, a motion moved under subclause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under subclause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the chairperson must allow the debate on the original motion or the amendment to be resumed. R250 (1)-(7)

31. Voting at Council Meetings

- 31. (1) Each Councillor is entitled to one vote.
- (2) However, the Chairperson presiding at a meeting of the Council has, in the event of an equality of votes, a second or casting vote. S370 (1)-(2)
- (3) A Councillor who is present at a meeting of a Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion. R251 (1)

NOTE: Failure to vote by any Councillor (including the Chairperson) is regarded as a vote against the motion or amendment. This subclause does not apply to a Councillor who does not vote because he or she has a pecuniary interest in the subject matter of the motion.

- (4) If a Councillor who has voted against a motion put at a Council meeting so requests, the General Manager must ensure that the Councillor's dissenting vote is recorded in the Council's minutes.
- (5) The decision of the Chairperson as to the result of a vote is final, unless:
 - (a) In the cases where the vote is declared on voices, a Councillor requests a show of hands
 - (b) the decision is immediately challenged and not fewer than 2 Councillors rise and demand a division.
- (6) When a division on a motion is demanded, the Chairperson must ensure that the division takes place immediately. The General Manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the Council's minutes. R251(2)-(4)
- (7) Voting at a Council Meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the Council may resolve that the voting in any election by Councillors for Mayor or Deputy Mayor is to be by secret ballot. R251(5)

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NOTE: Part 11 of this Regulation provides that a Council is to resolve whether an election by the Councillors for Mayor or Deputy Mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that **ballot** has its normal meaning of secret ballot.

32. Representations by members of the public - closure of part of meeting

32. (1) A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by resolution of the Council. Different periods can be fixed to the different types of matters to be discussed or received and discussed at closed parts of the meeting. R252
- (1)-(2)

33. Resolutions passed at closed meetings to be made public

33. If a Council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended. R253

34. Decisions of the Council

34. A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council. S371

35. Rescinding or Altering Resolutions

35. (1) A resolution passed by a Council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360 of the Act and, Clause 19(1)(a) of the Council's Code of Meeting Practice. S372
- (1)
- (2) If a notice of motion to rescind a resolution is given:
- (a) at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with; or

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- (b) at any time after the close of the meeting at which the resolution is carried, no further action to carry the resolution into effect is to be taken after receipt of the notice of motion until that motion of rescission has been dealt with.
- (3) If a motion has been negated by a Council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the Council's Code of Meeting Practice. S372 (3)
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negated by the Council, must be signed by 3 Councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negated, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negated, or if a motion which has the same effect as a previously negated motion, is negated, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same. S372 (5)
- (6) A motion to which this section applies may be moved on the report of a Committee of the Council and any such report must be recorded in the minutes of the meeting of the Council. S372 (6)
- (7) The provisions of this section concerning negated motions do not apply to motions of adjournment. S372 (7)

36. Public Forum Presentations

- 36. (1) Members of the public may speak at Public Forum Presentations, prior to the Council meeting not limited to agenda items.
- (2) Guidelines relating to an address by a member of the public together with expected behaviour are as expressed for a Councillor by this code.

37. Limit for Meetings

37. Council may by resolution set time limits for Council meetings and Committees

38. Adjournment

38. Council may by resolution adjourn a meeting for the conduct of an official function such as a naturalisation ceremony or civic reception.

PART 4 - KEEPING ORDER AT MEETINGS

39. Questions of Order

39. (1) The Chairperson, without the intervention of any other Councillor, may call any Councillor to order whenever, in the opinion of the Chairperson, it is necessary to do so.
- (2) A Councillor who claims that another Councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- (3) The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the Council.
- (4) The Chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed. R255 (1)-(4)

NOTE: This clause also applies to Committees. See Clause 55.

40. Acts of Disorder

40. (1) A Councillor commits an act of disorder if the Councillor, at a meeting of a Council or a Committee of a Council:
- (a) contravenes the Act or any Regulation in force under the Act, or
 - (b) assaults or threatens to assault another Councillor or person present at the meeting, or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the Council or Committee, or addresses or attempts to address the Council or Committee on such a motion, amendment or matter, or
 - (d) insults or makes personal reflections on or imputes improper motives to any other Councillor, or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the Council or Committee into contempt. R256(1)(a)-(e)
- (2) The chairperson may require a Councillor:
- (a) to apologise without reservation for an act of disorder referred to in subclause (1) (a) or (b), or
 - (b) to withdraw a motion or an amendment referred to in subclause (1) (c) and, where appropriate, to apologise without reservation, or

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- (c) to retract and apologise without reservation for an act of disorder referred to in subclause (1) (d) or (e).

- (3) A Councillor may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for having failed to comply with a requirement under subclause (2). The expulsion of a Councillor from the meeting for that reason does not prevent any other action from being taken against the Councillor for the act of disorder concerned. R256 (2)-(3)

41. How Disorder at a Meeting may be dealt with

- 41. (1) If disorder occurs at a meeting of a Council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The Council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This subclause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of Councillors.
- (2) A member of the public may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council for engaging in or having engaged in disorderly conduct at the meeting. R257 (1)-(2)

NOTE: The basic rationale for the need for “order” to be preserved is to give all persons entitled a reasonable opportunity of participating in the discussion and voting on matters before the meeting. It is the role of the chairperson to take care that the proceedings are conducted in a proper manner. Councillors are required by the Code of Meeting Practice to comply with rulings from the chair unless a motion of dissent is passed by Council.

42. Power to remove persons from meeting after expulsion

- 42. If a Councillor or a member of the public fails to leave the place where a meeting of a Council is being held:
 - (a) immediately after the Council has passed a resolution expelling the Councillor or member from the meeting, or
 - (b) where the Council has authorised the person presiding at the meeting to exercise the power of expulsion—immediately after being directed by the person presiding to leave the meeting,

A police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the Councillor or member from that place and, if necessary, restrain the Councillor or member from re-entering that place. R258

PART 5 - COUNCIL COMMITTEES

43. Committee of the Whole

43. (1) The Council may resolve itself into a Committee to consider any matter before the Council. S373
- (2) All the provisions of this Code relating to meetings of the Council, so far as they are applicable, extend to and govern the proceedings of the Council when in Committee of the Whole, except the provisions:
- (a) limiting the number and duration of speeches; and R259 (1)
- (b) requiring Councillors to stand when speaking.
- (3) The General Manager or, in the absence of the General Manager, an employee of the Council designated by the General Manager is responsible for reporting to the Council proceedings in Committee of the Whole. It is not necessary to report the proceedings in full but any recommendations of the Committee must be reported. R259 (2)
- (4) The Council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the Council's minutes. However, the Council is not taken to have adopted the report until a motion for adoption has been made and passed. R259 (3)

44. Council May Establish Committees

44. (1) A Council may, by resolution, establish such Committees, as it considers necessary.
- (2) A Committee is to consist of the Mayor and such other Councillors as are elected by the Councillors or appointed by the Council.
- (3) The quorum for a meeting of such a Committee is to be:
- (a) such number of members as the Council decides; or
- (b) if the Council has not decided a number - a majority of the members of the Committee. R260 (1)-(3)

45. Functions of Committees

45. The Council must specify the functions of each of its Committees when the Committee is established, but may from time to time amend those functions. R261

46. Notice of Committee Meetings to be Given

46. (1) The General Manager of the Council must send to each Councillor, at least 3 days before each Meeting of the Committee, a notice specifying:

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- (a) the time and place at which and the date on which the meeting is to be held; and
- (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a Committee meeting called in an emergency. R262 (1)-(2)

47. Committee Members other than Councillors

47. Reference to Councillors in this part is deemed to include members of a Committee who are not Councillors.

NOTE: The code will apply to Committees of which all the members are Councillors as well as Committees which include members other than Councillors.

48. Non-Members entitled to attend Committee Meetings

48. (1) A Councillor who is not a member of a Committee of a Council is entitled to attend, and to speak at, a meeting of the Committee.
- (2) However, the Councillor is not entitled:
- (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting. R263 (1)-(2)

49. Representations by members of the public - closure of part of meeting

49. (1) A representation at a Committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by resolution of the Council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings. R252 (1)-(2)

50. Procedure in Committees

50. (1) Subject to subclause (3), each Committee of a Council may regulate its own procedure.
- (2) Without limiting subclause (1), a Committee of a Council may decide that, whenever the voting on a motion put to a meeting of the Committee is equal, the chairperson of the Committee is to have a casting vote as well as an original vote.

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- (3) Voting at a Committee Meeting is to be by open means (such as on the voices or by show of hands). R265 (1)-(3)

51. Committees to keep Minutes

51. (1) Each Committee of a Council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a Committee must ensure that the following matters are recorded in the Committee's minutes:
- (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a Committee of the Council have been confirmed at a later meeting of the Committee, the person presiding at the later meeting must sign the minutes of the earlier meeting. R266 (1)-(2)

52. Chairperson and Deputy Chairperson of Committees

52. (1) The Chairperson of each Committee of the Council, must be:
- (a) the Mayor; or
 - (b) if the Mayor does not wish to be the Chairperson of a Committee - a member of the Committee elected by the Council; or
 - (c) if the Council does not elect such a member - a member of the Committee elected by the Committee.
- (2) The Council may elect a member of a Committee of the Council as deputy Chairperson of the Committee. If the Council does not elect a Deputy Chairperson of such a Committee, the Committee may elect a Deputy Chairperson.
- (3) If neither the chairperson nor the deputy chairperson of a Committee of a Council is able or willing to preside at a meeting of the Committee, the Committee must elect a member of the Committee to be acting chairperson of the Committee.
- (4) The chairperson is to preside at a meeting of a Committee of a Council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting. R267 (1)-(4)

53. Absence from Committee Meetings

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53. (1) A member (other than the Mayor) ceases to be a member of a Committee if the member:
- (a) has been absent from 3 consecutive meetings of the Committee without having given reasons acceptable to the Committee for the member's absences, or
 - (b) has been absent from at least half of the meetings of the Committee held during the immediately preceding year without having given to the Committee acceptable reasons for the member's absences.
- (2) Subclause (1) does not apply in respect of a Committee that consists of all of the members of the Council. R268 (1)-(2)

NOTE: The expression “*year*” means the period beginning 1 July and ending the following 30 June. See the Dictionary to the Act.

54. Reports of Committees

54. (1) If in a report of a Committee of the Council distinct recommendations are made, the decision of the Council may be made separately on each recommendation. R269 (1)
- (2) The recommendations of a Committee of the Council are, so far as adopted by the Council, resolutions of the Council. R269 (2)
- (3) If a Committee of a Council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
- (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended, and
 - (b) report the resolution or recommendation to the next meeting of the Council. R269
- (3)

55. Disorder in Committee Meetings

55. The provisions of the Act and of this Regulation relating to the maintenance of order in Council meetings apply to meetings of Committees of the Council in the same way as they apply to meetings of the Council. R270

56. Committee may expel certain persons from its Meetings

56. (1) If a meeting or part of a meeting of a Committee of a Council is closed to the public in accordance with section 10A of the Act, any person who is not a Councillor may be expelled from the meeting as provided by section 10 (2) (a) or (b) of the Act.

1)

NOTE: See Clause 47 - for members other than Councillors.

- (2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council, Committee or person presiding, may by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

R271 (2)

PART 6 - PECUNIARY INTEREST

See also Code of Conduct in relation to Conflict of Interest and Pecuniary Interest.

57. Pecuniary Interest

57. (1) For the purposes of this Part, a "pecuniary interest" is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain.
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448 of the Act. S442 (1)-(2)
58. (1) For the purposes of this Part, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
- (a) the person; or
 - (b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
 - (c) a company or other body which the person, or a nominee, partner or employer of the person, is a member.
- (2) (Repealed).
- (3) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection 1(b) or (c):
- (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body; or
 - (b) just because the person is a member of, or employed by, a Council or a statutory body or is employed by the Crown; or
 - (c) just because the person is a member of, or a delegate of a Council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

59. What interests do not have to be disclosed?

59. The following interests do not have to be disclosed for the purposes of this Chapter:

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,

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- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the Council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a Council Committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the Committee member has been appointed to represent the organisation or group on the Committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) Land adjoining, adjacent to or in proximity to land referred to in subparagraph (i),

If the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,

- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (i) an interest of a person arising from the proposed making by the Council of an agreement between the Council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the Committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the Council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the Council in respect of similar matters with other residents of the area:

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- (i) The performance by the Council at the expense of the relative of any work or service in connection with roads or sanitation,
- (ii) Security for damage to footpaths or roads,
- (iii) Any other service to be rendered, or act to be done, by the Council by or under any Act conferring functions on the Council or by or under any contract,
- (k) an interest relating to the payment of fees to Councillors (including the Mayor and Deputy Mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to Councillors (including the Mayor and Deputy Mayor) in accordance with a policy under Section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of Mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a Councillor or member of a Council Committee,
- (p) an interest arising from appointment of a Councillor to a body as representative or delegate of the Council, whether or not a fee or other recompense is payable to the representative or delegate. S448

60. Disclosure and Participation in Meetings

60. (1) A Councillor or a member of a Council Committee who has a pecuniary interest in any matter with which the Council is concerned and who is present at a meeting of the Council or Committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- (2) The Councillor or member must not be present at, or in sight of, the meeting of the Council or Committee:
- (a) at any time during which the matter is being considered or discussed by the Council or Committee, or
 - (b) at any time during which the Council or Committee is voting on any question in relation to the matter. S451
- (1)-(2)

NOTE: A General notice of disclosure made pursuant to Section 454 of the Act fulfils the requirement of clause 60 (1) unless and until the notice is withdrawn. (See Clause 62)

- (3) A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. S456(1)

NOTE: **The word “person” used in clause 60 means a Councillor or a member of a Council Committee – See S451 (1)**

- (4) The person is not required to disclose the person’s interest as an adviser.
- (5) A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

61. Disclosures to be Recorded

61. A disclosure made at a Meeting of the Council or Council Committee must be recorded in the minutes of the meeting. S453

62. General Disclosures

62. A General notice given to the General Manager in writing by a Councillor or a member of a Council Committee to the effect that the Councillor or member, or the Councillor's or member's spouse, de facto partner or relative, is:

- (a) a member, or in the employment, of a specified company or other body; or
- (b) a partner, or in the employment, of a specified person,

is, unless, and until the notice is withdrawn, sufficient disclosure of the Councillor's or member's interest in a matter relating to the specified company, body or person that may be the subject of consideration by the Council or Council Committee after the date of the notice.

S454

63. Disclosure by Adviser

63. (1) A person who, at the request or with the consent of the Council or a Council Committee, gives advice on any matter at any meeting of the Council or Committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- (2) The person is not required to disclose the person’s interest as an adviser. S456
(1)-(2)

PART 7 - OPEN MEETINGS

64. Public Notice of Meetings

64. (1) The Council must give notice to the public of the times, dates and places of its meetings and meetings of those of its Committees of which all the members are Councillors.
- (2) The Council and each such Committee must have available for the public at its offices and at each meeting copies (for inspection and taking away by persons) of the Agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (2A) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the General Manager, is likely to take place when the meeting is closed to the public:
- (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and
 - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to Councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an agenda or a business paper made available under this section may in addition be given or made available in electronic form. S9 (1)-(5)

NOTE: Public notice of the meetings is to be given by display of notices in accordance with council policy.

65. Who is entitled to attend Meetings?

65. (1) Except as provided by this Part:
- (a) everyone is entitled to attend a meeting of the Council and those of its Committee of which all the members are Councillors, and
 - (b) a Council must ensure that all meetings of the Council and of such Committee are open to the public.
- (2) However, a person (whether a Councillor or another person) is not entitled to be present at a meeting of the Council or of such a Committee if expelled from the meeting:

SHIRE OF WALGETT – AGENDA

- (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the Council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations. S10 (1)-(3)

66. Which parts of a meeting can be closed to the public?

66. (1) A Council, or a Committee of the Council of which all the members are Councillors, may close to the public so much of its meeting herein after referred to as a “Closed (Public Excluded) Meeting”, as comprises:
- (a) the discussion of any matters listed in subclause (2), or
 - (b) the receipt or discussion of any of the information so listed, or new issues raised by Councillors which relate to matters and information listed in subclause (2).
- (2) The matters and information are the following:
- (a) personnel matters concerning particular individuals (other than Councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:
 - (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the Council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of the law,
 - (f) matters affecting the security of the Council, Councillors, Council staff or Council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.
 - (h) Information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (3) A Council, or a Committee of the Council of which all the members are Councillors, may also close to the public so much of its meetings as comprises a motion to close another part of the meeting to the public.
- (4) A Council, or a Committee of a Council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed.

1)-(4)

67. Further Limitations Relating to Closure of Parts of Meetings to Public

67. (1) A meeting is not to remain closed during the discussion of anything referred to in section 10A(2):
- (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret unless the Council or Committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A(2)(g) unless the advice concerns legal matters that:
- (a) are substantial issues relating to a matter in which the Council or Committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A(3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A(2)).
- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
- (a) a person may misinterpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - i. cause embarrassment to the Council or Committee concerned, or to Councillors or to employees of the Council, or
 - ii. cause a loss of confidence in the Council or Committee.

NOTE: Subsection (4) is in similar terms to section 59A (Public interest) of the Freedom of Information Act 1989.

SHIRE OF WALGETT – AGENDA

- (5) In deciding whether a part of a meeting is to be closed to the public, the Council or Committee concerned must have regard to any relevant guidelines issued by the Director-General. S10B
(1)-(5)

68. Notice of likelihood of closure not required in urgent cases

68. Part of a meeting of a Council, or of a Committee of the Council of which all the members are Councillors, may be closed to the public while the Council or Committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:
- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A (2), and
 - (b) the Council or Committee, after considering any representations made under section 10A (4), resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.
- S10C

69. Grounds for closing part of meeting to be specified

69. (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
- (a) the relevant position of the section 10A(2),
 - (b) the matter that is to be discussed during the closed part of the meeting,
 - (c) the reasons why the part of the meeting is being closed, including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest. S10D
- (1)-(2) S10D
(1)-(2)

70. Public Access to Correspondence and Reports

70. (1) The Council and a Committee of which all the members are Councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.

SHIRE OF WALGETT – AGENDA

- (2) This clause does not apply if the correspondence or reports:
 - (a) relate to a matter that was received or discussed; or
 - (b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
 - (3) This section does not apply if the Council or Committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2), are to be treated as confidential. S11
- (1)-(3)

71. Address by Public - Council and Committee Meetings

71. Residents, ratepayers, applicants, consultants or other persons may apply to address Council or a Committee in relation to any matter which is listed for consideration on a Council or Committee Agenda, or any matter which may be included under clause 19(3). A person will be permitted to address the meeting of the Council or Committee, if the Council or Committee so resolves. Council or the Committee may limit the number of speakers, which are to be heard.

Members of the public will not be permitted to address Council on matters, which are submitted in the form of Notices of Motion to rescind or alter unless Council so resolves due to extenuating circumstances.

The Guidelines which apply are:

- 1. A time limit of five (5) minutes per speaker or such shorter period as resolved by Council.
- 2. Must relate to items listed within the business paper.
- 3. A limit of two speakers, speaking for the item and two speakers, speaking against the item being considered.
- 4. Debate will not be permitted.
- 5. A speaker cannot speak more than once on the subject, without the consent of Council.
- 6. A speaker cannot address Council if they have previously addressed a Committee of Council or a Council Meeting on the same subject, without the consent of Council.
- 7. Allegations against any person, staff member or councillor are inappropriate and will not be allowed. Any allegation or complaint must be in writing, addressed to the General Manager and shall be dealt under Councils Code of Conduct.

The provisions of Clause 40(1)(a), (b), (d), (e) and 2(a) and (c) of this Code apply to Members of the Public addressing Council or a Committee.

PART 8 - MISCELLANEOUS

72. Disclosure and misuse of information – prescribed circumstances

72. (1) For the purposes of section 664 (1B) (c) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance. R412

73. Inspection of the Minutes of the Council or a Committee

73. (1) An inspection of the minutes of a Council or Committee of a Council is to be carried out under the supervision of the General Manager or an employee of the Council designated by the General Manager to supervise inspections of those minutes.
- (2) The General Manager must ensure that the minutes of the Council and any minutes of a Committee of the Council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them. R272 (1)-(2)

NOTE: Section 12 of the Act confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of a Council or Committee of a Council.

74. Access to Records

74. Councillors now have access to Council records under sections 12 and 12A of the Local Government Act and under the Freedom of Information Act 1989.

75. Tape recording of Meeting of the Council or a Committee prohibited without permission

75. (1) A person may use a tape recorder to record the proceedings of a meeting of a Council or a Committee of a Council only with the authority of the Council or Committee.
- (2) A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a Council or a Committee of a Council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the Council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.

SHIRE OF WALGETT – AGENDA

- (4) In this clause, **tape recorder** includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used to record or not.

76. Council Seal

76. (1) The Seal of a Council must be kept by the Mayor or the General Manager, as the Council determines.
- (2) The Seal of a Council may be affixed to a document only in the presence of:
- (a) the Mayor and the General Manager; or
 - (b) at least one (1) Councillor (other than the Mayor) and the General Manager; or
 - (c) the Mayor and at least one (1) other Councillor; or
 - (d) at least 2 Councillors other than the Mayor.
- (3) The affixing of a Council Seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in subclause 2) attest by their signatures that the seal was affixed in their presence.
- (4) The Seal of a Council must not be affixed to a document unless the document relates to the business of the Council and the Council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- (5) For the purpose of subclause (4), a document in the nature of a reference or certificate of service for an employee of the Council does not relate to the business of the Council.R400 (1)-(5)

77. Certain Circumstances do not Invalidate Council Decisions

77. Proceedings at a meeting of the Council or a Council Committee are not invalidated because of:

- (a) a vacancy in a civic office; or
- (b) a failure to give notice of the Meeting to any Councillor or a Committee Member;
or
- (c) any defect in the election or appointment of a Councillor or a Committee Member;
or
- (d) a failure of a Councillor or a Committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a Council or Committee meeting in accordance with Section 451, or
- (e) a failure to comply with this Code.

S374

(a)-(e)

SHIRE OF WALGETT – AGENDA

78. Amendment of Code

78. (1) This Code may be amended only in accordance with the provisions of Chapter 12 Part 2 Division 1 of the Act. S363
- (2) In the event of any legislative change, the code is to be revised to incorporate those changes without further public exhibition.

NOTE: The date of amendments or revision are shown on the foot of the cover and on the footer of each page.

ADOPTED STANDING ORDERS – ATTACHMENT ‘A’

Clause 16 (1)

AGENDA

- 1. Opening of Meeting**
- 2. Attendance/Apologies**
- 3. Public Forum Presentations**
- 4. Welcome to Visitors**
- 5. Disclosure of Interests**
- 6. Confirmation of Minutes**
- 7. Reserve Trust Management Report(s)**
- 8. Mayoral Minutes**
- 9. Notices of Motion**
- 10. Council Officer Reports**
- 11. Committee Minutes**
- 12. Representative Reports**
- 13. Closed Council Meeting Reports – Confidential Matters**
- 14. Close of Meeting**

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 3

Subject: Untaken Sick Leave Policy

Author: General Manager - Stephen McLean

File No: 022/12/02/89

Summary:

Council has a current policy relating to an employees untaken sick leave on termination. This report recommends that the policy be discontinued for employees whose service begins with Council on or after 1 October 2007.

Comments (including issues and background):

The untaken sick leave on termination policy, as reproduced below, was adopted by Council at its meeting on 24 November 1997.

11. Untaken Sick Leave on Termination

- a. *That after completion of 3 years continuous service with Council, provided the employee has sufficient untaken sick leave to their credit they be paid one weeks untaken sick leave for each year of service up to a maximum of 5 weeks for 5 years or more service.*
- b. *That 1 above to be varied where there may be special circumstances advantageous to Council.*

The provision of sick leave is covered by *Clause 19 LEAVE PROVISIONS, A. SICK LEAVE, and Clause 38 SAVINGS AND TRANSITIONAL Part (v), of the Local Government State Award (2004)*. As such it is being recommended that the policy is removed for all new employees.

Existing staff may have an expectation that this entitlement will be granted upon their termination, therefore it is felt that it is most appropriate to retain the allowance under this policy for all current Council employees as a condition of employment.

It should be noted that this policy may be seen by longer term employees as an incentive to reduce sick leave taken to a minimum in order to profit at the end of the employment term. Although this may be seen as a retention method it may also discourage staff who are ill from using the sick leave to which they are entitled and continue to work.

SHIRE OF WALGETT – AGENDA

Relevant Reference Documents:

Local Government State Award (2004)

Stakeholders:

Walgett Shire Council staff

Financial Implications:

Nil

Recommendations:

1. That Council discontinue its policy – Untaken Sick Leave on Termination.
2. That all staff whose employment commences after 1 October 2007 sick leave entitlements are as set by the award conditions relevant at that time.
3. That Council adopt as a condition of employment the following entitlement for all permanent staff who are current employees as at 30 September 2007; That after completion of 3 years continuous service with Council, provided the employee has sufficient untaken sick leave to their credit they be paid one weeks untaken sick leave for each year of service up to a maximum of 5 weeks for 5 years or more service.

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 4

Subject: Drug and Alcohol Policy

Author: General Manager - Stephen McLean

File No: 145/04/07/00

Summary:

At a meeting held in July by the consultative committee, a Drug and alcohol policy was considered for presentation to Council.

Comments (including issues and background):

The consultative committee carried the following recommendation:

RECOMMENDATION:

It was recommended that the Consultative Committee request Management to plan a draft implementation and education procedure for the Drug and Alcohol Policy and submit the plan to the Consultative Committee for considering.

It was recommended that the Consultative Committee endorse the following amendments to the Drugs & Alcohol Policy:

Page 6

Testing Procedures:-

Add "Coordinator Human Resources" – Sentence should read

"Results are to be recorded and will be maintained confidential between the Employee, Manager, General Manager and Coordinator Human Resources."

Remove "Random Testing" – Sentence should read

"Testing will be undertaken if an employee;"

The Consultative Committee could not come to consensus on what should be recommended as a tolerance level for blood alcohol content and have requested management to decide. Several discussions have been held by management on this subject and it is being recommended that a maximum 0.02% blood alcohol content tolerance is appropriate.

The Consultative Committee requested that an implementation and education procedure be drafted by management and presented for consideration. However, it would be premature to prepare such a procedure until a Drug and Alcohol policy has been adopted by Council.

SHIRE OF WALGETT – AGENDA

In order to utilise the policy that is presented, all staff must be made aware of its contents and the implications of breaching its requirements. In order to allow this to occur the policy must not be enforced until such education sessions are arranged and all staff have read and understood the policy requirements.

Relevant Reference Documents:

Local Government State Award (2004)

Walgett Shire Council Drug and Alcohol Policy – presented separately

Stakeholders:

Walgett Shire Council and staff

Financial Implications:

Nil

Recommendations:

That Council:

- 1. Adopt a blood alcohol content of 0.02% as acceptable in the workplace.**
- 2. Adopt the Drug and Alcohol Policy as presented, which include the changes requested by the Consultative Committee.**
- 3. Arrange education sessions for all staff regarding the policy and its requirements.**
- 4. That the policy becomes effective as of 1 December 2007, in order for such training to be provided.**

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 5

Subject: Higher Duties Policy

Author: General Manager - Stephen McLean

File No: 145/01/02/00

Summary:

At a meeting held in July by the consultative committee, a higher duties policy was considered for presentation to Council.

Comments (including issues and background):

The draft policy sets out how a staff member is remunerated for carrying out relief duties in a position that is higher in Council's salary structure. It does not deal with the selection or appointment of staff to a relief position.

The resolution of the Consultative Committee is reproduced below:

RECOMMENDATION:

It was recommended that the Consultative Committee recommend management adopt the proposed Higher Duties Policy with the following amendments:-

Page 1

Application – add paragraph

“Manager’s may establish standing approvals as they deem necessary for the smooth function of their Department”.

Page 1

Remuneration – add “and in consultation with the Coordinator Human Resources”

Paragraph should read-

“The rate of pay shall be at least the entry level in Council's salary system for the position being relieved in. Subject to the relevant Manager's prior approval and in consultation with the Coordinator Human Resources, a higher Grade/Step may be paid in recognition of the individual's skills required to be applied.”

Page 1

Remuneration – add “or an Award Holiday”

Paragraph should read-

“The remuneration shall be for the actual hours worked. Overtime and other allowances shall be paid as relevant. Employees should not be paid Higher Duties when on Leave or an Award Holiday.”

SHIRE OF WALGETT – AGENDA

Relevant Reference Documents:

Higher Duties Policy

Stakeholders:

Walgett Shire Council staff

Financial Implications:

The policy does not have any financial implications, it sets out how staff are paid for relieving in a position under Councils adopted structure and salary system.

Recommendations:

That Council adopt the policy entitled Higher Duties Policy and that it be reviewed in June 2009.

GENERAL MANAGER'S REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 6

Subject: Youth Off The Streets – proposed MOU

Author: General Manager – Stephen McLean

File No: 230/01/00/00

Summary:

Youth Off The Streets have requested that Council enter into a Memorandum of Understanding (MOU) in relation to the operations currently being undertaken in Walgett. This report provides an update on the MOU.

Comments (including issues and background):

Youth Off The Streets has been in contact and in discussions with Walgett Shire Council as to the content of an MOU that is suitable to the needs of both organisations. The MOU initially provided is currently the subject of substantial review by the Youth Off The Streets organisation and Council is expecting advice to be received from its Chief Operating Officer.

The review has occurred due to changes in the proposed location of delivery of services locally and experience gained by both organisations once programs had commenced in Walgett.

Council staff are very supportive of the programs being delivered by Youth Off The Streets and continue to support the organisation and its objectives.

It is still expected that any MOU will not commit Council to any direct additional costs and merely sets out the roles and responsibilities of the two organisations.

Upon receipt of a new agreement, acceptable to both bodies and reviewed for operational requirements it will be presented to Council for endorsement.

Relevant Reference Documents:

Nil

Stakeholders:

Walgett Shire Council
Youth Off The Streets

Financial Implications:

Nil

Recommendation:

That Council note the ongoing discussion between Walgett Shire Council management and Youth Off The Streets to finalise a Memorandum Of Understanding acceptable to the needs of both organisations.

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007

Item No: 7

Subject: Sister City – Rural Metropolitan Relationship – Walgett Shire Council – Gosford City Council

Author: Emma Darcy – Manager Corporate Services

File No: 008/04/03/00

Summary:

This report advises Council of a recent visit to Gosford City Council by the Manager of Corporate Services.

Comments (including issues and background):

Emma Darcy, Manager of Corporate Services, visited Gosford City Council on Wednesday 29th August 2007. Various meetings were held during the day with certain staff members of Gosford City Council discussing various operational and governance issues and ways which Council could access staff at Gosford City Council. The following provides a summary of the meetings held throughout the day:

A meeting was held with Director of Community Services and Organisational Development, Manager Organisation Development and Aboriginal Programs Officer. The following was discussed:

- Managing exiting staff and flexible work arrangements
- Work Choices and constitutional corporations
- Succession Plans
- Training Plans
- Leadership Plans
- Apprenticeships
- On going staff exchanges
- Phone List Exchange
- Effective Staff Retention and Recruitment
- In House training

A further meeting was held with the Records Supervisor where ideas on records management were discussed. Gosford City Council provides formal training to all new staff in records management. Document handling and the impact on electronic record keeping was also discussed.

SHIRE OF WALGETT – AGENDA

The Erina Youth Centre was visited where a meeting was held with the Youth Centre – Coordinator. This centre labelled as a *Chill Out Centre* rather than a *Drop In Centre* was a new and trendy centre that offered activities varying from guitar lessons, deportment lessons, dance parties, graffiti programs and many other programs. It is important to offer programs that are popular with the Youth to ensure that the programs are successful. Funding options and community development through parents was discussed at length as well as the need to attract role models in the community to the centre. The centre has proven to be an effective mode of reducing crime within the shopping centre and has a waiting list for some activities. The ability to access some activities is very restricted in the Walgett Shire and these restrictions were discussed so that alternative programs could be implemented.

Finally, a meeting with the Grants Officer was held to discuss grant opportunities and the possibility of accessing some ideas from Gosford for potential grants.

The ongoing ability to resource share and the possibility of staff exchanges was discussed at length and the willingness of the staff at Gosford City Council to assist where possible was very evident.

Relevant Reference Documents:

Nil

Stakeholders:

Walgett Shire Council
Gosford City Council

Financial Implications:

Nil

Recommendations:

That Council receive and note the report on Sister City – Rural Metropolitan Relationship – Walgett Shire Council – Gosford City Council.

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007

Item No: 8

Subject: Rowena Progress Association request for financial assistance

Author: Emma Darcy – Manager Corporate Services

File No: 180/08/00/00

Summary:

Rowena Progress Association has requested financial assistance to assist with covering costs with their annual fundraising events. This report recommends that Council contribute \$1,000 from Members & Civic - Section 356 Donation towards these events.

Comments (including issues and background):

Rowena Precinct Committee have formally requested financial assistance from Council to assist with the costs associated with the Health & Environment Awareness Day to be held on 13th October 2007 at Narrabri High School Hall and for a dinner/dance to be held in March 2008. These events form part of the associations annual fund raising.

Rowena Progress Association seek to raise \$12,000 per annum to cover the costs of employing a part time teacher at the local school, excursions, maintenance of the local pool and other running costs.

Relevant Reference Documents:

Letter dated 30th August 2007 from Rowena Progress Association
Local Government Act 1993

Stakeholders:

Walgett Shire Council
Rowena Progress Association
Rowena Public School

Financial Implications:

That \$1,000 to be paid from Members & Civic – Section 356 Donations. Total committed to date is \$13,595.

Recommendations:

That Council pay \$1,000 from Members & Civic - Section 356 Donation to Rowena Progress Association to assist with the costs associated with their annual fund raising activities.

ROWENA PROGRESS ASSOCIATION

SHAW STREET ROWENA NSW 2387
PH: 0267 965159 FAX: 0267965352

30th August 2007

General Manager
Walgett Shire Council
PO BOX 31
WALGETT NSW 2832

Dear Sir

After speaking to your office I am writing to formally request assistance from Walgett Shire Council to help the Rowena Progress Association fund there annual fundraising events for 2007/2008. We have to raise around \$12,000.00 a year to help cover the costs of a part -time teacher at the school, excursions, maintenance of the pool and other running costs.

Rowena Public School currently has 26 students and as you are aware the district is unfortunately still in drought and obtaining sponsorship for our fund raising efforts is getting more difficult as all business are affected and the farming communities.

We have two events organized a Health Awareness Day in Narrabri on the 13th October, with Cyndi O'Meara from the Sunshine Coast and a Biological Farming Consultant among others who will be speaking and educating us on better lifestyle choices. Cyndi O'Meara is a lively and inspiring health expert, the author of two best-selling books and in high demand nationally and internationally as a keynote speaker. We have also organized a dinner/dance with Sam Baily as our guest speaker in March 2008. Sam is the author of "Head Over Heels" and is a very inspirational speaker, whom in these times we could all learn from.

We are looking for sponsorship to cover the costs of the guest speakers and costs associated with running these events.

Should Walgett Shire Council choose to assist us we will be advertising all sponsors over the air and on any flyers, newsletters etc.

**Walgett Shire
Council**
REC'D

Thank you very much for your time and assistance.

06 SEP 2007

Yours truly,



ANNA SEVIL
TREASURER ROWENA PROGRESS ASSOCIATION

FILE: 180/08/00/00

LETTER No: 7544

REFER: ELD

COPY:

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007

Item No: 9

Subject: Sale of Land for Unpaid Rates- Rescission Motion.

Author: Renee Reynolds-Customer Service Officer-Finance

File No: 025/05/01/77

Summary:

This report recommends that a rescission motion be adopted with regard to the Auction Sale of Land for Unpaid Rates set for November 2007.

Comments (including issues and background):

At its 19th June 2007 Closed meeting Council resolved the following:

<p>RESOLUTION:</p>

<p><i>It was resolved on the Motion of the Administrator:-</i></p>
--

- | |
|---|
| <ol style="list-style-type: none"><i>1. That the land detailed be submitted for sale at public auction.</i><i>2. That authorisation is given to carry out searches pertaining property information and persons having an interest in the property.</i><i>3. That each person ascertained as having an interest in the property as nominated in the special searches be notified of Council's intention to sell the land under Section 713 of the Local Government Act, 1993.</i><i>4. That the proposed sale of land be advertised in the Government Gazette not more than 6 months and not less than 3 months before the date of sale; and that the sale be advertised in at least 1 local newspaper.</i><i>5. That the auction sale be conducted by a licensed auctioneer and should any lots be unsold following the sale that they be listed for sale by private treaty.</i><i>6. Council authorises the execution of contracts and transfer documents under its Common Seal following the sale and receipt of purchase money.</i> |
|---|

Carried.

SHIRE OF WALGETT – AGENDA

It is not in Council's best financial interest to hold a public auction with only three (3) properties available for auction. It is proposed to postpone the auction of the three properties until 2008 when further properties may be auctioned.

Relevant Reference Documents:

- Closed Council Report 19th June 2007- Item No 1 File 025/05/01/77
- Closed Council Minutes 19th June 2007.

Stakeholders:

- Walgett Shire Council
- Assessments 497, 5352, 913

Financial Implications:

NIL

Recommendations:

That Resolution 169/07 – Auction Sale of Land for Overdue Rates and Charges (As reprinted below) resolved at the Council Meeting held on 19 June 2007 be rescinded.

It was resolved on the Motion of the Administrator:-

- 1. That the land detailed be submitted for sale at public auction.**
- 2. That authorisation is given to carry out searches pertaining property information and persons having an interest in the property.**
- 3. That each person ascertained as having an interest in the property as nominated in the special searches be notified of Council's intention to sell the land under Section 713 of the Local Government Act, 1993.**
- 4. That the proposed sale of land be advertised in the Government Gazette not more than 6 months and not less than 3 months before the date of sale; and that the sale be advertised in at least 1 local newspaper.**
- 5. That the auction sale be conducted by a licensed auctioneer and should any lots be unsold following the sale that they be listed for sale by private treaty.**
- 6. Council authorises the execution of contracts and transfer documents under its Common Seal following the sale and receipt of purchase money.**

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007

Item No: 10

Subject: Grange Securities Investment Update

Author: Emma Darcy – Manager Corporate Services

File No: 180/02/01/00

Summary:

Council has \$2 million invested with Grange Securities. During the recent global market volatility seen in the stock market, the overall market value of these investments has declined.

Comments (including issues and background):

It was resolved at the Council meeting held on 21 November 2006:

313/06 – Investment Options – Grange Securities

RESOLUTION:

It was resolved on the Motion of the Administrator that:

1. *That Council invest \$2,000,000 with Grange Securities for a period of no more than twelve (12) months and review this investment at the end of the investment period.*
2. *That Council provide Grange Securities a copy of its Investment Policy.*

Carried.

Council's investment of \$2 million is managed by Grange in a managed portfolio. This portfolio was established to cater for Walgett Shire Council's investment policy, Section 625 of the Local Government Act (1993), The Ministerial Investment Order, Clause 212 of the Local Government (General) Regulations 2005 and the third party investment requirements of DLG Circular 06-07.

The current global financial markets underwent upheaval both in Australia and overseas in June - July 2007. The situation in the US sub prime mortgage market and the related lack of liquidity in the global fixed income/credit markets affected all global markets. The current information suggests that the current situation is expected to return to normal by the end of the year. *Any losses will only be realised if the individual securities are actually sold.*

SHIRE OF WALGETT – AGENDA

The Executive Summary August 2007 supplied by Grange shows a return of 2.55 for the month ending 31 August . This follows a negative return of 8.87% for the month ending 31 July.

Relevant Reference Documents:

Grange Securities Credit Market Update 7/7/07
Grange Securities Walgett Shire Council Investment Portfolio 31/7/07
Grange Securities Walgett Shire Council Executive Summary August 2007 (attached)
Walgett Shire Council Investment Policy

Stakeholders:

Walgett Shire Council
Grange Securities

Financial Implications:

This recommendation does not impact on Council's financial position.

Recommendations:

That Council receive and note the Grange Securities Investment Update.

Walgett Shire Council Portfolio Executive Summary August 2007

Benchmark: UBS Warburg 90 Day Bank Bill Index
Return Objective: Benchmark after fees, rolling 12 months
Portfolio Balance: \$1,894,670.61
Client Adviser: Stewart Calderwood

Portfolio Performance

	Month	Quarter	Since Inception
Return	2.55%	-6.04%	-4.41%
Benchmark Index (UBS Warburg 90 Day Bank Bill Index)	0.53%	1.58%	3.14%
Excess Performance	+2.02%	-7.62%	-7.55%

Investment Objective

Grange aims to provide Walgett Shire Council with a regular source of income above the rates available in the short-term money market by investing in interest bearing securities.

The portfolio's return objective is to outperform the UBS Warburg 90 Day Bank Bill Index consistently, over rolling twelve month periods.

All securities included in portfolios are authorised investments as per NSW Local Government requirements.

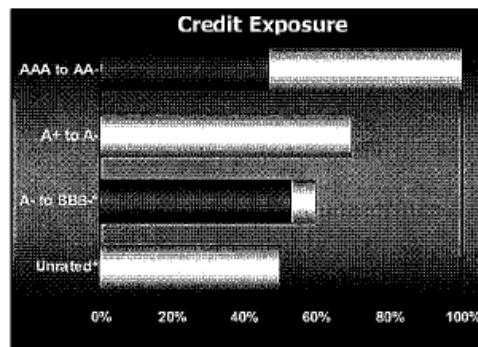
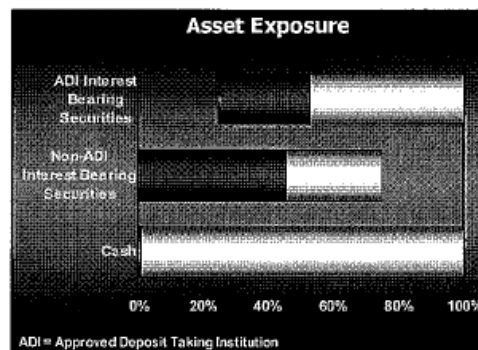
Potential Investments

- | | |
|--|----------------------|
| ▪ Bonds & Debentures | <u>Issued by:</u> |
| ▪ Term & Cash Deposits | ▪ Government |
| ▪ Bank Bills | ▪ Corporates |
| ▪ Negotiable Certificates of Deposit | ▪ Banks |
| ▪ Transferable Certificates of Deposit | ▪ Building Societies |
| ▪ Floating Rate Notes | ▪ Credit Unions |
| ▪ Other approved securities | |

Top 5 Securities

Issuer	Type	(%)
Elders (BBB-)	ADI FRN	26.50
Adelaide Bank (BBB+)	ADI FRN	26.40
Coolangatta (AA)	CDO FRN	22.00
Parkes (AA-)	CDO FRN	12.10
Scarborough (AA)	CDO FRN	9.60
Total		96.60

Portfolio Exposure



*ADI Only

- Maximum Exposure to a Single Issuer: 20% of Market or Face Value

Compliance Checklist:

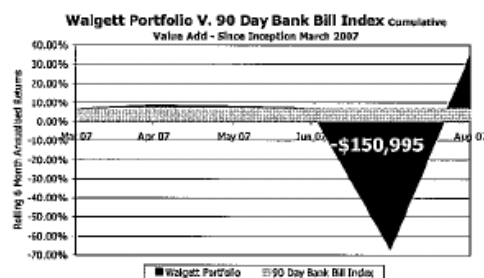
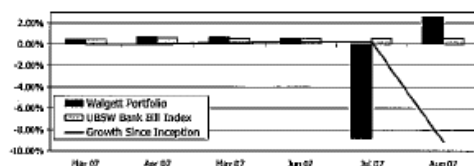
- ☒ third party investment requirements of DLG Circular 06-70
- ☒ Ministerial Investment Order

Historical Investment Performance (Advised)

- ☒ Section 625 of the Local Government Act 1993 (as amended)
- ☒ Clause 212 of the Local Government (General) Regulations 2005

Month Ending	Portfolio Balance	Return (p.a.)	Return (period)	12 Mth Return
31-Mar-07	\$1,004,467	n/a	0.45%	n/a
30-Apr-07	\$1,011,025	8.24%	0.65%	n/a
31-May-07	\$1,017,289	7.54%	0.62%	n/a
30-Jun-07	\$2,027,280	6.77%	0.54%	n/a
31-Jul-07	\$1,847,560	-66.50%	-8.87%	n/a
31-Aug-07	\$1,894,670	34.51%	2.55%	n/a

Monthly Returns



Credit Markets Update

Global Credit markets have regained a degree of relative stability in the last couple of weeks; albeit at spread levels still significantly wider than where we were prior to July this year. The stability is relative as well, to the extent that what is now considered "stable" in August would have been considered highly volatile as recently as June. Nonetheless, even relative global stability is welcome for the markets and stability is generally a necessary pre-cursor to any sustained rebound.

The negative news flows did not completely stop during the last two weeks, but the markets started to become familiar with the news. The negative news stories tended to focus on global issues such as liquidity constraints in even the most secure credit

markets such as Commercial Paper, and Mark-to-Market losses at various fixed income funds. These stories confirmed that the current global market problems stem from the US sub-prime market and the related lack of liquidity in the global fixed income/credit markets.

The current period of relative stability allows the markets to re-focus on the fundamentals in global corporate credit markets, which are indeed strong, as has been mentioned in previous updates. The recent spate of corporate earnings have, as a whole, been as strong as expected and confirmed the positive outlook. Indeed, the strong recovery seen in global stock markets over the last two weeks is a reflection of solid fundamentals and earnings in the corporate sector.

Economic Commentary

Australian and US government bond yields fell further in August as investors sought relative safe-havens amid the technical liquidity problems facing global credit markets. By the second week of August the difficulties in credit markets fostered widespread moves away from risk trades in major international share markets and in foreign exchange markets. While the US Federal Reserve had left its cash rate unchanged at 5.25% at its policy meeting early in August and indicated little intention to shift policy stance, the rapid loss of liquidity in all financial markets in mid-August caused the Fed to take emergency measures on 17th August to try and unfreeze credit markets in particular. The Fed announced a cut in its discount rate, a rate that had been left at 100 basis points above the cash rate since the early 1990s, by 50 basis points to 5.5%. The Fed also announced extended terms for institutions accessing the discount window. The move brought some stability to financial markets and together with moves adding liquidity by several other major central banks including the Bank of Japan, the European Central Bank, the Bank of England and the Reserve Bank of Australia provided a message that central banks stood ready to add liquidity as needed to unblock the log-jam in credit markets. The Reserve Bank of Australia had earlier lifted its cash rate by 25 basis points to 6.50% as widely expected after the higher than expected Q2 inflation readings released in late July. The liquidity operations by the Reserve Bank were aimed at ensuring that the daily scramble for cash by the banks did not lead to the cash rate trading above the officially set 6.5%. During August the US 10-year bond yield fell to 4.53% from 4.74% at the end of July. The Australian 10 year bond yield



fell to 5.92% from 6.03% at the end of July. The Australian 3 year bond yield ended August at 6.21%, down from 6.40% at the end of July. The relative changes of the local 3 year bond yield and the 10 year bond yield pushed the bond curve less inverted in shape helped by the fading likelihood of any further Australian cash rate increases.

Looking ahead, the actions by central banks adding liquidity with the promise of more to come if the markets need support should help promote a slow return to more liquid and normal trading conditions in markets. The additional liquidity should allow credit markets to function while they cope with more news providing clarity on where various risks ultimately reside in the market. Another factor that should help the recovery of credit markets that global economic growth remains strong. As a result, the large majority of companies around the globe have very strong balance sheets and are still generating very good growth in earnings. Government bond yields could fall a little further in the near-term, with the US Federal Reserve now likely to cut its cash rate at least twice before the end of 2007 and with those central banks that were previously likely to raise their cash rates mostly postponing further rate increases.

For further information contact Stewart Calderwood (02) 8259 4800.

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Sydney Level 33, 264 George St Sydney NSW 2000 GPO Box 83 Sydney NSW 2001 Tel: 02 8259 4800 Fax: 02 8259 4811	Melbourne Level 25, 333 Collins St Melbourne VIC 3000 PO Box 247 Collins St West Melbourne VIC 8007 Tel: 03 8613 8000 Fax: 03 8613 8001	Brisbane Level 38, 123 Eagle St Brisbane QLD 4000 GPO Box 1893 Brisbane QLD 4001 Tel: 07 3229 5177 Fax: 07 3229 4738	Perth Level 17, 37 St Georges Tce Perth WA 6000 GPO Box 2521 Perth WA 6001 Tel: 08 9220 5600 Fax: 08 9220 5611	Grange Securities Limited ABN 12 066 797 760 Market Participant of the Australian Stock Exchange Ltd AFS Licence 246572 www.grangesecurities.com.au
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**MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING
18 SEPTEMBER 2007**
Item No: 11

Subject: Report on Rates and Charges – 31 August 2007

Author: Kristy Maher – Acting Rates Clerk

File No: 180/09/00/00

GENERAL MANAGER'S REPORT
REPORT ON RATES AND CHARGES - 31 August 2007

	Aug-07	Aug-06
Arrears as at 30 June	1,454,181.05	1,618,773.48
Legal Fees as at 30 June	71065.75	0.00
Adjusted Levy	6,322,249.29	6,157,201.80
Interest	15,448.73	15,004.47
Payments	-2,325,414.57	-1,982,543.95
Adjustments	-194,036.42	-26,302.89
Discount	-51,575.83	-53,074.62
Section 356 Rebates (prior year)	-1,263.19	
	<hr/>	<hr/>
Total Outstanding	\$ 5,290,654.81	5,729,058.29

COMPARISON WITH 2006/2007

	Aug-07	Aug-06
Current	4,246,290.43	4,261,457.44
Arrears	739,758.28	1,109,665.89
Interest b/f from previous years	227,160.85	290,766.90
Current year interest	15,284.68	16,191.00
Legals	62,160.57	50,977.06
	<hr/>	<hr/>
Total Outstanding	\$ 5,290,654.81	5,729,058.29

Total YTD Collected

	Aug-07	Aug-06
Collected YTD % of Arrears and Levy	33%	27%
Collected YTD % of Levy	41%	33%

Recommendation:
That the Report on Rates as at 31 August 2007 be received.

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007

Item No: 12

Subject: Investments – Maximum allowed

Author: Amy Taylor – Customer Service Officer Finance

File No: 315/01/02/21

Summary:

This report seeks Councils approval to place investments with any one institution over the maximum allowed amount of \$1,000,000.

Comments (including issues and background):

The current Investment Policy which was adopted on 19th June 2007, states:

'The maximum value allowed to be invested with any one institution is \$1,000,000 unless approved by Council'.

Due to the Strategic Regional Program Grant of \$5,600,000 received from the Department of Transport on 27th June 2007, Council now has a surplus of funds in the general bank account.

As outlined in the Investment Policy Council must ensure that the *'Preservation of capital is maintained'* and also that *'Council maximises the return on surplus funds, taking into consideration the levels of risk'*.

To ensure that Councils Investment Policy is adhered to, this report recommends that Council approve the following amounts be invested in fixed Term Deposits as described below:

- Newcastle Permanent Building Society – Three new investments of \$500,000 at a rate of 7.26%, to bring the total invested amount with this one institution to \$1,500,000.
- Westpac – Two new investments of \$500,000 at a rate of 7.06%, to bring the total invested amount with this one institution to \$1,000,000.
- National Australia Bank – One new investment of \$500,000 at a rate of 6.85%, to bring the total amount invested with this one institution to \$1,300,000.
- Suncorp - Two new investments of \$500,000 at a rate of 7.15%, to bring the total amount invested with this one institution to \$1,500,000.
- Bank of Queensland - One new investment of \$500,000 at a rate of 7.20%, to bring the total amount invested with this one institution to \$1,250,000.

SHIRE OF WALGETT – AGENDA

- LGFS - Two new investments of \$500,000 at a rate of 7.15%, to bring the total amount invested with this one institution to \$1,500,000.
- IMB - One new investment of \$500,000 at a rate of 7.23%, to bring the total amount invested with this one institution to \$1,300,000.

Prior to the review of the Investment Policy in June 2007, Council had amounts invested that were greater than \$1,000,000 with any one institution as follows:

Bankwest – Four Investments totalling \$1,400,000

Citibank – Three Investments totalling \$1,300,000

Councils fixed term deposits are invested in amounts of \$500,000 and \$300,000 with any one institution to ensure that investments reach their maturity on a regular basis to allow ongoing access to cash for operational needs as they may arise.

Relevant Reference Documents:

Walgett Shire Council Investment Policy
Walgett Shire Council Investment Register

Stakeholders:

Walgett Shire Council
Citibank
Bankwest
IMB
LGFS
Bank of Qld
Suncorp
National Australia Bank
Westpac
Newcastle Permanent Building Society

Financial Implications:

Council will receive ongoing Investment returns between a rate of 6.85% and 7.26%.

Recommendations:

That Council approve that the following Financial Institutions have a total invested amount greater than \$1,000,000 until the 30th June 2008:

- **Citibank - Total invested amount of \$1,300,000.**
- **Bankwest - Total invested amount of \$1,400,000.**
- **IMB - Total invested amount of \$1,300,000.**
- **LGFS - Total invested amount of \$1,500,000.**
- **Bank of Qld - Total invested amount of \$1,250,000.**
- **Suncorp - Total invested amount of \$1,500,000.**
- **National Australia Bank - Total invested amount of \$1,300,000.**
- **Westpac - Total invested amount of \$1,000,000.**
- **Newcastle Permanent Building Society - Total invested amount of \$1,500,000.**

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007

Item No: 13

Subject: Investment Report as at 31 August 2007

Author: Amy Taylor – Customer Service Officer Finance

File No: 180/02/01/00

Summary:

This report summarises the investments of Walgett Shire Council for the month of August 2007.

Comments (including issues and background):

The Investment summary as at 31 August 2007 is as follows:

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>Maturity Date</u>	
National	Term Deposit	90	6.21	439/07	04-Sep-07	\$ 300,000.00
National	Term Deposit	202	6.19	440/07	11-Sep-07	\$ 500,000.00
Citibank	Term Deposit	209	6.37	441/07	18-Sep-07	\$ 500,000.00
IMB Ltd	Term Deposit	182	6.75	442/07	16-Oct-07	\$ 300,000.00
Local Govt Financial Services	Term Deposit	181	6.47	443/07	30-Oct-07	\$ 500,000.00
Bank of Qld	Term Deposit	182	6.55	444/07	13-Nov-07	\$ 500,000.00
Savings & Loans Credit Union	Term Deposit	126	6.54	445/07	25-Sep-07	\$ 250,000.00
Bankwest	Term Deposit	134	6.49	446/07	10-Oct-07	\$ 300,000.00
Bank of Qld	Term Deposit	168	6.50	447/07	20-Nov-07	\$ 250,000.00
Bankwest	Term Deposit	172	6.68	448/07	27-Nov-07	\$ 300,000.00
CBA	Term Deposit	91	7.50	449/07	17-Sep-07	\$ 500,000.00
Royal Bank Canada	Term Deposit	91	7.70	450/07	17-Sep-07	\$ 500,000.00
Citibank	Term Deposit	168	6.60	451/07	04-Dec-07	\$ 500,000.00
Citibank	Term Deposit	168	6.60	452/07	11-Dec-07	\$ 300,000.00
Savings & Loans Credit Union (FIIG Securities)	Term Deposit	168	6.70	453/08	18-Dec-07	\$ 500,000.00
IMB Ltd	Term Deposit	182	6.68	454/08	08-Jan-08	\$ 500,000.00
ACCU (FIIG Securities)	Term Deposit	182	6.76	455/08	15-Jan-08	\$ 500,000.00
Bankwest	Term Deposit	182	6.65	456/08	22-Jan-08	\$ 500,000.00
Comminvest (FIIG Securities)	Term Deposit	168	6.65	457/08	29-Jan-08	\$ 500,000.00
Bankwest	Term Deposit	168	6.91	458/08	05-Feb-08	\$ 300,000.00
Suncorp	Term Deposit	168	6.88	459/07	12-Feb-08	\$ 500,000.00

SHIRE OF WALGETT – AGENDA

Grange Securities - Zircon Finance Limited	Term Deposit	92	7.71	20-Sep-07	\$ 500,000.00
Grange Securities - Elders Rural Bank	Term Deposit	92	6.95	06-Sep-07	\$ 500,000.00
Grange Securities - Adelaide Bank	Term Deposit	92	6.78	28-Sep-07	\$ 500,000.00
Grange Securities - MAS6-7	Term Deposit	92	8.41	20-Sep-07	\$ 250,000.00
Grange Securities - Helium	Term Deposit	92	7.71	24-Sep-07	\$ 200,000.00
Grange Securities - Magnolia	Term Deposit	92	7.51	09-Oct-07	\$ 50,000.00
					\$ <u>10,800,000.00</u>

Recommendation:

1. That the Investment Report as at 31 August 2007 be received.

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007

Item No: 14

Subject: Monthly Management Report to 31st August 2007

Author: Emma Darcy – Manager Corporate Services

File No: 180/08/00/00

Summary:

This report is prepared to report on the operational performance against adopted estimates for the period ending 31st August 2007.

Comments (including issues and background):

The report analyses the financial performance of Council for the period ending 31st August 2007 comparing actual expenditure and revenue against the budget. The Council's position at this time is within budgetary expectations with a surplus of \$9,965,667 compared to a budgeted \$9,683,749.

General Budgetary Position

This review analyses the financial performance of the Council for the period ending 31st August 2007, comparing actual expenditure and revenue against the budget. Council's budgetary position for the period ending August 2007 is financially sound. The Budgeted surplus was \$9,683,749 and at the end of August 2007 the surplus based on actual's was \$9,965,667.

SHIRE OF WALGETT – AGENDA

The results for the period are summarised as follows:

	Original Budget	Actuals	% of Budget
<u>Corporate Services</u>			
Income			
River Towns	10,000	-	0.00%
Corporate Services	2,000	-	0.00%
Human Resources	9,500	14,047	147.86%
Tourism	17,000	2,616	15.39%
Agencies	55,000	8,011	14.57%
Economic Development	70,000	-	0.00%
Finance	48,000	18,065	37.64%
Rates General	3,866,453	3,844,801	99.44%
Untied Grants	2,390,219	606,614	25.38%
Capital utilisation	407,465	127,807	31.37%
Revenue	10,920	6,020	55.13%
Total Income	6,886,557	4,627,981	67.20%
Expenditure			
Members & Civic	526,286	156,598	29.76%
Executive	309,137	69,322	22.42%
River Towns	15,460	2,198	14.22%
Corporate Services	624,733	64,546	10.33%
Human Resources	450,738	48,208	10.70%
Tourism	331,556	137,215	41.39%
Executive Services	247,868	61,259	24.71%
Agencies	163,000	29,602	18.16%
Economic Development	206,553	-	0.00%
Risk Management	350,725	349,653	99.69%
Finance	272,821	51,417	18.85%
Capital Utilisation	7,289	45	0.62%
Information technology	339,428	32,466	9.56%
Creditors	48,863	10,031	20.53%
Revenue	283,551	124,571	43.93%
Payroll	53,238	10,029	18.84%
Indirect Labour Costs		- 113,909	
Total Expenditure	4,231,246	1,033,251	24.42%
Operating Result	2,655,311	3,594,730	135.38%
<u>Community Services</u>			
Income			
Community Services	44,190	9,571	21.66%
Youth Services	41,085	11,947	29.08%
Vacation Care	16,320	4,794	29.38%
Family Day Care	106,852	13,304	12.45%
Library Services	44,500	197	0.44%
Total Income	252,947	39,813	15.74%

SHIRE OF WALGETT – AGENDA

Expenditure

Community Services	239,957	34,184	14.25%
Youth Services	125,980	41,101	32.63%
Vacation Care	16,854	10,489	62.23%
After School Care	69,495	17,366	24.99%
Family Day Care	115,952	16,239	14.00%
Library Services	225,980	11,625	5.14%
Total Expenditure	794,218	131,004	16.49%
Operating Result	- 541,271	- 91,191	16.85%

Planning & Regulation

Income

Planning/Building	120,950	11,042	9.13%
Environmental Health	2,100	73	3.48%
Animal Control/Regulatory	3,200	592	18.50%
Total Income	126,250	11,707	9.27%

Expenditure

Pesticide Pit Remediation	10,000	-	0.00%
Environmental Health	4,700	366	7.79%
Noxious Plants	75,000	75,411	100.55%
Animal Control/Regulatory	128,526	12,834	9.99%
Manager Planning & Regulation	692,630	87,243	12.60%
Total Expenditure	910,856	175,854	19.31%
Operating Result	- 784,606	- 164,147	

Emergency Services

Income

Fire Services	61,157	-	0.00%
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Expenditure

Fire Services	142,618	24,635	17.27%
SES	65,400	3,141	4.80%
Total Expenditure	208,018	27,776	13.35%
Operating Result	- 146,861	- 27,776	

Engineering Administration

Income

Manager Engineering	73,000	4,787	6.56%
Public Halls	34,936	3,154	9.03%
Plant Operations	1,945,121	422,592	21.73%
Council Properties	380,625	16,938	4.45%
Council Reserves	33,400	12,010	35.96%
Total Income	2,467,082	459,481	18.62%

SHIRE OF WALGETT – AGENDA

Expenditure

Manager Engineering	1,052,280	122,636	11.65%
Private Works	29,400	12,205	41.51%
Plant Running Expenses	1,049,161	165,548	15.78%
Properties Maintenance	275,499	269,890	97.96%
Motor Vehicles/Plant/Equipment	370,000	-	0.00%
Total Expenditure	<u>2,776,340</u>	<u>570,279</u>	20.54%
Operating Result	<u>- 309,258</u>	<u>- 110,798</u>	

Roads & Bridges

Revenue

Roads & Bridges	13,710,000	6,460,136	47.12%
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Expenditure

Urban Roads	802,520	163,814	20.41%
Rural Roads	1,400,208	350,925	25.06%
Regional Roads	594,783	584,856	98.33%
Gravel Pit Restoration	50,000	-	0.00%
State Highways	1,278,385	425,809	33.31%
Total Expenditure	<u>4,125,896</u>	<u>1,525,404</u>	36.97%
Operating Result	<u>9,584,104</u>	<u>4,934,732</u>	

Recreation & Community Assets

Revenue

Natural Disaster Mitigation program	330,000	-	0.00%
Aerodromes	20,000	1,420	7.10%
Cemeteries	21,000	114	0.54%
Total Income	<u>371,000</u>	<u>1,534</u>	

Expenditure

Recreation & Community Assets	1,489,955	224,849	15.09%
Depots Operations	239,617	61,139	25.52%
Total Expenditure	<u>1,729,572</u>	<u>285,988</u>	16.54%
Operating Result	<u>- 1,358,572</u>	<u>- 284,454</u>	

Domestic Waste Management

Revenue

DWM	845,064	724,053	85.68%
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Expenditure

DWM	713,600	136,752	19.16%
Operating Result	<u>131,464</u>	<u>587,301</u>	

SHIRE OF WALGETT – AGENDA

Water Supplies

Revenue

Walgett Water	760,000	537,866	70.77%
Lightning Ridge Water	466,763	450,157	96.44%
Collarenebri Water	225,843	168,611	74.66%
Rowena Water	5,504	5,504	100.00%
Carinda Water	15,785	15,785	100.00%
Cumborah Water	311	311	100.00%
Total Income	<u>1,474,206</u>	<u>1,178,234</u>	79.92%

Expenditure

Walgett Water	503,291	103,649	20.59%
Lightning Ridge Water	249,458	6,626	2.66%
Collarenebri Water	246,013	39,640	16.11%
Rowena Water	21,681	6,626	30.56%
Carinda Water	30,610	3,805	12.43%
Village Water	16,000	138	0.86%
Total Expenditure	<u>1,067,053</u>	<u>160,484</u>	15.04%
Operating Result	<u>407,153</u>	<u>1,017,750</u>	

Sewerage Supplies

Revenue

Walgett Sewer	287,086	279,439	97.34%
Lightning Ridge Sewer	245,759	235,102	95.66%
Collarenebri Sewer	80,587	76,081	94.41%
Total Income	<u>613,432</u>	<u>590,622</u>	96.28%

Expenditure

Walgett Sewer	322,182	44,549	13.83%
Lightning Ridge Sewer	195,679	23,320	11.92%
Collarenebri Sewer	49,287	13,233	26.85%
Total Expenditure	<u>567,148</u>	<u>81,102</u>	14.30%
Operating Result	<u>46,284</u>	<u>509,520</u>	

Net Result

Total Income	26,807,695	14,093,561	52.57%
Total Expenditure	17,123,946	4,127,894	24.11%
Net Result	<u>\$ 9,683,749</u>	<u>\$ 9,965,667</u>	102.91%

Material variances are summarised as follows:

Corporate Services

- Income – Human Resources - Workers compensation refund of \$6,774 and an employment subsidy of \$7,273 was received.
- Economic Development – nil activity year to date.
- Income - Finance – the total \$18,000 mining compensation has been received.
- All general rates have been levied for 2007/2008.
- The first instalment of the Federal Assistance Grant has been received. The actual income to be received is \$2,439,083 compared to the budgeted \$2,356,000. The additional \$83,083 will be reallocated at the quarterly review.
- Interest received is above original budget and is an on going trend.
- The first instalment of \$106,510 has been paid to Lightning Ridge Pool.
- The first instalment has been paid to Lightning Ridge Visitor Information Centre. This also included the additional \$35,000 for operational costs.
- All insurance costs have been paid for 2007/2008.
- The on going debt recovery has seen an increase in rates write off.

Community Services

- Expenditure was within budgetary constraints. The expenditure for Vacation Care is higher than originally budgeted due the increase in vacation activities. This will be reviewed at the September quarterly review.

Planning and Regulations

- Operating within budgetary constraints. The contribution to Castlereagh Macquarie County Council has been paid.

Public Order and Safety

- Operating within budgetary constraints.

Engineering Administration

- All Council rates have been levied on Council owned property.

Roads and Bridges

- The \$5,600,000 for the Strategic Regional Program has been brought to account as at 1 July 2007.
- The first instalment of the road funding block grant has been received. A total \$1,535,428 will be received for 2007/2008 compared to the budget of \$1,470,000. The additional \$65,428 will be reallocated at the quarterly review.

Recreation & Community Assets

- The natural disaster mitigation grant has not been received.

SHIRE OF WALGETT – AGENDA

Domestic Waste Management

- The full amount of Domestic Waste charges has been raised.
- Operations are within budgetary constraints

Water Services

- The full amount of rates revenue has been raised this period.
- Operations are within budgetary constraints

Sewer Services

- The full amount of rates revenue has been raised this period.
- Operations are within budgetary constraints

Relevant Reference Documents:

Management Review 31st August 2007.
Walgett Shire Council Management Plan 2007-08

Stakeholders:

Walgett Shire Council

Financial Implications:

Overall, the results of the monthly review indicate that the financial position of Council is satisfactory and continues to operate within budgetary constraints.

Recommendations:

That Council note the Management Report for the period ending 31st August 2007.

MANAGER CORPORATE SERVICES REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007

Item No: 15

Subject: Walgett Shire Community Services Report

Author: Gai Richardson – Community Liaison Officer

File No: 003/05/01/00

Summary

This report includes a summary of activities for the past three months for Council's Community Service area.

Comments

Training

Training attended by relevant Community Services staff has included: Cultural Awareness, Child Protection, Challenging Behaviour, First Aid, Supervisor Series, Mental Health First Aid.

Youth Workers from each centre have commenced their study in Certificate 3 Community Services.

Youth

Rural Skills Day

A Rural Skills Market was hosted by Macquarie Darling Work Placement (an Australian Government Local Community Partnership) in conjunction with Walgett Shire Council and businesses of Walgett at the Walgett Showground. This was an interactive, hands on event with one hundred and forty students aged from 14-18 years. High Schools involved included Bourke, Brewarrina, Collarenebri, Gilgandra, Gulargumbone, Goodooga, Lightning Ridge and Walgett. Students visited sites set up by rural based businesses, TAFE, Charles Sturt University and demonstrations at the Showground and workshops in businesses in Walgett.

The day was very successful and plans are being made to conduct a similar day next year.

Youth Centres

Attendance numbers at the Youth Centres in Collarenebri, Lightning Ridge and Walgett have increased and recent programs have proved popular with the young people.

Renovations at the Walgett Youth Centre are almost completed and the painting is due to be finished by the end of September. An alternate venue was not required as the tradesmen involved worked outside the youth centre opening hours which allowed the planned activities to continue.

Vacation Care

Vacation Care programs at Collarenebri, Grawin and Lightning Ridge were attended by record numbers of children. The Walgett Vacation Care Program is conducted by the Walgett Aboriginal Medical Centre at the Walgett Youth Centre.

Holiday Programs

Youth Centre holiday programs and activities included a Korean Dance Group whose activities with the children included traditional dance in costume, drumming and cooking, Storm Co who also brought the Pinnacle of Challenge climbing wall, discos, and healthy eating and lifestyle days. The new 'Feel Good Friday' program, where children plan their own activities for the last day of the week, proved very popular and will be continued over the next holiday period.

Murals

The murals on the front of the Council Chambers were designed and painted by artists Karin Thurston and Kevin Fernando with children from Lightning Ridge and Walgett youth centres also involved. This program was well received by the children and has allowed children with artistic talent to be identified.

Walgett Shire Youth Development were successful in Artstart funding submissions for a further two murals. Health Eating and Healthy Lifestyle murals have been designed by Karin Thurston for the IGA building in Walgett and the Ella Nagy Hall in Lightning Ridge. It is envisaged that a sense of ownership and pride will be created if young people participate in the painting of these murals.

PCYC

Participation figures of between 40-60 young people remain stable at the fortnightly events conducted by PCYC. The RSPCA attended a recent PCYC evening with an animal education program aimed at young people.

Local Government Youth Week Awards

Representatives from Walgett Shire Council recently attended the Awards evening held at Darling Harbour, Sydney. Out of a nominee number of 65 Local Governments, Walgett Shire Youth Development 2007 Youth Week Programs were in the top 5 finalists in 2 categories, the 'Best Small Council Youth Week program' and the 'Best Local Youth Week Program'.

Youth Information Afternoon

Walgett Shire Youth Development and other local service providers will hold a 'Youth Info Arvo' on 13th September at No. 1 Oval in Walgett. This event will allow information and discussion on a range of youth issues in a relaxed environment.

Cricket Camp 2007

A pilot program has been developed by Cricket NSW, the Castlereagh Local Area Command and Walgett Shire Youth Development to allow 30 indigenous young people aged 10-13 from across the Shire to attend a cricket coaching camp at No. 1 Oval in Walgett in October.

Libraries

Book exchanges from Northern Regional Library are occurring on a regular basis which is allowing a better selection for regular patrons. The Lightning Ridge Library lending statistics have remained stable however the Walgett Library has shown an increase in its lending rates over the past month.

Exchange books have been delivered to the Carinda Deposit station.

Family Day Care

Family Day Care is constantly seeking new carers across the Shire. The Long Day Care Centre is full in some age groups and has a waiting list for places. Potential Carers have indicated interest in providing Family Day Care, but for varying reasons are unable to provide care in their own home environment. The Family Day Care Cottage would be a suitable venue for a worker if it could be approved by the Department of Community Services. The community does not want to lose this important childcare service as appropriate child care is essential, especially for working parents.

Sir Roden Cutler Wheelchair Roll Around NSW

Walgett Shire Council supported the Sir Roden Cutler Wheelchair Roll Around visiting the Shire when Council was approached by them for support and to nominate local charities in late 2006. Consequently, one locally based charitable organisation in Collarenebri, Lightning Ridge and Walgett each received a cheque for \$500.00 from the Sir Roden Cutler Wheelchair Roll Around when this organisation visited the three towns in August. Council hosted the BBQ lunch at each of the venues and invited the representatives from the Wheel Chair Roll Around to include the Walgett Shire again next year and visit the smaller villages located in the Shire.

Stakeholders

- Walgett Shire residents
- Walgett Shire Council

Relevant Reference Documents

Nil

Recommendations

That Council receive and note the Community Liaison Officer's Report

MANAGER PLANNING AND REGULATION'S REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 16

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 under delegated authority.

Comments (including issues and background):

The table following this report provides details of Development Applications (DA) and Complying Development Certificate (CDC) applications dealt with under delegated authority by the Manager Planning and Regulation and General Manager during August 2007.

Relevant Reference Documents:

- Respective Development Application and Complying Development Certificate files.

Stakeholders:

Public and applicants.

Financial Implications:

Nil.

Recommendations:

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 August 2007.

MANAGER PLANNING AND REGULATION'S REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 17

Subject: State of the Environment Report 2006-2007

Author: Matthew Goodwin - Manager Planning and Regulation

File No: 315/02/01/00

Summary:

Council staff recently prepared a draft Walgett Shire Council State of the Environment Report for 2006-2007. This report recommends that Council endorse public exhibition of the draft document.

Background:

Subsection 428(2)(c) of The Local Government Act 1993 requires that Councils prepare an annual State of the Environment Report. Part 9, Division 7, subdivision 2 (Clauses 218 to 226) of the Local Government (General) Regulation 2005 prescribes certain requirements for the content and preparation of the report.

Council staff recently prepared a draft supplementary Walgett Shire Council State of the Environment Report for 2006-2007. Copies are available from Council's web site at <http://www.walgett.local-e.nsw.gov.au/environment/1116/2936.html>

The draft report is presently being advertised as being on public exhibition via:

- Walgett Shire Council's web site.
- Council's newspaper column which is published in the Walgett Spectator and the Lightning Ridge News.

The advertising indicates that written submissions on the draft report are welcome and should be lodged with Council prior to 30 September 2007.

Relevant Reference Documents:

- Draft Walgett Shire Council State of the Environment Report for 2006-2007.

Stakeholders:

Walgett Shire Council, public.

Financial Implications:

Nil.

Recommendation

That Walgett Shire Council resolve to:

- 1. Note and endorse the public exhibition of the draft Walgett Shire Council State of the Environment Report 2006-2007.**

MANAGER PLANNING AND REGULATION'S REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 18

Subject: Development Application 2007036 Walgett Shire Council.

Author: Janet Babic - Town Planner

File No: DA 2007036

Summary:

A Development Application has been lodged on behalf of Walgett Shire Council to construct a garage extension to the Home and Community Care Centre in Pandora Street, Lightning Ridge.

Background:

Development Application 2007036 has been lodged by Walgett Shire Council, to construct a 6 vehicle garage extension to the Home and Community Care Centre on Lot 3 in DP 1100315 (Crown Reserve No. R97330, Community Purposes) in the following context:

1. The proposed 6 vehicle lock up garage is to be an extension to the rear of the existing Home and Community Care Centre building. .
2. The proposed garage would provide a secure parking facility for vehicles.

The land is located adjacent to Lightning Ridge Hospital and south of Lightning Ridge Caravan Park on Pandora Street.

Elevations, sections and a site plan are included below for the proposed building.

SHIRE OF WALGETT – AGENDA

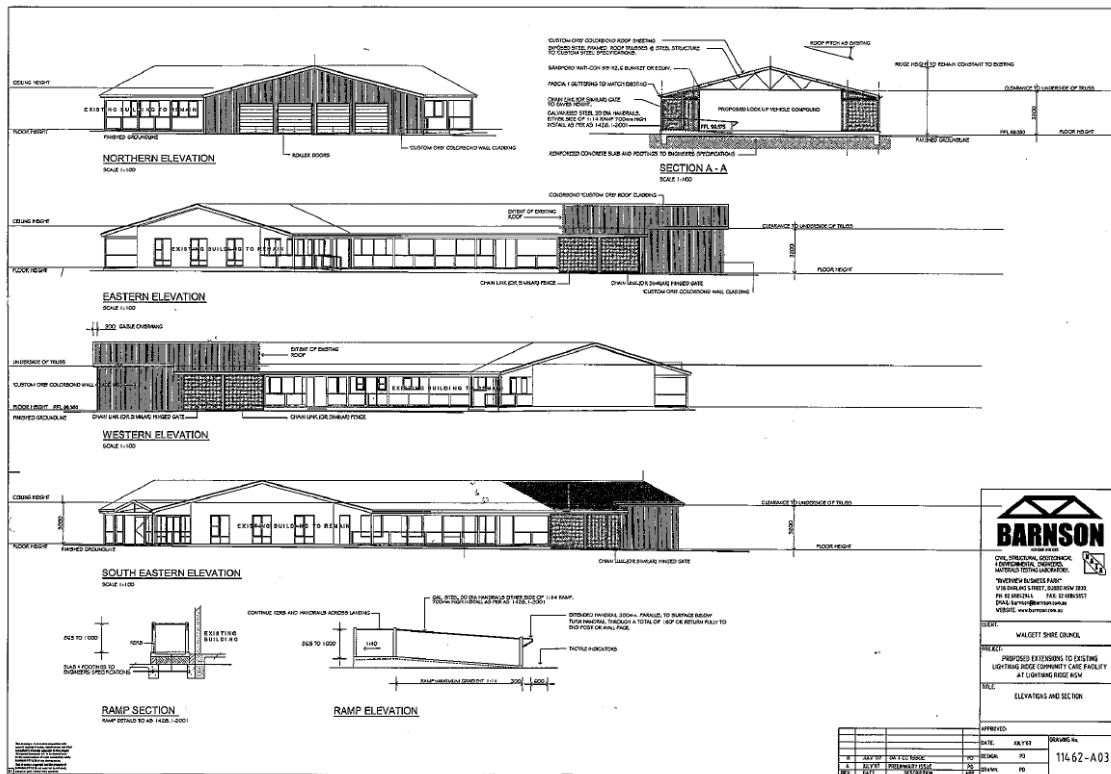


Figure – Elevations and sections of the proposed building.

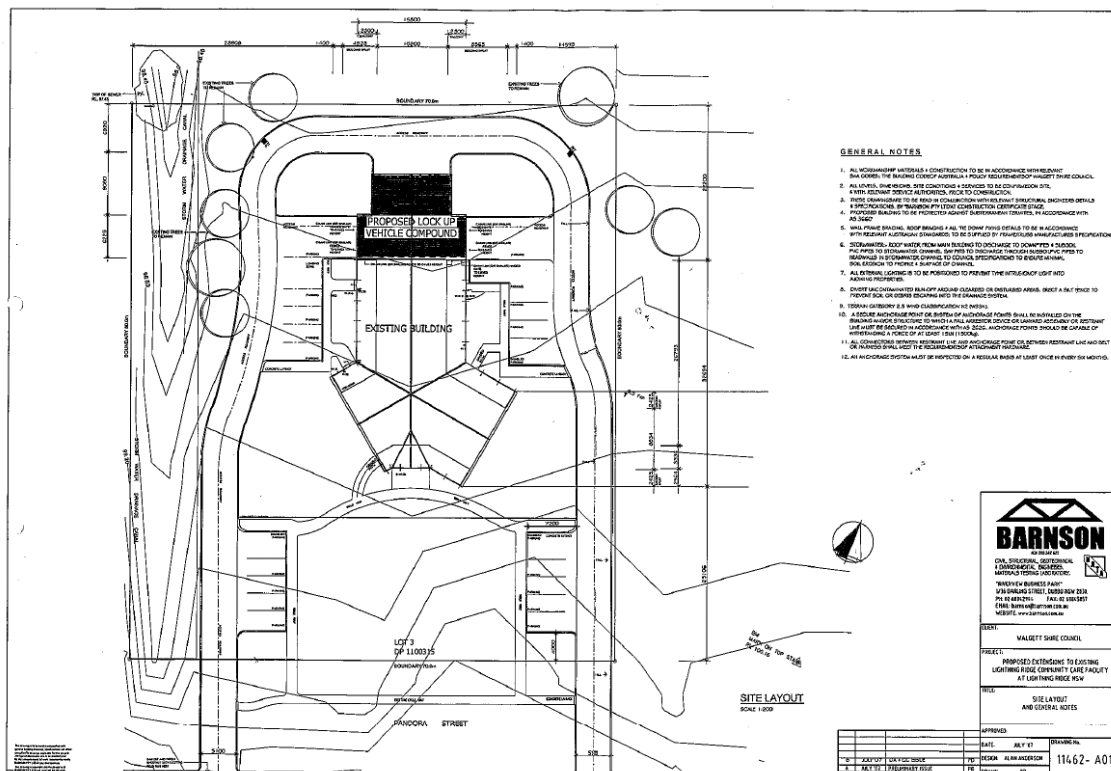


Figure – Proposed site plan.

Statutory matters for consideration:

- 79C (1)(a)(i) Provisions of any environmental planning instrument.**
- The only relevant environmental planning instrument is the Interim Development Order No. 1 – Shire Of Walgett 1968 (IDO). Under that order the land is located within a “2.Village or Township” zone and development consent is required from Council to permit the development to proceed.
- 79C (1)(a)(ii) Provisions of any draft environmental planning instrument that is or has been placed on public exhibition.**
- Not applicable.
- 79C (1)(a)(iii) Any development control plan.**
- Not applicable.
- 79C(1)(a)(iiia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F**
- Not applicable.
- 79C(1)(a)(iv) The regulations.**
- Section 92 and 92A of the Environmental Planning and Assessment Regulation 2000 prescribe additional matters for consideration (see comments below).
- 79C (1)(b) Likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.**
- Current land uses on surrounding lots are: Lightning Ridge Hospital, a Caravan Park, a vacant area between the proposed development and other community use developments such as Lightning Ridge Gym and Swimming Pool centre. Accordingly the development is unlikely to have a significant impact on natural or built environments.
- The proposed extension would provide secure garaging for community-use vehicles, minimising social and monetary costs from potential criminal activity associated with vandalism or theft of the vehicles.
- 79C (1)(c) Suitability of the site for the development.**
- STORMWATER DRAINAGE:** There is a potential threat from stormwater flooding, especially given its proximity to a major stormwater drain. The plans indicate that the floor level of the proposed garage will be 0.395m above natural ground level. Nevertheless inundation of the garage is unlikely to cause substantial damage to the garage or a significant safety risk to tenants.
- OVERALL:** There are no known environmental or other factors that make the site unsuitable for the proposed development.
- 79C (1)(d) Submissions made in accordance with the Act or the regulations.**
- Not applicable. Under the Environmental Planning and Assessment Act 1979 the proposal is local development with no opportunity for submissions under the act or regulations (as opposed to designated or advertised development).
- 79C (1)(e) The public interest.**
- No objections from neighbours were received at the time of completing this report.
- Given that the proposed development is permissible with development consent, is for community based services and is compatible with surrounding developments approval of the proposal appears to be in the public interest.

SHIRE OF WALGETT – AGENDA

The following matters must also be considered by Council in accordance with Sections 92 and 92A of the Environmental Planning and Assessment Regulation 2000 when making a decision on any Development Application.

92 (1) (a) Coastal areas.

Not Applicable.

92 (1) (b) Demolition.

Not Applicable, no demolition work is proposed.

92A Preliminary planning.

Not applicable.

Relevant Reference Documents:

- Development Application file 2007036
- Environmental Planning and Assessment Act 1979.
- Interim Development Order No. 1 – Shire Of Walgett 1968.

Stakeholders:

- Walgett Shire Council
- Department of Lands (land owner).

Recommendation:

That Development Application 2007036 be approved subject to the following conditions of consent:

PRESCRIBED CONDITIONS

The Environmental Planning and Assessment Regulation 2000 prescribes the following conditions of development consent.

97A. Fulfilment of BASIX commitments

~~(1) This clause applies:~~

- ~~(a) on and from 1 July 2004, to all land within the initial BASIX area, and~~
- ~~(b) on and from 1 July 2005, to all land within New South Wales.~~

~~(2) This clause applies to all development:~~

- ~~(a) that involves the erection (but not the alteration, enlargement, extension or relocation) of a BASIX affected building, or~~
- ~~(b) that involves a change of building use by which a building becomes a BASIX affected building.~~

~~(3) For the purposes of section 80A (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.~~

98. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989

- (1) For the purposes of section 80A (11) of the Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:
 - (a) that the work must be carried out in accordance with the requirements of the Building Code of Australia,
 - ~~(b) in the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.~~
- (2) This clause does not apply:
 - (a) to the extent to which an exemption is in force under clause 187 or 188, subject to the terms of any condition or requirement referred to in clause 187 (6) or 188 (4), or
 - (b) to the erection of a temporary building.
- (3) In this clause, a reference to the *Building Code of Australia* is a reference to that Code as in force on the date the application for the relevant construction certificate is made.

98A. Erection of signs

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
 - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

SHIRE OF WALGETT – AGENDA

- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.

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

~~98B. Notification of Home Building Act 1989 requirements~~

- ~~(1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the *Home Building Act 1989*.~~
- ~~(2) Residential building work within the meaning of the *Home Building Act 1989* must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:~~
- ~~(a) in the case of work for which a principal contractor is required to be appointed:~~
- ~~(i) the name and licence number of the principal contractor, and~~
- ~~(ii) the name of the insurer by which the work is insured under Part 6 of that Act,~~
- ~~(b) in the case of work to be done by an owner-builder:~~
- ~~(i) the name of the owner-builder, and~~
- ~~(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.~~
- ~~(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.~~
- (4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

CONDITIONS IMPOSED BY COUNCIL

The following development consent conditions are imposed by Council.

GENERAL

Gen 010.

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

Reason: To avoid breaching the requirements of any covenant.

Gen 020.

Any future development on the subject site or use of the subject land in a manner inconsistent with this development consent (approval) will require separate development consent to be obtained from council in writing prior to the commencement of any work.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

Gen 030.

Council is to be immediately informed in writing if arrangements for work are changed.

Reason: To enable Council to maintain an accurate record of approvals granted.

Gen 090.

The garage has been approved as a Class 10a structure and shall not be used for other purposes.

Reason: Garage design does not comply with BCA requirements for other uses.

APPROVED PLANS

Pin 010.

The development shall be implemented in accordance with:

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

except as amended by the conditions of this development consent.

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

CONSTRUCTION

Con 010

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

Weekdays	7.00 a.m. to 7.00 p.m.
Weekends & Public Holidays	8.00 a.m. to 7.00 p.m.

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

Con 020.

All works are to be executed in a good and workmanlike manner and all materials are to be installed as per manufacturers' instructions and any applicable Australian Standards.

Reason: To ensure that the building work is completed in accordance with the approval and is in a safe and healthy condition for use by occupants.

Con 070.

All footings and/or slabs shall be constructed as per engineer's details.

Reason: To ensure compliance with the Building Code of Australia.

Con 090.

All steel framing shall comply with Part B1 of the Building Code of Australia and associated standards.

Reason: To ensure compliance with the Building Code of Australia.

Con 110.

Engineer's detail of the roof trusses with a truss layout plan, are to be submitted and approved by Council prior to any roof construction work commencing.

Reason: To ensure structural efficiency of the roof trusses.

Con 140.

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

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

WATER AND STORMWATER

Plu 010.

Before any plumbing or stormwater drainage works are commenced an Activity Application and Annexure accompanied by a diagram of proposed works and the appropriate fees is to be submitted and approval granted in accordance with the requirements of Section 68 of the Local Government Act 1993.

Reason: To ensure compliance with the Local Government Act 1993, Council's On Site Sewage Management Guidelines, Australian Standard 3500.1-4 and the Plumbing and Drainage Code of Practice.

Plu 070.

All plumbing and drainage works are to be carried out by licensed tradesmen.

Reason: To ensure compliance with AS 3500-2003.

Plu 080.

All plumbing and drainage works are to be completed in accordance with Australian Standards 3500.1-4 and the Plumbing and Drainage Code of Practice.

Reason: To ensure that plumbing and drainage works are completed in a professional manner.

Plu 160.

Roof water is to be disposed of:

- (a) by connection to the existing storm water system.

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

ENVIRONMENTAL MANAGEMENT

Env 020.

The land surrounding any structure must be graded to divert surface water clear of existing and proposed structures and neighbouring properties.

Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979.

OPAL MINING DISTURBANCE

Min 010.

Opal mining and prospecting operations may have been previously carried out on, or below, the land, which is the subject of this consent, or on adjoining lands. The developer should make their own enquiries to determine whether the land being developed might be adversely affected by such activities, prior to proceeding with the development.

Reason: There are no official records of the extent of opal mining workings within the Lightning Ridge area. It is in the interest of the developer to ensure that there is no evidence that the land is detrimentally affected by mining activity.

INSPECTIONS

The applicant is to advise Council of the name and address of the body nominated to act as the Principal Certifying Authority, on the "Notice of Commencement Form" forty eight (48) hours prior to work commencing.

Inspections at the completion of stages as indicated below are required to be carried out by the Principal Certifying Authority. **Work must not proceed past any inspection stage until approval is given by the Certifier.**

Critical Stage Inspections Class 1 or 10

- At the commencement of the building work, and
- After excavation for, and prior to the placement of, any footings, and
- Prior to pouring any in-situ reinforced concrete building element, and
- Prior to covering any stormwater drainage connections, and
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Reason: Occupation Certificates cannot be issued if the Principal Certifying Authority does not carry out the designated inspections, and to ensure compliance with the approved plans.

FIRE SAFETY

Fir 010.

The garage is to be fitted with an outward opening Personnel Access door fitted with a latch which permits egress from inside at all times without a key using a single downward movement.

Reason: To ensure compliance with the Building Code of Australia.

FIRE SAFETY SCHEDULE – Class 10.

- (b) **Portable Fire Extinguishers** complying with the requirements of Part E1.6 of the Building Code of Australia and AS 2444 “Fire Extinguishers Selection”.

On completion of the building and at least once in each period of twelve months following completion, the owner shall cause council to be furnished with Certification that each essential fire service installed in the building is capable of performing to a standard not less than they were originally required to achieve and perform to a standard not less than that determined using the corresponding Part I.1 Building Code of Australia provisions.

MANAGER PLANNING AND REGULATION'S REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 19

Subject: Development Application 2007034, Walgett Shire Council

Author: Janet Babic, Town Planner

File No: DA 2007034

Summary:

A Development Application has been lodged to consolidate land on the corner of the Castlereagh Highway and Bill O'Brien Way, Lightning Ridge that are owned by Walgett Shire Council. It is recommended that the application be approved subject to appropriate conditions of development consent.

Background:

Development Application 2007034 has been lodged by the Manager Engineering (Alan Nelson) on behalf of Walgett Shire Council to consolidate seventy five lots into a single lot. The land is located on the north western corner of the Castlereagh Highway and Bill O'Brien Way, Lightning Ridge (as shown in Figure 1) below.

The proposal involves:

1. Consolidating seventy five lots in DP 838673 into one lot (as shown in Figure 2).
2. Closure of a public road corridor. The corridor was established to service the lots that are now being consolidated, and hence will become obsolete. There is no formed road within the corridor.
3. No change of land use has been proposed as part of the Development Application.

The lots are owned by Walgett Shire Council under a freehold title. Under the Walgett Local Environmental Plan 2006 – Classification and Reclassification of Public Land which was gazetted on 16 February 2006, the land is classified as “operational” for the purposes of the Local Government Act 1993.



Figure 1 – Lots to be consolidated.



Figure 2– Lot proposed to be created (shaded area).

Statutory matters for consideration:

79C (1)(a)(i) Provisions of any environmental planning instrument.

The only relevant environmental planning instrument is the Interim Development Order No. 1 – Shire Of Walgett 1968 (IDO). Under that order the land is located within the “1. Non-Urban A” and 1.Non-Urban B” zones. Development consent is required in accordance with the IDO Column III, (Development that may only be carried out with consent of Council) ***Development other than that prohibited by column V***

79C (1)(a)(ii) Provisions of any draft environmental planning instrument that is or has been placed on public exhibition.

Not applicable.

79C (1)(a)(iii) Any development control plan.

No relevant Development Control Plans (DCPs).

79C(1)(a)(iiia) Any planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F

Not applicable.

79C(1)(a)(iv) The Regulations.

Section 92 and 92A of the Environmental Planning and Assessment Regulation 2000 prescribe additional matters for consideration (see comments below).

79C (1)(b) Likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality.

Current land uses on surrounding lots are grazing, Camp Mineral Claims and Mining Claims to the north and east, the Castlereagh Highway corridor to the west and vacant land to the south. No change to existing land use (vacant land) proposed on the site.

79C (1)(c) Suitability of the site for the development.

There are no apparent factors that make the site unsuitable for the proposed lot consolidation.

79C (1)(d) Submissions made in accordance with the Act or the Regulation.

Not applicable. Under the Environmental Planning and Assessment Act 1979 the proposal is local development with no opportunity for submissions under the act or Regulation (as opposed to designated or advertised development).

79C (1)(e) The public interest.

No objections were received from notified persons at the time of completing this report (14 Aug 2007).

SHIRE OF WALGETT – AGENDA

The following matters must also be considered by Council in accordance with Sections 92 and 92A of the Environmental Planning and Assessment Regulation 2000 when making a decision on any Development Application.

92 (1) (a) Coastal areas.

Not Applicable.

92 (1) (b) Demolition.

Not Applicable, no demolition work is proposed.

92A Preliminary planning.

Not applicable.

Relevant Reference Documents:

- Development Application file 2007034
- Environmental Planning and Assessment Act 1979.
- Interim Development Order No. 1 – Shire of Walgett 1968.

Stakeholders:

- Walgett Shire Council

Recommendation:

That Development Application 2007034 be approved subject to the following conditions of consent:

PRESCRIBED CONDITIONS OF DEVELOPMENT CONSENT

As no “work” is to be undertaken there are no prescribed conditions of development consent under the Environmental Planning and Assessment Regulation 2000.

CONDITIONS IMPOSED BY COUNCIL

The following development consent conditions are imposed by Council.

SUBDIVISION

Sub 010.

That one lot is created by the consolidation of seventy five Lots in DP 838673. Total area of the new Lot being about 49.19 hectares.

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

Sub 020.

A surveyor’s plan must be submitted to Walgett Shire Council prior to the expiry date of this development consent so that the subdivision certificate on the plan can be signed by an authorised officer.

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Reason: The subdivision cannot be registered with the Land Titles Office, and be finalised, until the subdivision certificate on the surveyors plan is signed by an authorised officer of Walgett Shire Council.

Sub 060.

The subdivision certificate will not be released until development consent conditions under this section (titled “subdivision”) have been complied with.

REASON: To ensure compliance with the terms of the development consent.

Sub 070

The developer must arrange for the closure of the public road corridor within the consolidation area and the incorporation of the land comprising the former public road within the final consolidated lot.

Reason: The public road corridor will become obsolete as a result of the lot consolidation and needs to be extinguished.

APPROVED PLANS

Pln 010.

The development shall be implemented in accordance with:

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

except as amended by the conditions of this development consent.

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

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 20

Subject: Tender for Grant Funding – Dementia Day-Care Facility, Lightning Ridge

Author: Ian Taylor - Projects Engineer

File No: 195/04/00/00

Summary:

This report updates Council on the progress of its tender for funding a Dementia Day-Care Facility at Lightning Ridge and recommends that it endorse proceeding with the project subject to the cooperation of its partner agency, Home Care Services NSW.

Comments (including issues and background):

NSW Department of Commerce (DoC) has called tenders on behalf of NSW Department of Ageing, Disability & Home Care (DADHC) to submit proposals for the funding and construction of dementia day-care services under the Home and Community Care Capital Program. Council submitted a tender for this funding on 22 March 2007.

DoC subsequently sought clarification of Council's tender, including a recommendation as to how DADHC could protect its potentially very significant equity in the project. In this regard it was recommended that the existing reserve trust structure be changed to a "private" trust whereby DADHC and Council had equal representation on the management committee.

On 29 August 2007, DoC invited Council to prepare a Business Case for the project. This step precedes the award of the Capital Program funding. DADHC have also provided \$5,500 including GST for this purpose.

DoC has provided Council with detailed requirements for the preparation of the business case. These include inter alia, design plans sufficient to prepare a detailed cost estimate certified by a quantity surveyor, and a Memorandum of Understanding with Council's partner service provider, Home Care Services of NSW.

Council had until 12 September 2007 to respond to DoC, and 8 weeks from the date of acceptance to prepare the business case.

Relevant Reference Documents:

Invitation from DoC to submit business case, 29 August 2007

Business Case Requirements for HACC Capital Program, DADHC, July 2007

Stakeholders:

Walgett Shire Council
Home Care Services of NSW
Dementia and Frail Aged clients of DADHC in Lightning Ridge and surrounding townships

Financial Implications:

Council will incur some administrative costs for time spent on the project by its salaried staff, however the tender and business case will propose that all funding for design, construction, and operation of the building will be covered by DADHC funding programs.

Recommendation:

That Council:

1. **Note the progress of its tender for funding of a dementia day-care facility in Lightning Ridge; and**
2. **Endorse proceeding with the project to the end of business case stage, subject to the cooperation of its partner agency, Home Care Services NSW.**

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 21

Subject: Carinda Hall

Author: Alan Nelson – Manager Engineering

File No: 005/03/01/44

Summary:

This report has been written in response to OH&S related issues surrounding the Carinda Hall. Quotes to undertake corrective action have been sought, however for a number of reasons, deficiencies have yet to be satisfactorily corrected.

Comments (including issues and background):

An inspection of Carinda Hall was undertaken by Council's Building Inspector and Occupational Health and Safety Co-ordinator, in response to concerns that it did not comply with some requirements for a public building.

In summary, the deficiencies related to external doors, electrical compliance and the adequacy of the septic system.

Quotes for the replacement of external doors have been sought from local builders, however, to date, no quote has been received. One quote was initially passed on to Council by the Carinda Precinct Committee, however this quote is well in excess of the funds which Council has available in the current budget, unless Council resolved to take corrective action at the Carinda Hall at the expense of maintenance work at all other halls. Obviously, this would not be acceptable.

A quote of about \$25,000 for electrical work has been received, however further information has been sought from the contractor as the quote would appear to extend beyond work required immediately to ensure compliance. Presuming a substantially lower quote can be obtained, essential electrical work will be put in hand at the earliest opportunity.

A quote in the order of \$11,000, has been accepted to rectify the inadequate septic system in the rear yard of the hall.

Council could elect to close the hall for all public use, on the basis that the building is in contravention of safety standards. However, such action is seen to be unnecessarily punitive on the community of Carinda, which has no practical alternative to the hall. It is suggested that, until the situation regarding the external doors is resolved, that users of the hall do so on the proviso that external doors be left open whilst the building is occupied.

Relevant Reference Documents:

Report from Building Inspector
Resolution No 191/07 – July 2007
Quote from Electrical Contractor (not attached)
Quote from Plumber (not attached)

Stakeholders:

Walgett Shire Council
Residents of Carinda and District

Financial Implications:

Council's current budget has an allocation of \$20,856 for upgrading of external doors at Carinda Hall. These funds have been provided to allow for a Council contribution to a Regional Partnerships project which has been submitted about a month ago. Clearly, if these funds are spent at this time, and the Regional Partnerships application is successful, Council will need to vote additional funds for this purpose. In addition, \$65,000 has been provided for general maintenance at all Shire Halls.

Recommendation:

1. That Council note the current situation in respect of maintenance matters at Carinda Hall.
2. That users of the Carinda Hall be requested to keep open all external doors whilst the building is occupied, until such time that the non-compliant doors are replaced.

SHIRE OF WALGETT – AGENDA

006/05/03/44
L.Smyth/D.Callander

26th June 2007

INSPECTION REPORT Public Hall – Carinda

To: Alan Nelson.

BACKGROUND

As requested, an inspection was carried out by Councils Health and Building Surveyor and OH&S Coordinator on 21st June 2007 to ascertain the extent of maintenance which may be required to ensure the longevity of the public hall at Carinda.

The purpose of this report is to identify current maintenance requirements and covers aspects of both "OH&S" and Local Government Act, "Places of Public Entertainment" requirements. An extensive series of photos is available if required.

The building is in need of urgent maintenance as detailed in this report to ensure that it can safely used by the public.

Council's Heritage Advisor, Graham Hall, is proposing that the building be listed as an item of local heritage under a forthcoming Local Environmental Plan (draft register item number 2590122).

The Carinda Precinct Committee has made representation to Council in a letter dated 15th May 2007 in respect to the poor condition of fire exit doors in the building. Further ongoing funding discussions have been held in regard to general refurbishment of part of the building.

Due to the construction, age of the building and lack of on-going maintenance of fire service installations applicable to this type of building, considerable cost will be incurred in maintenance and upgrading works to ensure compliance of the building for public use.

1. Replace all existing exit doors and fit or adjust existing compliant door furniture.
2. Replace existing external stage door and furniture.
3. Replace existing single door to supper room/entrance, (east elevation) with minimum 820mm wide door. Adjust ramp size to comply with AS 1428. *Access for disabled.*
4. Lower all fire extinguishers to comply with AS 2444. These are currently fitted to walls at a height of approximately 1800 above the floor to the top.
5. All exit signs to be fitted with battery backup. Internal directional sign to be replaced with standard sign. Exit sign over single inward opening door adjacent to kitchen (west) to be removed. Repair exit signs over door adjacent to kitchen (east).
6. Install a fire hose reel.
7. Fireproof switch board enclosure in box office at front of building. Re orientate main switch to comply with wiring rules..
8. Check all electrical wiring and enclose in compliant conduits, wall or ceiling spaces.
9. Remove all rubbish from stairwell and loft area over front of building. Close to use or install compliant stairs.
10. Replace doors to box office and loft stairwell. Public access to be restricted. Install compliant locking devices.
11. Remove caneite ceiling lining in box office and replace with fire resistant material.

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12. Provide compliant disabled ramp to front entrance. (Currently a step and ramp combination).
13. Replace steps to stage area with compliant steps and handrails. (Currently risers vary from 230mm to 280mm.)
14. Clear debris from stage change rooms.
15. Kitchen facilities to be made compliant with NSW Food Act and regulations including floor covering and vermin proofing.
16. Septic drainage system at rear of building to be pumped out, tanks to be reinstalled and all drainage lines replaced. Install new retn drain effluent disposal sub soil drainage. Fit grate to sewer ORG.
17. Pump and electrical cable for pump to be installed as per regulations. Currently coiled on ground.
18. Provide 1m wide concrete apron to north and west sides of building to ensure moisture stability of external and sub floor areas.
19. Repair or replace all sub floor enclosure boards to north and east walls.
20. Prepare a fire plan and install in building.
21. Repair damaged roof guttering to south wall.
22. Check all stormwater drainage to ensure water is directed away from the building.
23. Rear gate closing mechanism to be made accessible from both sides. Currently no access from rear yard for escape purposes.
24. Install a disabled toilet facility.

ESTIMATE OF COST.

It is estimated that the full cost of the maintenance works will be up to \$50,000 (if done at an appropriate standard). An additional \$8000 may be required if a disabled toilet facility is included.

RECOMMENDATION

It is recommended that Council set aside appropriate funding complete the maintenance work detailed here and any ongoing maintenance that may be required to keep the building in a reasonable condition.

NOTE: A separate OH&S report has been prepared for Council agenda purposes and is attached hereto.

Len Smyth
Health & Building Surveyor.

David Callandar
OH&S Coordinator

CC: Stephen Melean
Emma Darcy
Matthew Goodwin
Kaye Stone.

SHIRE OF WALGETT - MINUTES

191/07 – Occupational Health and Safety Report of Inspections – June 2007

RESOLUTION: -

It was resolved on the Motion of the Administrator:-

1. That Council receive and note the report of the Occupational Health and Safety Coordinator.
2. That Council investigate health aspects / effects of the open septic pool located at the rear of Carinda Hall and effect any necessary repairs to make the area safe.

Carried.

192/07 – Walgett Visitor Information and Internet Centre Accreditation

RESOLUTION: -

It was resolved on the Motion of the Administrator that Council assess Aurora Visitor Information Centre Accreditation Criteria and review the Walgett Visitor Information Centre's Accreditation level from a Level 2 to a Level 3 accredited centre.

Carried.

193/07 – Enforcement Policy

RESOLUTION: -

It was resolved on the Motion of the Administrator that Council note and confirm the endorsement by the General Manager of an operational policy titled the "Walgett Shire Council Enforcement Policy" on 9 July 2007.

Carried.

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 22

Subject: Conquest User Group Annual Conference

Author: Alan Nelson – Manager Engineering

File No: 295/01/09/00

Summary:

This report recommends the attendance of Council's Projects Engineer and Assets Officer at the Annual Conference for Conquest Users, to be held in October 2007 in Ipswich, Queensland.

Comments (including issues and background):

Council uses software, purchased from Conquest Solutions of Adelaide, for asset management purposes. Last year, Council's Assets Officer attended the Annual Conference for Conquest Users in Hobart and found her attendance very beneficial. This year, the conference is being held in Queensland and, being interstate, Council approval to participate is necessary.

Council's Assets Officer has been invited to present a paper to this year's conference, something which should be considered to be an achievement for which Council can be justly proud. Council's Projects Engineer is also very involved in the asset management area and his attendance at the conference is also considered to be something which will benefit Council greatly. Both staff members will benefit greatly from the networking opportunities that this conference will provide.

The cost of the conference is relatively modest at \$350, and despite being interstate, the cost of travel and accommodation would compare favourably with many conference venues within New South Wales. Asset management is a key focus area for Council and the cost of this conference should be readily returned to Council.

Relevant Reference Documents:

Conference Notification (not attached)

Stakeholders:

Walgett Shire Council
Conquest Solutions

Financial Implications:

Costs can be funded from Council's budgetary allowance for staff conferences and development.

Recommendation:

That approval be given for Council's Projects Engineer, Ian Taylor, and Council's Assets Officer, Kaye Stone, to attend the 2007 Australasian Conference for Conquest Users, to be held in Ipswich, Queensland from October 17 to October 19, 2007.

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 23

Subject: Walgett Town Levee

Author: Alan Nelson – Manager Engineering

File No: 175/03/02/00

Summary:

This report briefs Council on progress achieved to date by Council's consultant, the NSW Department of Commerce, with regards to pre-construction activities associated with the Walgett Town Levee Rehabilitation project.

Comments (including issues and background):

Earlier this year, the Department of Commerce was engaged to undertake pre-construction activities associated with rehabilitation of the Walgett Town Levee. This engagement was delayed for a period, pending the clarification of a number of technical matters which were of concern to the then Department of Natural Resources. These matters have since been satisfactorily resolved.

Survey field work for both the levee rehabilitation and flood study has been completed by the Department and the geotechnical investigation has just commenced. It has been decided to increase the number of sites being subjected to geotechnical investigation and this will increase the cost of pre-construction activities by \$13,948 (incl GST). However, given the scope of this multi million dollar project, this is seen as a small price to pay for additional valuable information early in the pre-construction stage. It could easily be recouped later on, particularly if one or more prospective borrow areas prove to consist of unsuitable material. In this event, the costs associated with completing extra testing later, with separate establishment expenses, would be much greater.

Relevant Reference Documents:

Activity Report (August 2007) – Department of Commerce (not attached)

Stakeholders:

Walgett Shire Council
NSW Department of Commerce
NSW Department of Environment and Climate Change

Financial Implications:

Funds for this project are contained within Council's current budget. The additional costs mentioned in this report will be subject to cost sharing between Council and both State and Commonwealth Governments.

Recommendation:

- 1 That Council note progress to date on pre-construction activities associated with the Walgett Town Levee rehabilitation project.**
- 2 That Council endorse a decision taken to provide for geotechnical investigation of additional prospective borrow areas at an additional cost of \$13,948 (incl GST), this cost being shared between Council and the State and Commonwealth Governments.**

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 24

Subject: Rest Area Naming

Author: Alan Nelson – Manager Engineering

File No: 315/01/06/00

Summary:

Further consultation has been held with the Morgan family, with respect to the naming of the Rest Area, in the vicinity of the Dangar Bridge, west of Walgett. The family are willing to defer to those seeking the name “Barwon Inn Rest Area”.

Comments (including issues and background):

A report on this matter was deferred from the August 2007 meeting, pending further consultation with the Morgan family. A spokesperson for the Morgan family has indicated the family is willing to see this area named “Barwon Inn Rest Area”, to recognise the historical association of the former Barwon Inn with the rest area site. They would still like to see the late Eric (Monty) Morgan honoured with his name associated with an appropriate landmark in the Walgett area.

Given his lengthy association with timber bridge maintenance in the area, it is suggested that consideration be given to naming the replacement bridge over the Castlereagh River, presently unnamed, in his memory. This bridge will be replaced in 2008/09 and a bridge naming, in association with an opening ceremony, is considered to be appropriate.

Other naming suggestions should be sought from the general public, after which suggestions received would be placed before Council for consideration before forwarding a favoured name to the Geographical Names Board of NSW for its approval. There is no reason to believe the name “Monty Morgan Bridge” would not be acceptable to the Board as it appears to comply with their naming guidelines.

Relevant Reference Documents:

Council Resolution 254/07 – August 2007
Letter from Morgan Family

Stakeholders:

Walgett Shire Council
Geographical Names Board of NSW
Morgan Family
Walgett and District Tourism Association
Walgett District Historical Society
Walgett Community Promotions

SHIRE OF WALGETT – AGENDA

Mrs Noreen Dunn

Financial Implications:

Minor costs would be involved.

Recommendation:

1. That Council submits the name “Barwon Inn Rest Area” to the Geographical Names Board of New South Wales, for consideration as the name for the rest area on the banks of the Barwon River near the Dangar Bridge west of Walgett.
2. That Council invite suggestions for the naming of the bridge over the Castlereagh River, on the Walgett to Carinda Road.
3. That naming suggestions received for this bridge naming be referred to a future meeting of Council for consideration.

SHIRE OF WALGETT – AGENDA

SHIRE OF WALGETT – MINUTES

APPROVED PLANS

Pln 010.

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

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

Carried

254/07 Rest Area Naming

RESOLUTION: -

It was resolved on the Motion of the Administrator that:-

This item is deferred until further consultation has taken place with the Morgan Family.

Carried

255/07 Burren Junction Bore Baths

RESOLUTION: -

It was resolved on the Motion of the Administrator:-

That Council notes the current situation with respect to the Burren Junction Bore Baths.

Carried

SHIRE OF WALGETT – AGENDA

Mr Alan Nelson
Walgett Shire Council
Fox Street
Walgett NSW 2832

September 1, 2007.

Mr Greg Morgan
6 Algona Crescent
Orange NSW 2800

Dear Alan,

Re: Naming of the Castlereagh River Bridge on the Walgett to Carinda Road after Eric (Monty) Morgan.

The families of the late Eric (Monty) Morgan, together with Monty's extended family wish to make application to the Walgett Shire Council in the naming of the unnamed Castlereagh River Bridge (on the Walgett to Carinda Road) after Eric (Monty) Morgan.

Monty Morgan dedicated his entire working life to the Walgett Shire Council; he was employed by the Walgett Shire Council for 35 years and for many of those years held the position of Bridge Ganger.

Monty throughout his lifetime earned the respect of all shire employees and community members alike and was known as a true gentleman. The Walgett Shire Council and Community members knew and valued his hard work and commitment.

As a mark of appreciation and respect for his hard work; dedication and commitment to the Walgett Shire Council and the Community, and the subsequent high regard in which Monty was held by both shire council and community members alike, it is proposed and deemed appropriate, that the Castlereagh River Bridge be named after Eric (Monty) Morgan.

Research reveals that Indigenous and non-Indigenous Walgett Shire Members all strongly agree and support this proposal. I believe a good case does exist for the naming of a bridge in Monty's honour and the families believe it is worth pursuing.

If you have any queries or require further information please do not hesitate to call me on 0413471636. I would be only too pleased to answer any questions you may have.

Yours Sincerely

Greg Morgan

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 25

Subject: Remote Aerodrome Safety Programme

Author: Alan Nelson – Manager Engineering

File No: 195/04/00/00

Summary:

This report recommends that, in the absence of a financial commitment from the New South Wales Government, Council does not submit any funding application for perimeter fencing at Walgett, Lightning Ridge or Collarenebri Aerodromes under the Remote Aerodrome Safety Programme.

Comments (including issues and background):

A report was presented to Council's August 2007 meeting on this subject, at which time it was stressed that, in the absence of a financial commitment from the State Government, Council would not have the financial resources to commit 50% of the cost of perimeter fencing at Walgett, Lightning Ridge and Collarenebri Aerodromes. A member of the public addressed Council at the time, suggesting that culling of kangaroos by shooting was a more effective means of control than fencing.

A request was sent to the Minister for Health, the Hon Reba Meagher MP, seeking a financial commitment from the State Government in the event that an application for funding under the Remote Aerodrome Safety Programme was successful. At the time of writing this report, no response had been received from the Minister.

The Royal Flying Doctor Service was asked to prioritise the three aerodromes, given the reality that Council would be most unlikely to be in a position where all three aerodromes were fenced under the funding programme. At the time of writing this report, a response from the Royal Flying Doctor Service had not been received.

Given the fact that Council has not budgeted for any perimeter fencing at Walgett, Lightning Ridge or Collarenebri Aerodromes, and an apparent absence of any commitment to this from the State Government, it appears futile to submit an application under the Remote Aerodrome Safety Programme.

Relevant Reference Documents:

Council Resolution No 262/07 – August 2007

SHIRE OF WALGETT – AGENDA

Stakeholders:

Walgett Shire Council
Royal Flying Doctor Service
Commonwealth Government

Financial Implications:

Council has not budgeted to undertake any fencing at Walgett, Lightning Ridge or Collarenebri Aerodromes in 2007/08. This work would have only been put forward for consideration, in the event that it could be achieved substantially with funding from Commonwealth and State Governments.

Recommendation:

That Council not submit an application in 2007/08, under the Remote Aerodrome Safety Programme, for fencing works at Walgett, Lightning Ridge and Collarenebri Aerodromes.

SHIRE OF WALGETT – AGENDA

RESOLUTION: -

It was resolved on the Motion of the Administrator:-

That Council note the calling for applications for eligible projects under the "Remote Aerodrome Safety Programme" and further consideration be given at the September 2007 meeting of Council as to the submission of an application.

Carried

263/07 Timber Bridge Partnership Programme

RESOLUTION: -

It was resolved on the Motion of the Administrator:-

1. That Council note the allocation of \$290,000 from the Timber Bridge Partnership Programme for the replacement of the bridge over Pian Creek on Regional Road No 329 north of Burren Junction.
2. That Council fund its proportion of the project from the 2007/08 Block Grant.
3. That Council invite tenders at an appropriate time, using the open tendering method, for the design and construction of a replacement structure.

Carried

264/07 Beanbri Silo

RESOLUTION: -

It was resolved on the Motion of the Administrator:-

1. That Council accepts a proposal from AWB Limited to contribute \$250,000 in three instalments payable in October 2007, October 2008 and October 2009 to enable the sealing of the access road to their Beanbri Silo from the Kamilaroi Highway, subject to the signing of a letter of agreement suitable to both parties.
2. That the work be completed in advance of the 2007 grain harvest period.
3. That the work be funded by deferring replacement of the bridge over Michome Creek on Shire Road No 120 from 2007/08 to 2008/09 and reducing funding allocated for Shire Roads reforming from \$538,000 to \$473,000.

Carried

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 26

Subject: Timber Bridge Partnership Programme

Author: Alan Nelson – Manager Engineering

File No: 190/02/04/01

Summary:

This report briefs Council on the current position with respect to the Timber Bridge Partnership Programme.

Comments (including issues and background):

The Timber Bridge Partnership Programme is a State Government initiative which provides funding, under a dollar for dollar basis, for the replacement of deficient timber bridges on regional roads. Council has eight eligible structures and one has been funded for replacement in the current financial year. Replacement of the bridge over Pian Creek, on Regional Road No 329, was the subject of a report to the August meeting of Council.

The Roads and Traffic Authority has written to Council, advising that the bridge over the Castlereagh River on Regional Road No 333 (Walgett to Carinda) has been included in the programme in 2008/09. Whereas a multi cell box culvert is under serious consideration for the Pian Creek bridge site, the larger waterway area at the Castlereagh River indicates a bridge structure would be required. A further amendment to the Five Year Road Plan will be required to accommodate the need for a \$450,000 matching contribution from Council for this project.

Relevant Reference Documents:

Letter from Roads and Traffic Authority

Stakeholders:

Walgett Shire Council
NSW Government
Roads and Traffic Authority

Financial Implications:

Council must provide matching funds from its own resources. This can be achieved using funding from the Block Grant.

Recommendation:

That Council notes the provision of funding, from the Timber Bridge Partnership Programme in 2008/09, for the replacement of the bridge over the Castlereagh River on Regional Road No 333.

SHIRE OF WALGETT – AGENDA

471.1198-1
Harley Tom
T (02) 6861 1476
F (02) 6861 1414
E Harley.T.Tom@rta.nsw.gov.au

Walgett Shire
Council
REC'D



28 AUG 2007

24 August 2007

FILE: 190/02/04/01

LETTER No: 7269.

The General Manager
Walgett Shire Council
PO Box 31
WALGETT NSW 2832

REFER: AEN.

COPY:

Timber Bridge Partnership Program

Dear Sir/Madam

I refer to your letter, dated 26 February 2007, and discussions with Allan Nelson, relating to Walgett Shire Council's Timber Bridge replacement proposals.

Approval is given for the Pian Creek bridge replacement project (East of Walgett, on MR329), with the RTA's agreed share of funding for the project (including approaches) being estimated at \$290,000 which is available in the current 2007/2008 financial year. This funding is being provided on a 50/50 basis with Council and is based on a new bridge, 28.0m in length, with a carriageway width of 8.0m, and includes its immediate approaches.

Approval is also given for the Castlereagh River bridge replacement project (South West of Walgett, on MR333), with the RTA's agreed share of funding for the project (including approaches) being estimated at \$450,000 which is available in the 2008/2009 financial year. This funding is also being provided on a 50/50 basis with Council and is based on a new bridge, 43.0m in length, with a carriageway width of 8.0m, and includes its immediate approaches.

This letter is to be taken as a Schedule of Works, for both bridges, authorising works under the Program. If the tendered rates vary significantly please advise the RTA so an amended Schedule of Works can be issued. The Council is required to submit the initial cash flow forecast on the Council Payment Invoice. Cash flow forecast should be updated monthly to reflect any changes. Payment will not be made until expenditure is shown on the Council Payment Invoice.

Also Council is reminded that the Environmental Clearance Certification in accordance with Section C.09 of the 'Arrangements with Council for Road Management' is required prior to work commencing.

If any further information is required please don't hesitate to contact Harley Tom on (02) 6861 1476.

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. Standen'.

Phil Standen
Asset Manager

Roads and Traffic Authority

The logo of the Roads and Traffic Authority (RTA) of New South Wales, featuring the letters 'RTA' in a bold, sans-serif font above a stylized graphic of a road or bridge structure.	51-55 Currajong Street Parkes NSW 2870	PO Box 344 Parkes NSW 2870 DX 20256 Parkes	T 131 782	www.rta.nsw.gov.au
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MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 27

Subject: REPAIR Programme – 2008/09

Author: Alan Nelson – Manager Engineering

File No: 195/04/00/00

Summary:

This report briefs Council on action taken in submitting applications for REPAIR programme funding for 2008/09 to extend the bitumen seal on Regional Road No 333 (Walgett-Carinda), Regional Road No 457 (Collarenebri-Mungindi) and Regional Road No 329 (Collarenebri-Burren Junction).

Comments (including issues and background):

Applications, closing on 28 September next, are currently being invited for the 2008/09 Regional Roads REPAIR Programme. The REPAIR programme is an annual roads programme, administered by the Roads and Traffic Authority and requiring a 50% contribution from Council. Council's contribution has, in the past, been funded from the Block Grant and the maximum grant per Council from the programme in 2008/09 is capped at \$400,000. This represents an increase of \$50,000 from the previous cap. There is no guarantee that a grant will be forthcoming as all projects submitted are prioritised and funded accordingly, within the limit of available funds.

In previous years, Council has been successful with funding applications to extend the bitumen seal on Regional Road No 333 (Walgett-Carinda), Regional Road No 383 (Pilliga-Coonamble) and Regional Road No 402 (Cumborah-Lightning Ridge). Applications have also been submitted for other regional roads, particularly Regional Road No 329 (Collarenebri-Burren Junction) and Regional Road No 457 (Collarenebri-Mungindi) but these have not been successful. It is considered unlikely that Council would be successful with an application for any road other than Regional Road No 333, however, having said that, there is nothing to lose by submitting applications for Regional Roads Nos 329 and 457 and letting each be considered on their merits. Accordingly, applications seeking \$400,000 for each of these three roads have been submitted.

Relevant Reference Documents:

- Letter from Roads and Traffic Authority (not attached)

Stakeholders:

- Walgett Shire Council
- Roads and Traffic Authority

Financial Implications:

Council will be required to match any grant received, these funds coming from either Council's Block Grant or Auslink funding (Strategic Regional Programme). This programme has no implications relating to Council generated income.

Recommendation:

That Council notes the submission of applications, each in an amount of \$400,000, for REPAIR programme funding for 2008/09 to extend the bitumen seal on Regional Road No 333 (Walgett-Carinda), Regional Road No 457 (Collarenebri-Mungindi) and Regional Road No 329 (Collarenebri-Burren Junction).

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 28

Subject: Collarenebri Swimming Pool

Author: Alan Nelson – Manager Engineering

File No: 280/04/06/00

Summary:

The Pool Lessee at Collarenebri Swimming Pool has notified Council of her resignation to accept another position. This report briefs Council on initiatives taken to attract another Pool Lessee such that the opening of the facility for the 2007/08 swimming season is not unduly delayed.

Comments (including issues and background):

The Pool Lessee at Collarenebri Swimming Pool, Mrs Laura Boland, has notified Council that she has accepted another position, and will not be available to manage Collarenebri for the 2007/08 swimming season. She has indicated that, if required, a suitably qualified persons could operate the pool for the initial month whilst Council seeks to attract the services of a replacement Lessee. The Agreement between the Pool Lessee and Council provides for 90 days written notice to be provided by the Pool Lessee, in the event of their resignation, and this will not be provided in this instance. Nevertheless, it is not considered that it would benefit either party if Council sought to invoke this clause in the agreement.

When both Walgett and Collarenebri Pool Lessee's were advertised prior to the 2006/07 season, the Riley family applied for both pools. They have operated Walgett Pool in a very satisfactory manner in 2006/07 and have indicated an interest in taking over the management of Collarenebri Pool for 2007/08. Whilst no doubts exist as to the capabilities in this regard, local advertising of the position has been carried out to allow others, who may aspire to this position, the opportunity of competing for the position.

At this stage, it is hoped that the opening of the Collarenebri Pool will not be delayed significantly beyond the scheduled opening date of 1 October next.

Relevant Reference Documents:

Letter of resignation from Laura Boland (not attached)

SHIRE OF WALGETT – AGENDA

Stakeholders:

Walgett Shire Council
Residents of Collarenebri and District
Mrs Laura Boland
Mr K and Mrs V Riley

Financial Implications:

Some minor additional costs will be incurred in seeking a replacement Pool Lessee, however these are considered within the capacity of the 2007/08 budget to absorb.

Recommendation:

That Council note the resignation of the Collarenebri Swimming Pool Manager, as well as initiatives taken to recruit a replacement as soon as possible.

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 29

Subject: Walgett Cemetery

Author: Alan Nelson – Manager Engineering

File No: 024/05/03/17

Summary:

This report draws Council's attention to a request to provide a memorial wall at Walgett Cemetery. Whilst such a facility has not been provided for in the current budget, enquiries are being made to ascertain if the facility can be established through a subsidised labour programme.

Comments (including issues and background):

A request has been received from a resident of Walgett, that Council gives urgent consideration to the construction of a memorial wall at Walgett Cemetery. Such a facility will cater for those who elect to be cremated but do not wish to have their ashes placed in another cemetery or scattered to the four winds.

It is considered that the suggestion is well worthy of support, however the budget for 2007/08 does not provide for such a facility, unless means to reduce its cost can be achieved. If a memorial wall can be constructed at Walgett Cemetery for the cost of materials and supervision, it should be possible to bring it forward into 2007/08. Preliminary discussions have been initiated with BEST Employment to ascertain if this can be achieved. The subsidised labour project at Lightning Ridge Cemetery appears to be well supported in that community, accordingly it is considered that a project to construct a memorial wall at Walgett would also attract community support.

Relevant Reference Documents:

Letter of Request (not attached)

Stakeholders:

Residents of Walgett and District
Walgett Shire Council

Financial Implications:

The 2007/08 budget for Walgett Cemetery does not provide for the construction of a memorial wall. At this stage, a costing to provide such a facility has not been carried out. However, it is considered that the current budget would be able to accommodate a subsidised labour project.

Recommendation:

- 1. That Council note the request to provide a memorial wall at Walgett Cemetery and that construction of the facility proceed in 2007/08 if it can be arranged through a subsidised labour programme.**
- 2. In the event that this project cannot be implemented in 2007/08, that it be considered when formulating the budget for 2008/09.**

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 30

Subject: Lightning Ridge Landfill

Author: Alan Nelson – Manager Engineering

File No: 185/02/00/00

Summary:

This report recommends that Council undertakes a geotechnical assessment of land to the rear of the Lightning Ridge Cemetery, to ascertain its suitability for development as a landfill to service Lightning Ridge and District. Subject to this assessment proving the site to be suitable, environmental assessment of the site should then be undertaken.

Comments (including issues and background):

At its July 2007 meeting, Council resolved to seek public comment on a proposal to develop a landfill on Part Lot 4138 DP 766643, as well as ascertaining the views of the Lightning Ridge Community Working Party and the NSW Department of Lands.

No public comment has been received to date and despite a reminder being sent, no response has been received from the Community Working Party. The Department of Lands has responded indicating that formal consent to acquisition would not be considered until such time that a Review of Environmental Factors had been completed.

As indicated in a previous report to Council, it is considered that a new landfill for Lightning Ridge may require the completion of an Environmental Impact Statement (EIS) in the form prescribed by the Environmental Planning and Assessment Regulation 2000 (NSW) before Development Consent can be granted.

Guidelines issued by the NSW Department of Environment and Conservation provide a range of specific environmental considerations in respect to the design, construction, and management of landfills. Key environmental issues that are considered relevant to this project include the following:

- Proximity to a residential zone or dwelling not associated with the development (250 metres is an initial benchmark minimum separation distance to satisfactorily mitigate the potential impacts of noise, visual impact, air pollution, vermin, and traffic);
- Transmission of contaminants from the site via permeable subsurface layers (this is generally mitigated with a constructed clay liner);
- Proximity to an environmentally sensitive area (100 metres is an initial benchmark minimum separation distance to satisfactorily mitigate potential impacts); and
- Subject to washout from 1:100 year flood events.

SHIRE OF WALGETT – AGENDA

This site does not appear to be significantly deficient in terms of any of these key issues.

There is also a risk that the resolution of potential cultural heritage and archaeological impacts may delay the project. This risk remains, no matter which site is examined.

A geotechnical assessment of the site should be undertaken to confirm the fundamental suitability of the site before further funds are expended upon an environmental assessment. Clearly, if geotechnical assessment proves the site to be unsatisfactory, a possibility considered remote at this stage, there would be little point in further consideration of the site.

Relevant Reference Documents:

Council Resolution No 198/07 – July 2007
Letter from NSW Department of Lands
Plan showing location of proposed landfill site

Stakeholders:

Walgett Shire Council
Residents of Lightning Ridge and District
NSW Department of Lands

Financial Implications:

Restricted funds, totalling some \$135,000, are held for the development of a replacement landfill for Lightning Ridge. This is considered to be more than adequate for the geotechnical and environmental assessment of this proposed site.

Recommendation:

That a geotechnical assessment of land at the rear of Lightning Ridge Cemetery, Part Lot 4138 DP 766643, be undertaken and, subject to this assessment indicating suitability for a landfill, that an environmental assessment be undertaken.


Department of Lands
Land Administration & Management
Property & Spatial Information

The General Manager
Walgett Shire Council
PO Box 31
WALGETT NSW 2832

45 Wingewarra Street, Dubbo NSW 2830
PO Box 1840, Dubbo NSW 2830
Phone (02) 6883 3000
Fax (02) 6883 3099
www.lands.nsw.gov.au

6 September 2007

UR/Lightning Ridge

Attention Mr Alan Nelson


Lightning Ridge Landfill

I refer to your letter of 19 July 2007 regarding the above-mentioned matter and apologise for the delay in responding.

As the nearest recorded sighting of Koalas in the region is approximately 10kms away from the proposed site there are no obvious impediments to the acquisition of the land.

Prior to the issue of formal consent to the acquisition however, it will be necessary for Council to undertake a Review of Environmental Factors for the subject land which should include information on any known Archaeological and Indigenous Heritage sites.

Yours faithfully


Amanda Beeson
Team Leader – Disposals
Crown Lands Division
Western Region



SHIRE OF WALGETT - MINUTES

Year Five - 2011/12

Assumed Available Road Funds - \$1,588,000

Comprising

Block Grant - \$550,000

FAG (Road Component) Grant - \$200,000

Roads to Recovery Grant - \$838,000

Projects

1. Shire Roads (reforming of selected lengths) - \$438,000
2. Shire Road No 112 - Construction of new bridge over Wanourie Creek - \$400,000
3. Regional Road No 426 (gravel sheeting of selected lengths) - \$350,000
4. Regional Road No 457 (Selected length from Collarenebri towards Mungindi - seal for dust suppression) - \$200,000
5. Shire Road No 103 (Selected lengths from Burren Junction towards Pilliga – seal for dust suppression) - \$200,000

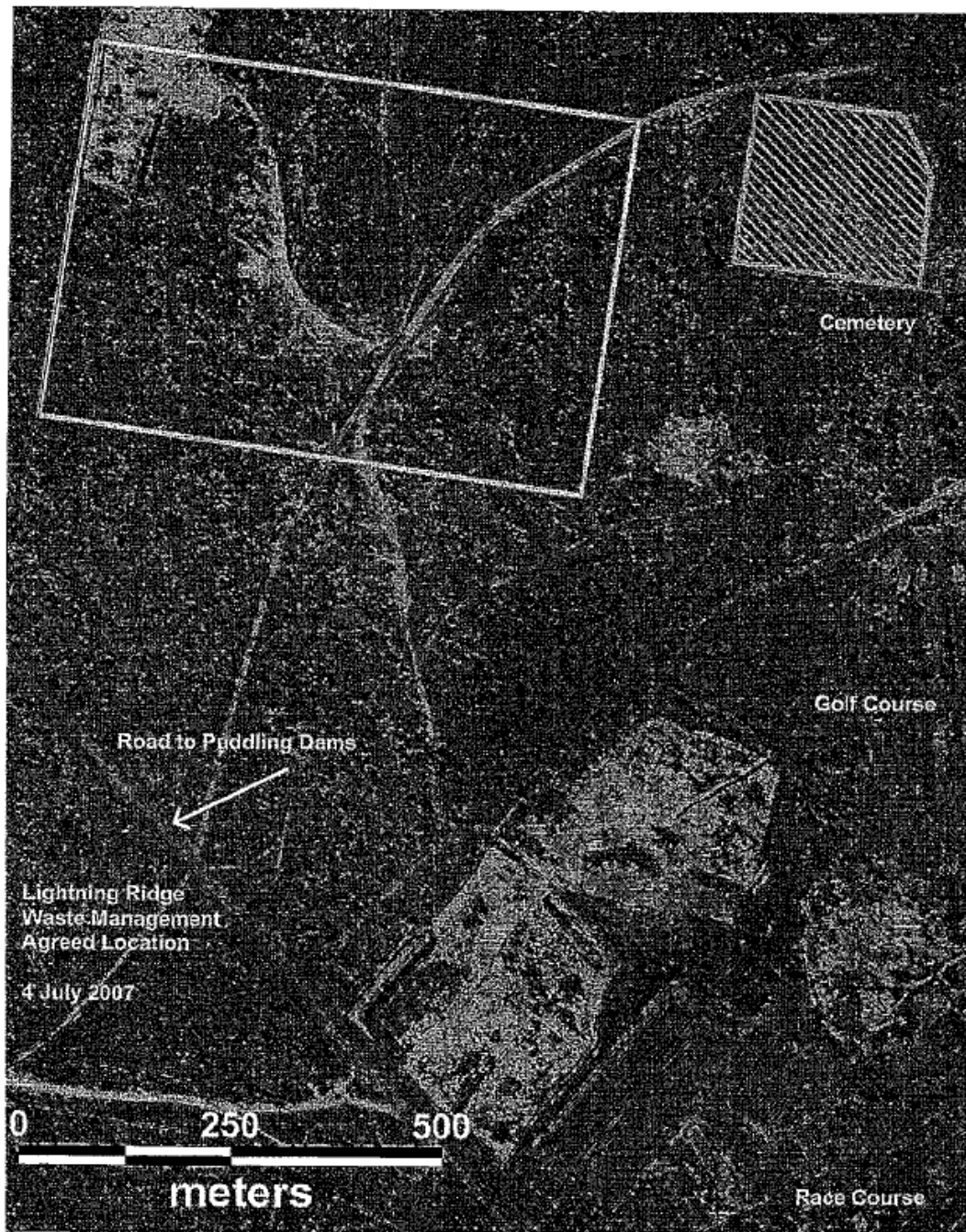
198/07 – Lighting Ridge Landfill

RESOLUTION: -

It was resolved on the Motion of the Administrator:

1. That Council seek public comments on a proposal to develop a landfill for Lightning Ridge on Part Lot 4138 DP 766643, as well as ascertaining the views of the Lightning Ridge Community Working Party and the Department of Lands.
2. That the results of this consultation be referred to the August 2007 meeting of Council.

Carried.



MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 31

Subject: Waste Collection – Lightning Ridge Opal Fields

Author: Alan Nelson – Manager Engineering

File No: 230/01/00/00

Summary:

This report recommends that a waste collection service operating in the Lightning Ridge Opal Fields be extended to the Sims Hill area for the balance of 2007/08 and that the collection of waste from the Opal Fields be reviewed from 1 July 2008.

Comments (including issues and background):

An application has been received from residents of the Sims Hill area, an opal mining area on the edge of the Lightning Ridge urban area, that a waste receptacle be placed in their area. They indicate that this facility has been placed in other opal mining areas surrounding Lightning Ridge.

This facility has been provided in other areas and the service is operated by a Lightning Ridge based contractor at Council's expense. To extend this service to the Sims Hill area would cost an additional \$2,500 per annum, based upon a twice weekly servicing of one skip.

Sims Hill is closer to the Lightning Ridge Landfill than other areas which currently enjoy the service, however it could be argued that it would be discriminatory to deny a service to one section of the opal fields that has been provided elsewhere within the opal fields. Accordingly, it is suggested that the service be provided for residents of the Sims Hill area for the remainder of 2007/08 and that this service be reviewed for all areas from 1 July 2008. This review is seen as necessary as it is a significant cost that is not being met by those who benefit from the service.

Relevant Reference Documents:

Letter from Sims Hill residents (not attached)
Quote to provide service (not attached)

Stakeholders:

Walgett Shire Council
Residents of Sims Hill
Mick Canfell – Waste Contractor

Financial Implications:

The 2007/08 budget should be able to accommodate the relatively minor costs associated with the recommendation contained in this report.

Recommendation:

- 1. That Council agree to provide a waste collection service, not to exceed two collections of one skip per week, in the Sims Hill area for the balance of 2007/08.**
- 2. That the collection of waste from the Lightning Ridge Opal Fields be reviewed from 1 July 2008.**

MANAGER ENGINEERING REPORT TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 32

Subject: Five Year Road Plan

Author: Alan Nelson – Manager Engineering

File No: 250/12/00/00

Summary:

This report recommends that Council adopts an amended Five Year Road Plan, as attached, to accommodate two projects which have been introduced into the plan.

Comments (including issues and background):

A further review of Council's Five Year Road Plan has been necessary to accommodate a decision to upgrade the access road from the Kamilaroi Highway to AWB's Beanbri Silo. In addition, notification from the Roads and Traffic Authority, that funding has been provided for replacement of a bridge over the Castlereagh River on Regional Road No 333, also has an impact on the Five Year Road Plan.

The plan has been amended to accommodate these projects and the amended document is attached to this report. The significant amendments are as follows :

1. Inclusion of income from AWB, as a contribution towards roadworks, in the plan.
2. Inclusion of sealing of Beanbri Road in 2007/08.
3. Deferral of Bridge Construction over Michome Creek from 2007/08 to 2008/09.
4. Inclusion of Bridge Construction over Castlereagh River in 2008/09.
5. Elimination of Shire Roads Reforming Programme in 2008/09.
6. Deferral of sealing on Shire Road No 103 from 2008/09 to 2009/10.

Relevant Reference Documents:

Five Year Road Plan – 2007/08 to 2011/12
Council Resolution No 267/07 – August 2007

Stakeholders:

Walgett Shire Council
NSW Government
Commonwealth Government
AWB Limited

Financial Implications:

Nil. The Five Year Road Plan is based upon Council expenditure of grant funding only.

Recommendation:

That Council adopt an amended Five Year Road Plan, as attached to this report, to accommodate the sealing of Beanbri Road and the replacement of a bridge over the Castlereagh River on Regional Road No 333.

FIVE YEAR ROAD PLAN

Funding for road projects comes from a number of sources. Five main sources are included in this road plan and, whilst there may be opportunities to access funds from other sources from time to time, it would be unrealistic to incorporate projects into this plan on the basis of utilising funds from sources that are unlikely to eventuate. These main sources are as follows ;

Block Grant – an annual lump sum made available by the State Government through the RTA for Council to undertake works (maintenance and development) on regional roads. The total available funds shown below is not equal to the Block Grant as much of this allocation needs to be retained for routine maintenance activities, such as grading, patching, resealing etc, which are not included in this plan.

REPAIR Programme – a dollar for dollar programme made available by the State Government through the RTA for Council to undertake works (development or rehabilitation) on regional roads. Council is not assured of gaining funds from this programme, however, on the basis of past performance it has been included as the prospects are at least reasonable. There is an upper limit of \$350,000 to be granted and matching funds are normally taken from the Block Grant.

Timber Bridge Replacement Programme – this state programme has been reintroduced by the State Government, however there is no information available at present which would allow the programme to be included in this plan with confidence. The plan will need to be reviewed, if and when an approved project from this programme becomes known.

FAG (Road Component) Grant – is made available annually by the Commonwealth Government for expenditure on local roads. The size of the grant is determined by a formula and, like the Block Grant, the total available funds is not equal to the grant, as it too must take into account routine maintenance activities.

Roads to Recovery Grant (2) – this is a four year programme which commenced last year. It is made available by the Commonwealth Government for expenditure on roads of any category, however the Commonwealth would prefer to see it spent on local roads.

Strategic Regional Programme – Council has received an allocation of \$2.1 million for Regional Road No 457, which must be matched with \$900,000 from Council's own funds. Subsequent to this advice, Council has also received \$2.8 million for both Regional Road No 329 and Regional Road No 333. In each case, these funds need to be matched with \$1.2 million from Council's own funds. The grant funds have already been made available to Council, however the plan has been prepared as if the funding is made available at the time it is spent.

Year One – 2007/08

Assumed Available Road Funds - \$4,501,334

Comprising

Block Grant - \$790,000

REPAIR Programme - \$350,000

Timber Bridge Partnership Programme - \$290,000

FAG (Road Component) Grant - \$200,000

Roads to Recovery Grant - \$838,000

Strategic Regional Programme - \$1,950,000

AWB Contribution (Beanbri Road) - \$83,334

Projects

- 1. Regional Road No 333 (seal Monkey Scrub towards Carinda) - \$1,300,000
(includes \$350,000 from REPAIR Programme)**
- 2. Regional Road No 457 (south of Little Weir) - \$1,500,000**
- 3. Shire Roads (reforming of selected road lengths) - \$421,334**
- 4. Sealing of village streets in Burren Junction - \$200,000**
- 5. Shire Road No 117 (seal to Beanbri Silo entrance) - \$500,000**
- 6. Regional Road No 329 – Construction of new bridge over Pian Creek -
\$580,000 (includes \$290,000 from Timber Bridge Partnership
Programme)**

Year Two – 2008/09

Assumed Available Road Funds - \$6,700,000

Comprising

Block Grant - \$1,000,000

REPAIR Programme - \$300,000

Timber Bridge Partnership Programme - \$450,000

FAG (Road Component) Grant - \$328,667

Roads to Recovery Grant - \$838,000

Strategic Regional Programme - \$3,700,000

AWB Contribution (Beanbri Road) - \$83,333

Projects

- 1. Regional Road No 333 (seal Monkey Scrub to Castlereagh River) - \$1,300,000 (assumes \$300,000 from REPAIR Programme)**
- 2. Regional Road No 329 (seal unsealed length between Rowena and Burren Junction) - \$4,000,000**
- 3. Shire Road No 120 – Construction of new bridge over Michome Creek (Epping Bridge) - \$300,000**
- 4. Shire Road No 120 - Construction of new bridge over unnamed watercourse (1st Epping Bridge) - \$200,000**
- 5. Regional Road No 333 – Construction of new bridge over Castlereagh River - \$900,000 (includes \$450,000 from Timber Bridge Partnership Programme)**

Year Three – 2009/10

Assumed Available Road Funds - \$4,471,333

Comprising

Block Grant - \$800,000

REPAIR Programme - \$300,000

FAG (Road Component) Grant - \$300,000

Roads to Recovery Grant - \$838,000

Strategic Regional Programme - \$2,150,000

AWB Contribution (Beanbri Road) - \$83,333

Projects

- 1. Regional Road No 333 (seal Castlereagh River to Shire Road No 38) - \$1,400,000 (assumes \$300,000 from REPAIR Programme)**
- 2. Sealing of village streets in Cumborah - \$200,000**
- 3. Regional Road No 202 (gravel resheeting of selected lengths) - \$150,000**
- 4. Shire Road No 101 (gravel sheeting of selected lengths) - \$150,000**
- 5. Shire Roads (reforming of selected lengths) - \$471,333**
- 6. Regional Road No 7716 (gravel sheeting of selected lengths – Pilliga end) - \$350,000**
- 7. Regional Road No 457 (seal Little Weir to State Border) - \$1,500,000**
- 8. Shire Road No 103 (Selected lengths from Burren Junction towards Pilliga – seal for dust suppression) - \$250,000**

Year Four - 2010/11

Assumed Available Road Funds - \$1,388,000

Comprising

Block Grant - \$350,000

FAG (Road Component) Grant - \$200,000

Roads to Recovery Grant - \$838,000

Projects

- 1. Shire Roads (reforming of selected lengths) - \$388,000**
- 2. Regional Road No 426 (gravel sheeting of selected lengths) - \$350,000**
- 3. Sealing of village streets in Carinda - \$200,000**
- 4. Shire Road No 79 - replace timber deck at bridge over Pagan Creek - \$200,000**
- 5. Shire Road No 103 (Selected lengths from Burren Junction towards Pilliga – seal for dust suppression) - \$250,000**

Year Five - 2011/12

Assumed Available Road Funds - \$1,588,000

Comprising

Block Grant - \$550,000

FAG (Road Component) Grant - \$200,000

Roads to Recovery Grant - \$838,000

Projects

- 1. Shire Roads (reforming of selected lengths) - \$438,000**
- 2. Shire Road No 112 - Construction of new bridge over Wanourie Creek - \$400,000**
- 3. Regional Road No 426 (gravel sheeting of selected lengths) - \$350,000**
- 4. Regional Road No 457 (Selected length from Collarenebri towards Mungindi - seal for dust suppression) - \$200,000**
- 5. Shire Road No 103 (Selected lengths from Burren Junction towards Pilliga – seal for dust suppression) - \$200,000**

SHIRE OF WALGETT – AGENDA

SHIRE OF WALGETT – MINUTES

265/07 Melbourne – Brisbane Rail Link

RESOLUTION: -

It was resolved on the Motion of the Administrator:-

1. That Council indicate in principle support for the inland route option of the proposed Melbourne to Brisbane rail corridor.
2. That Council agree to a request from the NSW Transport Authorities Retired Employees Association to have their petition, supporting an early commencement of this project, placed in Council's Office, Libraries and Collarenebri Agency, available for those wishing to support the project to sign.

Carried

266/07 Waste Collection – Cumborah

RESOLUTION: -

It was resolved on the Motion of the Administrator:-

That Council note the change, both implemented and proposed, for the collection of waste from Cumborah.

Carried

267/07 Five Year Road Plan

RESOLUTION: -

It was resolved on the Motion of the Administrator:-

That Council adopt a Five Year Road Plan, for the period 2007/08 to 2011/12, with the same content as was adopted in draft form at the July 2007 meeting.

Carried

COMMITTEE MINUTES TO COUNCIL MEETING 18 SEPTEMBER 2007

Item No:

Subject:

Author:

File No:

No Reports submitted

REPRESENTATIVE REPORTS TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 33

Subject: Camps on Claims Working Group Meeting

Author: Matthew Goodwin - Manager Planning and Regulation

File No: 135/02/01/03

Summary:

The Manager Planning and Regulation attended a Camps On Claims Working Group meeting on Wednesday 15 August 2007 as Walgett Shire Council's delegate. This report provides a summary of the matters discussed that are directly related to Council's core responsibilities, and recommends that Council resolve to note.

Background:

The Camps On Claims Working Group meeting was held at 12.30PM on Wednesday 15 August 2007 at the Lightning Ridge Bowling Club. Draft minutes of the meeting are reproduced below.

Bob Hewlett attended the meeting as an adviser on behalf of Walgett Shire Council, whilst the Manager Planning and Regulation attended as Walgett Shire Council's nominated delegate.

Agenda items directly relevant to Council's core responsibilities were:

- Draft Strategy
- Compulsory acquisition of town extension by Council

Strategy:

The Manager Planning and Regulation informed the working group that:

- The Walgett Shire Growth Management Study and Draft Strategy had been completed and is on public exhibition from 30 July 2007 until 30 September 2007.
- The Study/Strategy contained a number of significant recommendations which related to the 'preserved' opal fields and mining camps.
- Council felt it was important that the public and government agencies actively considered the document and recommendations contained therein.
- Council wanted constructive feedback on the document.

Lightning Ridge urban extension:

The Manager Planning and Regulation informed the working group that:

- Council had engaged a surveyor to prepare a survey which accurately defined the area in the vicinity of Lapkalle St, Fantasia St and the 3 Mile road which Council was seeking to acquire. That survey has been completed and was in the process of being passed on to the Department of Lands.
- Instead of the 26 hectares originally envisioned, the area defined is about 25 hectares.
- At this stage it appears that acquisition will proceed on a private treaty (voluntary) basis, as opposed to compulsory acquisition. The surveyed land will need to be valued to establish a price for the private treaty sale.

Relevant Reference Documents:

- Walgett Shire Growth Management Study and Draft Strategy prepared by Edge Land Planning, dated July 2007.

Stakeholders:

Walgett Shire Council, public.

Financial Implications:

Nil.

Recommendation

That Walgett Shire Council resolve to:

1. **Note the report provided by the Manager Planning and Regulation, Matthew Goodwin, on his attendance as Walgett Shire Council's delegate at the Camps on Claims Working Group meeting held on 15 August 2007.**

REPRESENTATIVE REPORTS TO COUNCIL MEETING 18 SEPTEMBER 2007
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Item No: 34

Subject: Lightning Ridge Mining Board Meeting

Author: Matthew Goodwin - Manager Planning and Regulation

File No: 135/02/01/03

Summary:

The Manager Planning and Regulation attended a Lightning Ridge Mining Board meeting on Thursday 16 August 2007 as Walgett Shire Council's delegate. This report provides a summary of the matters dealt with that are directly related to Council's core responsibilities and recommends that Council resolve to note this report.

Background:

The Lightning Ridge Mining Board meeting was held at 10.30AM on Thursday 16 August 2007 at the Lightning Ridge Bowling Club. The Manager Planning and Regulation, Matthew Goodwin, attended as Walgett Shire Council's nominated delegate.

Items dealt with that are directly relevant to Council's core responsibilities were:

- Gazetted reserves/policy reserves.
- Mining SEPP.
- Knud Nexø's Western Lands Lease application.
- Trespassing on Western Lands Leases and Mineral Claims.

Gazetted reserves/policy reserves:

The Lightning Ridge Miners Association (LRMA) representatives requested that the Lightning Ridge Mining Board support the revocation of the policy reserve established over the land between Fantasia St, Lapkalle St and the Lightning Ridge airport (apart from the 25Ha currently being acquired by Council).

I advised the Board that Council's Administrator and General Manager had met with representatives of the LRMA in recent months where:

- The LRMA stated their desire to have immediate access to all of the area for opal mining and prospecting.
- The Administrator indicated that the Council was not willing to agree to this, but it would be prepared to consider a proposal for staged access to the area.

After relatively lengthy discussion, the Board requested that Walgett Shire Council discuss with Lindsay Gilligan, Director of the Geological Survey of NSW the relevance of the Council's various policy reserves, statutory reserves and freehold lands on the 'preserved' opal fields in the vicinity of Lightning Ridge. Specifically whether there was an opportunity to make some or all of these available for opal prospecting and mining.

Mining SEPP:

Some discussion occurred about the new Mining State Environmental Planning Policy. The Department of Primary Industries advised that they believed that renewal applicants would need to obtain development consent from Council prior to the renewal of any existing Mining Purposes Leases (MPLs).

I advised the board that:

- Council was keen to ensure that any Development Application it received was prepared in a competent manner.
- Council would charge a \$220.00 (change of use) Development Application fee for established MPLs, and the full fee (based on the estimated value of the development) for new titles for MPLs or Mining Leases.

Knud Nexø's Western Lands Lease application:

I indicated that Council would be considering a report on Knud Nexø's application at a meeting to be held next week. Also that a review of Council's records suggested the engineering business operating on the site did not have development consent, hence the report recommends support for the application provided the applicant gets development consent prior to the lease being granted.

Trespassing on Western Lands Leases and Mineral Claims:

Landholder representatives raised a concern that they were experiencing ongoing problems with people trespassing on their properties. In many cases these people are tourists. Miner representatives indicated that they had similar concerns, especially in relation to fossickers on Mineral Claims and mullock dumps. The board requested that Walgett Shire Council take steps to ensure:

1. That tourism staff employed by Council are aware that, where appropriate, they should advise tourists that access to rural properties or mining claims was only possible with consent of the occupier.
2. Information to the effect of point 1 is included in Council tourist brochures.

Relevant Reference Documents:

- Agenda papers for the Lightning Ridge Mining Board meeting of 16 August 2007.

Stakeholders:

Walgett Shire Council, public.

Financial Implications:

Nil.

Recommendation

That Walgett Shire Council resolve to:

- 1. Note the report provided by the Manager Planning and Regulation, Matthew Goodwin, on his attendance as Walgett Shire Council's delegate at the Lightning Ridge Mining Board meeting held on 16 August 2007.**
- 2. Note that there are ongoing discussions between the Department of Primary Industries and Council staff regarding the relevance of Council's various policy reserves, statutory reserves and freehold lands on the 'preserved' opal fields in the vicinity of Lightning Ridge.**
- 3. Request the General Manager ensure that tourism staff are aware that access to rural properties and Mineral Claims should only occur with the consent of the occupier.**