



# **WALGETT SHIRE COUNCIL**

## **AGENDA**

**15 December 2009**

**IAN TAYLOR**  
*Acting General Manager*



8 December 2009

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 **Walgett Shire Council Chambers commencing at 10.00am.**

***Note that prior to the Council Meeting there will be a tour of the Old Doctor's Surgery in Wee Waa Street. Councillors please meet at surgery at 9.30am.***

## **AGENDA**

### **1. Opening of Meeting**

### **2. Acknowledgement of Traditional Owners**

I would like to acknowledge the traditional owners of the lands within the Walgett Shire and I would also like to acknowledge the Aboriginal and Torres Strait Islander people who now reside within this Shire.

### **3. Apologies**

### **4. Welcome to Visitors**

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

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

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

### **7. Confirmation of Minutes**

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

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**19. Close of Meeting**

### 3. Apologies

Nil

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

### 7. Confirmation of Minutes



## **WALGETT SHIRE COUNCIL**

## **MINUTES**

**24 November 2009**

**CAROLE MEDCALF**  
*Acting General Manager*

WALGETT SHIRE COUNCIL MINUTES

**MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD AT THE BURREN JUNCTION RSL CLUB ON TUESDAY 24 NOVEMBER 2009 COMMENCING AT 10:05AM**

**PRESENT**

Clr I Woodcock (Mayor)  
Clr Colless (Deputy Mayor)  
Clr Martinez  
Clr K Smith  
Clr L Walford  
Clr R Greenaway  
Clr D Lane  
Clr J Keir  
Clr G Murray  
Ms C Medcalf (Acting General Manager)  
Mr I Taylor (Director, Rural Infrastructure & Support Services)  
Mr F Coralde (Director, Urban Infrastructure Services)  
Mr M Goodwin (Director, Planning and Regulatory Services)  
Mrs J Campbell (Minute Secretary)

**Apologies**

The General Manager apologises for non attendance at the November Council Meeting.

**Welcome to Visitors**

*The Mayor welcomed all visitors to the meeting.*

**Public Forum Presentations**

**Brett Stevens – Burren Precinct Committee**

Mr Stevens spoke on the following issues:

- Closing of the Burren Junction Bore Baths without notifying residents
- The need for the heat flow of water through the baths to be varied to ensure they remain warm and prevent organisms such as leeches from residing in them.
- Request that Council consult fully with the community of Burren Junction
- The implementation of a local steering committee
- The need for signage at the Bore Baths to be updated
- Playground park equipment to be included in this year's budget
- Pedestrian crossing in front of the school is invisible and dangerous

**Phillip Powell**

Mr Powell raised concerns regarding the following items:

- The state of a section of the Burren Junction to Pilliga road, in particularly the area near the Bugilbone Bridge. The sealed section of road has worn away and is dangerous in wet weather. This is a concern to parents as there is a school bus stop near the crossroads on this road and at times visibility. can be quite difficult.
- The Kamilaroi Highway runs right in the middle of the Burren Junction Silo which creates a dangerous situation. Request that Council approach RTA regarding this matter.
- Is there a staff member at Burren Junction who could fix the potholes on SR17.

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**Bruce Howie – Publican Junction City Hotel**

Mr Howie raised concerns regarding the following:

- The intersection on the Walgett road and Collarenebri road is dangerous where there is a giveaway sign on the approach over the train track, and a giveaway sign on the Collarenebri Road. This is creating a lot of confusion. Is there a reason for this?
- Can council form a committee of locals, and communicate with them in relation to periods when the Bore Baths will be open and closed so that information can be passed on to Bore Bath users.

**Gary Mattau – Spencer Steer Auditors**

Mr Mattau provided a presentation on Council's Audited Financial Reports

**Declaration of Pecuniary/Non Pecuniary Interests**

Clr Lane declared a pecuniary interest in item 26 – Waste Management Advisory Group

**Confirmation of Minutes**

**341/09 Confirmation of Minutes**

**Resolution:**

That the minutes of the Council meeting held 27<sup>th</sup> October be confirmed.

**Moved:** Clr Walford

**Seconded:** Clr Colless

**CARRIED**

Clr Murray raised a question in relation to the weir at Walgett, in particular the height issue that was raised at the last meeting.

The Director of Rural Infrastructure and Support Services advised that he cannot recall exact details and that he would provide assistance to the Director Urban Infrastructure Services to advise Council on this matter.

**8. Reserve Trust Management Committee Reports**

*Nil*

## 9. Mayoral Minutes

### 342/09 Notice of Motion to Rescind Part of Resolution 302/09 ("Camping at Burren Junction Bore Baths")

**Resolution:**

That parts 2 to 6 inclusive of Resolution 302/09 be rescinded.

**Moved:** Clr Greenaway

**Seconded:** Clr Keir

**CARRIED**

## 10. Motions of which Notice has been given

Nil

## 11. Presentation of Petitions

Nil

## 12. Councillors Questions with Notice

### Councillor Greenaway

**Question One:**

Could councillors be given the cost of purchasing and installing the double toilets which were installed at the Rowena Hall approx five years ago?

**Response:**

The Director Rural Infrastructure and Support Services advised the following costs:

Prefab Toilet	\$16,438
Trades	\$3,877
Materials (Other)	\$264
Plant & Labour	\$7,400

Total: \$27,979 plus GST

**Question Two:**

When will the pedestrian crossing at the school in Alma Street be repainted? This was suggested to be done at the previous Council Meeting held in Burren Junction about 12 months ago.

WALGETT SHIRE COUNCIL MINUTES

**Response:**

The Director Rural Infrastructure and Support Services advises that he tabled a response at the October Council Meeting.

**Question Three:**

Will the \$16,000 of the first infrastructure grant that was not spent at Burren Junction be able to be added to the \$20,000 from the second infrastructure grant and spent on developing the new park at Burren Junction?

**Response:**

The Acting General Manager advises that the first round of infrastructure monies has to be accounted for to the Federal Government by 30 November 2009 and that needs to be done prior to Council receiving the 2nd round of funding. The only way projects can be extended is if phase 1 is completed and funds expended by 30 November and phase 2 allocation starts when Council has completed round 1.

**Question Four**

Has there been any progress in diverting the highway around the Burren Junction silo?

**Response:**

The Director Rural Infrastructure and Support Services advised that he is not aware of any plans by the to divert the Highway around GrainCorp's Burren Junction Silo complex, nor does he consider it likely that they will fund such a diversion. Council has not proposed that it fund a diversion, hence it does not feature in Council's Management Plan in the current or future years. No recommendation that Council fund such a diversion either on new or existing residential streets.

He further advised that GrainCorp has been made aware of traffic management concerns on the Highway adjacent to their Burren Junction Silo complex and their traffic management plan has been requested both in writing and at a recent pre-harvest meeting with staff. GrainCorp is still yet to supply their plan.

GrainCorp were again advised of the RTA's requirements for a temporary diversion of the Highway during harvest at the above meeting and copies of previous correspondence were supplied to them evidencing such requirements and previous arrangements. GrainCorp have chosen not to pursue these arrangements.



WALGETT SHIRE COUNCIL MINUTES

### 13. Reports of Delegates and Representatives

#### 343/09 Minutes of the Orana Regional Organisation of Councils

**Resolution:**

That the Minutes of the Orana Regional Organisation of Councils be noted.

**Moved:** Clr Colless

**Seconded:** Clr Murray

**CARRIED**

#### 344/09 Minutes of the Western Division Group of the Shires Association of NSW

**Resolution:**

That the Minutes of the Mid Term Conference of the Western Division Group of the Shires Association of NSW be noted.

**Moved:** Clr Martinez

**Seconded:** Clr Keir

**CARRIED**

#### 345/09 Lightning Ridge Mining Board Minutes

**Resolution:**

That Council note the draft minutes of the Lightning Ridge Mining Board meeting held on 20 August 2009.

**Moved:** Clr Lane

**Seconded:** Clr Murray

**CARRIED**

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### **346/09 Castlereagh Macquarie County Council Minutes**

**Resolution:**

That Council note the minutes of the Castlereagh Macquarie County Council meeting held on 19 August 2009.

**Moved:** Clr Greenaway

**Seconded:** Clr Smith

**CARRIED**

#### **347/09 Walgett Local Emergency Management Committee**

**Resolution:**

That Council note the minutes of the Walgett Local Emergency Management Committee Meeting held 7 October 2009.

**Moved:** Clr Walford

**Seconded:** Clr Keir

**CARRIED**

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

Nil

### **15. Reports of Officers**

#### **348/09 Lightning Ridge Precinct Committee Minutes of Meetings**

**Resolution:**

That the minutes of the 22<sup>nd</sup> October Meeting of the Lightning Ridge Precinct Committee be noted

**Moved:** Clr Smith

**Seconded:** Clr Lane

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

349/09 Possible Compulsory Acquisition of the site of the Burren Junction Bore Baths	
<b>Recommendation:</b>	
That Council:	
<ol style="list-style-type: none"><li>1. Seek to acquire the Crown Land which is the site of the Burren Junction Bore Baths and associated areas, including Lot DP 181329 (Reserve 60917) and Lot 49 DP40744 (Reserve 160024), by compulsory acquisition pursuant to the Land Acquisition (Just Terms Compensation) Act 1991.</li><li>2. Seek to acquire Lot 10 DP 1134743 (site of baths) which is owned by the Water Administration Ministerial Corporation.</li><li>3. Request the Land and Property Management Authority to issue Owner's Consent for a Development Application for a second evaporation pond at the Bore Baths forthwith.</li></ol>	
<b>Moved:</b>	Clr Keir
<b>Seconded:</b>	Clr Murray
<b>AMENDMENT:</b>	
<ol style="list-style-type: none"><li>1. That Council seek to acquire the Crown Land which is the site of the existing and proposed evaporation ponds at the Burren Junction Bore Baths.</li></ol>	
<b>Moved:</b>	Clr Greenaway
<b>Seconded:</b>	Clr Lane
<b>CARRIED AND BECAME MOTION</b>	
<b>MOTION CARRIED</b>	

350/09 Formation of a Burren Junction Bore Bath Committee	
<b>Resolution:</b>	
That Council forms a sub-committee with local residents for the purpose of providing input into the operations of the Burren Junction Bore baths.	
<b>Moved;</b>	Clr Greenaway
<b>Seconded:</b>	Clr Murray
<b>CARRIED</b>	

WALGETT SHIRE COUNCIL MINUTES

**351/09 Australia Day 2010**

**Resolution:**

1. That The Mayor and the following Councillors be members of the Australia Day Awards Judging Panel:  
  
    Clr Keir  
    Clr Walford
2. The Mayor be the Chairperson of the Judging Panel.
3. The Mayor and Councillors on the Panel be authorised to determine community members of the Panel and to invite community members to join the Panel.

**Moved:**      Clr Walford  
**Seconded:**   Clr Martinez

**CARRIED**

*11:57am Clr Lane left meeting*

**352/09 Annual Report**

**Resolution:**

That Council endorses the Annual Report and that the Annual report be forwarded to the Department of Local Government and placed on Council's website.

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

**CARRIED**

**353/09 Integrated Planning Requirements**

**Resolution:**

That Walgett Shire Council nominates to adopt its initial Integrated Plan and Delivery Program as part of Group 2 by 30 June 2011.

**Moved:**      Clr Keir  
**Seconded:**   Clr Walford

**CARRIED**

*11:59am Clr Lane returned to the meeting*

*12:15pm adjourned for lunch*

*12:45 pm returned to the meeting*

WALGETT SHIRE COUNCIL MINUTES

**354/09 2008-2009 Audited Financial Statements and Audit Report**

**Resolution:**

That Council receive the Audited Financial Reports together with the Auditor's Reports for the period 1 July 2008 to 30 June 2009.

**Moved:** Clr Greenaway

**Seconded:** Clr Murray

**CARRIED**

**355/09 Cash on Hand and Investment Report as at 30 September 2009**

**Resolution:**

That the cash on hand and investment report as at 30 September 2009 be received.

**Moved:** Clr Walford

**Seconded:** Clr Lane

**CARRIED**

**356/09 Quarterly Budget Review as at 30 September 2009**

**Resolution:**

That Council note the quarterly budget review for the period to 30 September 2009 and adopt the changes as recommended.

**Moved:** Clr Colless

**Seconded:** Clr Greenaway

**CARRIED**

**357/09 Quarterly Budget Review as at 30 September 2009 - Housing**

**Resolution:**

That Council make available the house at Euroka Street owned by Walgett Shire Council for Coolibah kids to be utilised, subsidised for a 12 month period, following a review at the December 2009 meeting of the organisations situation.

**Moved:** Clr Colless

**Seconded:** Clr Keir

**CARRIED**

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### 358/09 Quarterly Budget Review as at 30 September 2009 – Water and Sewer Funds

**Resolution:**

That each individual Water and Sewer fund be reported as separate line items in the Quarterly budget review report as well as consolidated funds.

**Moved:** Clr Lane

**Seconded:** Clr Martinez

**CARRIED**

#### 359/09 New Expenditure Proposals for 2009/10

**Recommendation:**

That:

1. Walgett Shire Council seek grant funding to fence both the Walgett and Lightning Ridge Skate parks and consider these project in next year's budget, if not grant funded.
2. Council consider funding phase one of the Lightning Ridge urban expansion in next year's budget.
3. Council fund the Burren Junction playground equipment either completely or partially by the Regional infrastructure Program with any shortfall funded by increasing the current budget deficit.
4. Council approve the installation of water meters at Lightning Ridge, to be funded from the Lightning Ridge Water Fund Reserves.
5. Walgett Shire Council purchase the required meter reading equipment, software and support to ensure water billing can commence on 1 July 2010. (To be funded 53% by Walgett Water Fund Reserve and 47% by the Lightning Ridge Water Reserve.)
6. Council consider funding the remediation of Carinda waste depot in next year's budget.

**Moved:** Clr Greenaway

**Seconded:** Clr Smith

**AMENDMENT**

That Council fund phase one of the Lightning Ridge urban expansion in next year's budget.

**Moved:** Clr Lane

**Seconded:** Clr Walford

**MOTION LOST**

**Original Recommendation put forward**

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

**360/09 Report on Youth Development and Services (July 2009 to October)**

**Resolution:**

That the report on Youth Development and Services for the period July 2009 – October 2009 be accepted.

**Moved:** Clr Walford  
**Seconded:** Clr Martinez

**CARRIED**

**361/09 Main Street Beautification**

**Resolution:**

That the Walgett Main Street Beautification report provided by GMU Design & Architecture be accepted.

**Moved:** Clr Martinez  
**Seconded:** Clr Colless

**CARRIED**

**362/09 Walgett District Historical Society**

**Resolution:**

1. That the Draft works program for Walgett Museum Redevelopment Program be approved provided that the refurbishment works align with proposed plans generated by the Walgett Shire Council Tourism Branding strategy and Main Street Beautification project and the Heritage Advisor is consulted.
2. That the requested funds be considered in the 2010/2011 budget allocations.

**Moved:** Clr Greenaway  
**Seconded:** Clr Smith

**CARRIED**

**363/09 Community Development and Tourism Quarterly Report (July – October 2009)**

**Resolution:**

That the Community Development and Tourism quarterly report (July – October 2009) be accepted.

**Moved:** Clr Keir  
**Seconded:** Clr Greenaway

**CARRIED**

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### **364/09 Draft Community Consultation Procedures**

**Resolution:**

That Council endorses the draft Community Consultation Procedures.

**Moved:** Clr Walford

**Seconded:** Clr Martinez

**CARRIED**

#### **365/09 Community Plan 2010-2014**

**Resolution:**

That the Walgett Shire Council Community Plan 2010 – 2014 be accepted.

**Moved:** Clr Colless

**Seconded:** Clr Keir

**CARRIED**

#### **366/09 Occupation Health & Safety Report**

**Resolution:**

That Walgett Shire Council note and accept this report.

**Moved:** Clr Martinez

**Seconded:** Clr Smith

**CARRIED**

#### **367/09 Development and Complying Development Certificate Applications**

**Resolution:**

Note the Development and Complying Development Certificate applications dealt with under delegated authority by the Director Planning and Regulatory Services and General Manager during October 2009.

**Moved:** Clr Smith

**Seconded:** Clr Greenaway

**CARRIED**



WALGETT SHIRE COUNCIL MINUTES

**368/09 Local Approvals Policy, onsite Sewerage Management System Exemptions**

**Resolution:**

1. Note the response letter dated 8 Oct 2009 from the Deputy Director General (Local Government), of the Department of Premier and Cabinet (formerly the Department of Local Government) which refuses to endorse the exemption provisions proposed for on-site sewage management systems under the Local Government Act 1993, as contained within the revised draft Walgett Shire Council Local Approvals Policy.
2. Council write to the Deputy Director General (Local Government), of the Department of Premier and Cabinet, acknowledging the Department's letter dated 8 Oct 2009, and state that Walgett Shire Council:
  - a) No longer wishes to pursue the exemption provisions proposed for on-site sewage management systems in section 2.2.1 (activity C6) of the previously submitted Local Approvals Policy.
  - b) Requests the Deputy Director General's consent for the adoption of the remaining exemption provisions that are relevant to the Department of Premier and Cabinet.
3. Raise with the next meeting of the Orana Regional Organisation of Councils (OROC):
  - a) Walgett Shire Council's concerns that the current policy and regulatory arrangements for on-site sewage management systems under the Local Government Act 1993 are excessively onerous.
  - b) Walgett Shire Council's request that the OROC make a submission to the Department of Premier and Cabinet that there is a pressing need for reform to allow on-site systems of sewage management to be operated without formal approval, if the responsible Council has identified a given system as posing a low risk to public health and the environment under normal operating conditions.

**Moved:** Clr Murray

**Seconded:** Clr Keir

**CARRIED**

**369/09 Local Approvals Policy, onsite Sewerage Management System Exemptions – Letter to Minister**

**Resolution:**

Write to Shadow Minister for Local Government detailing the core issues raised in this report and suggest that he asks the minister some questions, CC to Kevin Humphries MLA.

**Moved:** Clr Lane

**Seconded:** Clr Walford

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

**370/09 State of the Environment Report**

**Resolution:**

1. Note and endorse the Namoi Regional State of the Environment Report for 2008-2009, as prepared by Hyder Consulting Pty Ltd and supplied by the Namoi Catchment Management Authority.
2. Submit the Namoi Regional State of the Environment Report for 2008-2009, to the Department of Local Government as a component of Walgett Shire Council's Annual Report.

**Moved:** Clr Colless

**Seconded:** Clr Keir

**CARRIED**

*1:37pm Clr Lane left the meeting*

**371/09 Waste Management Advisory Group**

**Resolution:**

1. Council approves the formation of a Waste Management Advisory Group.
2. Council approves the Terms of Reference of the Waste Management Advisory Group
3. Council approves an annual budget of \$2,500 to commence in 2010-11 financial year.

**Moved:** Clr Martinez

**Seconded:** Clr Smith

**CARRIED**

*1:49pm Clr Lane returned to the meeting*

**372/09 NSW Rural Fire Service North West zone Service Level Agreement: 2009 – 2018 Strategic Plan**

**Resolution:**

1. Note the North West Zone NSW Rural Fire Service Strategic Plan 2009 - 2018; and.
2. Place the Plan on public display with all comments received referred to Council's NSW Rural Fire Service North West Zone Service Level Agreement Committee.

**Moved:** Clr Murray

**Seconded:** Clr Smith

**CARRIED**

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### 373/09 Procedures – Hire of Grandstand Trailer

**Resolution:**

That Council note the new and amended Procedures: AFM - Quoting Council Plant & Vehicle Hire, November 2009; and AFM - Conditions for Hire of Council Plant & Vehicles Without Operators.

**Moved:** Clr Walford  
**Seconded;** Clr Martinez

**CARRIED**

#### 374/09 RTA Regional Roads Repair Program – Applications for 2010/2011

**Resolution:**

That Council note the application for funding of the reconstruction and sealing of one kilometre of each of MR426 Ridge Road, MR457 Gundabloui Road, and MR7716 Come By Chance Road under the RTA Regional roads REPAIR Program.

**Moved:** Clr Smith  
**Seconded;** Clr Keir

**CARRIED**

#### 375/09 New South Wales Grain Freight Review – September 2009

**Resolution:**

That Council note the release of the NSW Grain Freight Review, September 2009, its potential impacts upon road operations and maintenance in Walgett Shire, and the Commonwealth Government's response to the Review's recommendation.

**Moved:** Clr Murray  
**Seconded:** Clr Keir

**CARRIED**

WALGETT SHIRE COUNCIL MINUTES

**376/09 NSW Rural Fire Service North West Zone Service Level Agreement and Bushfire Management Committee Meetings**

**Resolution:**

1. Note the draft minutes of the North West Zone NSW Rural Fire Service meeting held in accordance with the Service Level Agreement with its constituent councils September 2009; and
2. Note the draft minutes of the North West Zone NSW Rural Fire Service Bush Fire Management Committee meeting September 2009

**Moved:** Clr Colless

**Seconded:** Clr Walford

**CARRIED**

**Questions Without Notice**

**Clr Colless**

**Question:**

In relation to the amenities at the Walgett Tip, why are there still no amenities block at the Walgett Tip? As part of their contract there is supposed to be an amenities block built on the tip.

**Response:**

The Director Urban Infrastructure Services indicated that he was not aware that the contract made reference to an amenities block. He further advised that he will go back through the contract and check.

**Question:**

The Saleyard Association are looking at holding their next meeting in Walgett in February. Are we able to book the Council chambers and organise the meeting?

**Response:**

The Director Urban Infrastructure Services advised that dates will need to be provided and that he will liaise with the councillor. The Acting General Manager also indicated that the tourist officer is able to arrange some tours for partners of the attendees.

**Clr Smith**

**Question:**

In relation to the date of the Infrastructure openings, can we please have an email notifying this or any changes?

**Response:**

The Acting General Manager advised yes.

**Question:**

What is happening with the persons that owe rates in Collarenebri? Has there been any movements on these?

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

**Response:**

The Acting General Manager advised that the matters are being pursued.

**Clr Martinez**

**Question:**

In relation to the quotations for pipe work for the Lightning Ridge swimming pool. Didn't the consultant guarantee the amount to \$300,000?

**Response:**

The Director Urban Infrastructure Services advised that the consultant does not make a decision. He further advised that the consultant gave an estimated cost of the job, but he cannot guarantee it will be a certain amount. He further advised that at the time, \$300,000 was in his opinion the estimated cost for the project.

**Question**

Did we engage a consultant for the lifespan of the Lightning Ridge town water supply bore?

**Response:**

The Director Urban Infrastructure Services advised that he is about to complete a brief for consultants to develop a second bore at Lightning Ridge. He further advised that the brief should be available by the second week of January.

**Question:**

Can a report be brought back to the next meeting in relation to the process of tendering?

**Response:**

The Acting General Manager confirmed that the report would come to the December Council meeting.

**Clr Greenaway**

**Question:**

Who keeps the gardens in order at the new Shire housing complex?

**Response:**

The Acting General Manager advised that it is the responsibility of the staff in the units to look after their own yards. She further advised that the General Manager has asked that the Urban Infrastructure department organise regular upkeep of the vacant houses. She also advised that the mowing has been completed of the vacant units within the last week.

**Question:**

What is happening with the potholes on SR14 near the RR329 turnoff?

**Response:**

The Director Rural Infrastructure and Support Services advised that this is ongoing. He further advised that he will take the matter on notice and have staff undertake repairs in the area.

**Question:**

In relation to the Collarenebri Primitive Camping area, what are we doing about power usage?

**Response:**

The Acting General Manager advised that she has looked at a variety of ways to address this issue. She further advised that this is ongoing.

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

**Question:**

Can we please have a breakdown of councillor costs on monthly payment advice?

**Response:**

The Acting General Manager advised a breakdown will be done.

<b>377/09 Letter to the Minister for Police regarding Break and Enters in the Shire</b>
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**Resolution:**

1. That the General Manager write a letter to the Minister of Police regarding the issue with break and enters in the Walgett Shire, and that a copy be forwarded to the Minister for Local Government

**Moved:** Clr Greenaway

**Seconded:** Clr Woodcock

**CARRIED**

**Question:**

There is a road of significance – from Coonabarabran to the Queensland border at Mungindi via Pilliga and Collarenebri. Can Council look into possibilities of additional funding to seal the balance of this road?

**Response:**

The Director Rural Infrastructure and Support Services indicated that he will take the matter on notice.

<b>378/09 Significant route between Coonabarabran and Mungindi</b>
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**Resolution:**

That Council supports the establishment of the route between Coonabarabran and Mungindi as a road of significance and pursue funding opportunities for its upgrade with Warrumbungle and Narrabri Shire Councils.

**Moved:** Clr Greenaway

**Seconded:** Clr Smith

**CARRIED**

**Question:**

In relation to the water supply at Rowena, could we investigate putting a device such as a magnetic collar to help improve the quality of the water?

**Response:**

The Director Urban Infrastructure Services indicated that he had heard of this method and he will investigate it further.

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### Clr Murray

**Question:**

Can we invite the Police to come and visit another Council Meeting?

**Response:**

The Acting General Manager advised that we can arrange to invite the Acting Superintendent to the December Meeting.

**Question:**

What is happening with the bridges on the Cumborah Road? I thought they were all supposed to be replaced?

**Response:**

The Director Rural Infrastructure Services advised that the contract is still current and that a request for variation (to the pile design) for the convenience of the contractor is being resolved and manufacture of piles should recommence before Christmas. All new bridges have 8 metre clear width.

**Question:**

The bridge on the Brewon road, is no longer there? Is this now a permanent bypass/side track?

**Response:**

The Director Rural Infrastructure Services advised that the status quo will remain until such time as it is addressed in Council's strategic road plan and funding is identified for the bridge's replacement.

#### Clr Keir

**Question:**

What is happening with sealing the Main street of Come By Chance?

**Response:**

The Director Urban Infrastructure Services advised that he liaise with the Rural Infrastructure staff in relation to this matter.

The Director Rural Infrastructure and Support Services advised that works are scheduled to start in March 2010.

**Question:**

The approaches to the ramp on the eastern side of the Cumberdoon bridge on RR7716 are in a poor state.

**Response:**

The Director Rural Infrastructure and Support Services advised that he was aware that they have deteriorated and will follow up the rectification with his staff.

**Question:**

In relation to the rewiring of the Come By Chance hall, there is an allocation of \$5000 in Infrastructure monies. We have obtained quote of \$10,000. Can we apply for the Heritage funding? Are we able to get money from two separate areas to pay for the wiring.

**Response:**

The Director Planning and Regulatory Services advised yes, it may be possible to obtain a grant from the local heritage fund, but an application would need to be lodged.

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

The Acting General Manager further advised that the grandstand for Rowena will not cost as much as expected, we may be able to obtain the funds from there.

#### **379/09 Move into Closed Session**

**Resolution:**

That the public be excluded from the meeting pursuant to Section 10A (2) (c) & (g) of the Local Government Act 1993

**Moved:** Clr Greenaway

**Seconded:** Clr Martinez

**CARRIED**

#### **380/09 Namoi House Incorporated**

**Resolution:**

That Council notes and accepts the report.

**Moved:** Clr Greenaway

**Seconded:** Clr Colless

**CARRIED**

#### **381/09 Contract for the Supply & Delivery of Bulk Cationic Rapid Setting (CRS) Bitumen Emulsion – Regional Procurement Tender T30910OROC**

**Resolution:**

1. Downer EDI be awarded this tender as the single source supplier to participating OROC member councils for the period 1st December 2009 to 31st December 2011;
2. Provision be allowed for a 12 month extension based on satisfactory supplier performance which may take this tender through to 2012; and
3. Council authorise the General Manager and Mayor to execute any necessary contract documentation.

**Moved:** Clr Lane

**Seconded:** Clr Greenaway

**CARRIED**



## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### 382/09 Move into open session

**Resolution:**

That Council return to Open Session

**Moved:** Clr Greenaway

**Seconded:** Clr Keir

**CARRIED**

The meeting closed at 2:46pm.

To be confirmed at the meeting of Council to be held on 15<sup>th</sup> December 2009

**DRAFT**

\_\_\_\_\_  
Mayor

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

#### Confirmation of Minutes

**Recommendation:**

That the Minutes of Council meeting held 24 November 2009 be confirmed.

## 8. Reserve Trust Management Committee Reports

Nil

## 9. Mayoral Minutes

### 1. ***WALGETT SHIRE COUNCIL MAYORAL MINUTE – DEPUTATION FROM THE WALGETT AND DISTRICT RATEPAYERS ASSOCIATION***

**COUNCIL MEETING:** 15 December 2009

**SUBJECT:** Deputation from the Walgett and District Ratepayers Association

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#### **Summary:**

The Walgett and District Ratepayers Association have requested that Council receive a deputation, the purpose of which is to “provide Council with the correct information and history of the Walgett town weir”.

#### **Discussion (including issues and background):**

The Walgett and District Ratepayers Association have requested that Council receive a deputation led by Mr Alan Friend and supported by Ms Anne Dennis, on behalf of Mr George Fernando, Chairman of the Working Party, Mr Mark Coulton MP, Federal Member for Parkes and Mr Kevin Humphries, State Member for Barwon.

The purpose of the deputation is to “provide Council with the correct information and history of the Walgett town weir”

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

Letter from Walgett and District Ratepayers Association dated 26 November 2009 and received 1 December 2009.

#### **Stakeholders:**

Nil

#### **Financial Implications:**

Nil

### **Mayoral Minute – Deputation from the Walgett and District Ratepayers Association**

#### **Recommendation:**

That Council receive a deputation from the Walgett and District Ratepayers Association.

#### **Attachments:**

Letter from Walgett and District Ratepayers Association dated 26 November 2009

## WALGETT AND DISTRICT RATEPAYERS ASSOCIATION

President  
Mrs Shirley Mitchell

Correspondence  
The Secretary  
PO Box 429  
Walgett 2832

Ph: 6828 1607 / Fax: 6828 2036  
Email: barwonriver@bigpond.com

RECEIVED 01 DEC 2009

26<sup>th</sup> November, 2009

The General Manager,  
Walgett Shire Council,  
PO Box 31,  
Walgett 2832

Dear Sir,

**REQUEST FOR DEPUTATION TO THE DECEMBER MEETING OF COUNCIL 15<sup>th</sup>  
DECEMBER, 2009.**

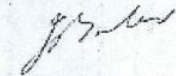
On behalf of the above Association I have to request that Council might receive a deputation led by Mr. Alan Friend. The purpose of the Deputation is to provide Council with the correct information and history of the Walgett Town Weir.

Mr. Friend at this stage will be supported by M/s Anne Dennis who will be representing Mr. George Fernando, Chairman of the Working Party. Mr. Fernando has a prior engagement at Bourke on that day.

Both the State and Federal Members have been invited to attend with Mr. Friend and in view of the previous support given by both representatives to the subject, it is believed that they both will give support to this deputation.

I look forward to your reply.

Yours faithfully,



Jack Baker  
Hon Secretary

**2. WALGETT SHIRE COUNCIL MAYORAL MINUTE – APPROVAL  
FOR JOBS QUOTED OVER \$3000**

**COUNCIL MEETING:** 15 December 2009  
**SUBJECT:** Approval for jobs quoted over \$3000

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**Summary:**

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

**Relevant Reference Documents:**

**Stakeholders:**

Nil

**Financial Implications:**

Nil

<b>Mayoral Minute –</b>
<p><b>Recommendation:</b></p> <p>That Council all jobs quoted over \$3000 be brought back to Council for consideration.</p>

## 10. Motions of which Notice has been given

### Councillor Murray

#### Program for eradication of Feral Dogs

**Motion:**

That the Walgett Shire Council write to the North West Livestock Health Protection Authority requesting their co-operation in running a joint eradication program for feral dogs, adjoining the townships of Lightning Ridge, Walgett and the Opal Fields.

**Moved:** Cllr Murray

**Seconded:**

#### Water Restrictions

**Motion:**

That Commercial Premises and Non-Automated sprinklers in Public Parks, Sports Fields, Schools & Hospital Grounds water between 7am to Middyay.

**Moved:** Cllr Murray

**Seconded:**

#### Tenders for Public Works

**Motion:**

That the Council investigate the use of an external person or Company to oversee & critically examine Tenders given to the Shire for Public Works.

**Moved:** Cllr Murray

**Seconded:**

**Councillor Greenaway**

**Request for Attorney General visit Walgett**

**Motion:**

1. That the That the General Manager write to the Attorney General's office & request that the Attorney General visit Walgett to explain the lenient sentences given to the persons, especially juveniles, convicted of crimes.
2. That if the Attorney General visits Walgett, he be asked to attend a public meeting.

**Moved:** Clr Murray

**Seconded:**

**11. Presentation of Petitions**

Nil

**12. Councillors Questions with Notice**

**Councillor Murray**

**Question 1:**

Carinda Tip - Has any remediation work been done recently?

**Response:**

The Director Urban Infrastructure Services advises that Walgett landfill operator has been asked to clean up the area, but until now he is not been available. He further advises that we are seeking service provider who might be available to do minor remediation.

**Question 2:**

Is there to be a Christmas Party for the staff this year?

**Response:**

The Director Rural Infrastructure and Support Services advises that there is a "Christmas Party" type function scheduled for Rural & Urban Infrastructure Staff from 1pm-4pm on Thursday 17 December 2009 at the Walgett Works Depot. (This being the day prior to many staff taking annual leave).

The Director Corporate and Community Services further advises that the Indoor staff have organised a breakfast from 7.00am - 8.30am on the 16<sup>th</sup> December.

**Question 3:**

What did the two Shade Cloths at the Burren Bore Baths cost?

**Response:**

The Director Corporate & Community Services advised that the shelters cost \$6163.64

**Question 4:**

When is the Interagency Workshop/Conference being held next year?

**Response:**

The Director Corporate and Community Services advises that the next Interagency Meeting is on the 5<sup>th</sup> January 2010 at 10.00 in the Council Chambers.

**Question 5:**

How is the Watering co-ordinated in the Parks, Ovals & Cemeteries in Walgett? Is there an overall Plan?

**Response:**

The Director Urban Infrastructure advised that there is an overall plan available for viewing.

## 13. Reports of Delegates and Representatives

### 3. CAMPS ON CLAIMS WORKING GROUP

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin - Director Planning and Regulatory Services  
**FILE NUMBER:** 09/39

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#### Summary:

Minutes of external bodies are generally placed before Council for noting and discussion where appropriate.

#### Discussion (including issues and background):

The draft minutes of the Camps on Claims Working Group meeting held on 25 November 2009 are attached.

#### Relevant Reference Documents:

- Walgett Shire Growth Management Study and Strategy prepared by Edge Land Planning, dated October 2008 (To be updated as per Council resolutions 24 February 2009).
- Outcomes Summary from the Walgett Shire Growth Management Study and Strategy Councillor Workshop held on 17 February 2009.

#### Stakeholders:

Walgett Shire Council, public.

#### Financial Implications:

Nil

#### Camps on Claims Working Group

##### Recommendation:

That Walgett Shire Council resolve to:

1. Note the draft minutes of the Camps on Claims Working Group meeting held on 25 November 2009.

#### Attachments:

A – Draft minutes of the Camps on Claims Working Group meeting 25 November 2009.



Attachment A – Draft minutes, Camps on Claims Working Group meeting, 25 November 2009

**Camps on Claims Working Group  
Minutes of meeting 25 November 2009**

Present

Industry & Investment NSW - Janet Town, James Hereford-Ashley, John Leeks  
Walgett Shire Council - Janet Babic, Matthew Goodwin  
Land and Property Management Authority - Andrew Bell, Peter Smith  
Department of Planning - Peter Downes

Apologies

David Lane, Walgett Shire Council

1. Welcome, Apologies and Agenda  
Peter Downes welcomed members, especially John Leeks, and noted an apology from David Lane.  
Members agreed with the agenda.
2. Minutes of previous meeting  
Members agreed with the minutes.

3.1 Granting leases on the Preserved Fields

Andrew tabled his department's summary of converting leases, which is attached.

This shows great success: a range of from 94% for early areas to 11% for the most recent release. Those who have not yet applied for WLLs range from 1 resident on the earliest field to 51 on the most recently-offered. Members expressed great satisfaction with this situation, but discussed what to do about those who had not applied for WLLs.

James noted that of the over 80 camps visited by Bob Hewlett, 22 had not applied, including 2 deceased estates. 2004 aerial imagery showed that many of these camps had structures on them and many of those were houses. Matthew said that May 2009 imagery was now available from LPMA. Members noted that owners in gaol want to keep their houses, and get family members to renew their claims.

There was a general view that the working group had explored and exhausted most options, and that lifetime tenancies were not a solution where WLLs had been offered. The options were –

- 1 Do nothing. This just re-introduces the problem of squatters that the camps scheme was devised to deal with.
- 2 Not renew RMLs and remove structures. Members chose this.

We need to publicise this option to give owners a last chance to apply for WLLs. If they do not, then we should take action to remove them and their structures. Care must be taken to deal fairly with mentally ill people and welfare cases, so this needs visits to camps, starting with the 5 who were offered WLLs earliest, and taking photographs of all structures on each lease.

ACTION I&I NSW.

In the end, a suitable camp – perhaps an abandoned one – should be chosen and demolished or removed with great publicity.  
Andrew pointed out that, under the Crown Lands Act, the process to advertise your intention to remove a structure could take 18 months, but it still should be done.

Re-surveying inaccurately-surveyed lots is progressing. One has been registered, the other needs signatures before lodging.  
ACTION Jody.

Peter Smith said that camps with WLLs had been changing hands for a wide range of amounts between \$28 000 and about \$100 000.

Andrew said that transfers of WLLs added to his department's work load, that there were problems with people trying to do the work themselves, plus language and education problems. There is a form and a process for doing this, and if people do not do it right they need to go back to remedy shortcomings. He noted that there is an opportunity for an efficient conveyancer or solicitor in Lightning Ridge to do this work.

### 3.2 Funds, Purchases and Trusts

James reported that the amount in the camps residential fund is currently \$331 000. Funds for the Newton land purchase will need \$260 000 + GST + transfer costs.

Land purchase from Adrian Newton  
The DP has been re-lodged after obtaining an extra signature.

The Minister has refused the Aboriginal land claim on the ex-GGSMA land. There are four months for lodging an appeal and this is routinely done.

A Trust for the Preserved Fields This item is still pending.  
ACTION Andrew.

### 3.3 Planning Issues

Matthew reported no progress on the Strategy and the Draft LEP  
He also reported that the council had again voted not to fund the Fantasia Street town extension. He also noted that under the Exempt and Complying Development SEPP, applications for buildings must comply with the Building Code of Australia.  
Andrew reported that his department had given \$10 000 to the LRMA to help rehabilitate four camps.  
James said that he was approaching the Derelict Mines Fund for money to do this. ACTION James, with Peter D's help if needed.

### 3.4 Electricity

Matthew tabled a new council policy for electricity on the preserved fields, which is attached. He refers applicants to this policy. Janet T thought that it is now too expensive for most people to connect to mains electricity.

3.5 Future work

Buying land from Gordon Kelly

James noted that there were no new RMLs on this land, only renewals. Mr Kelly has said that this deprives him of extra income. Members discussed the issue of no new houses on the preserved fields, noting that the council disagrees with them, and supports new houses there.

The future of camps on the preserved fields, but outside the five main properties. I&I will continue to renew RMLs but not allow new ones.

The rehabilitation issue on Doug Lehman's property. I&I had consulted local heritage people about suitable new covers for mineshafts to replace old, unserviceable ones. ACTION I&I.

Peter S noted that transferred camps were mostly sold to outsiders as holiday homes. Janet T added that nearly  $\frac{3}{4}$  of people at recent mine safety courses were not from Lightning Ridge.

5 Actions

James to organise photographing remaining camps which have not applied for WLLs.

James to organise visits to residents who have not applied for WLLS.

Jody to lodge the DP for a re-surveyed camp.

Andrew, Jody and James to complete the Newton land purchase.

Andrew to progress the ex-GGSMA lease offers when possible.

James, and Peter D if needed, to approach the Derelict Mines Fund for money to rehabilitate abandoned camps.

Andrew to progress the Per Occ Trust.

7 Next meeting – to be advised.

**Camps on Claims Working Group Meeting – 25/11/09****Residential Mining Claims to Western Lands Lease**

Status as at 23/11/2009

FIELD NAME	INVITATIONS SENT	CANCELLED/EXPIRED ETC	POSSIBLE WLL'S	OUTSTANDING INVITATIONS	APPLICATIONS LODGED	GAZETTED	PROVISIONAL APPROVAL	MORE INFORMATION	% TAKE UP	% GAZETTED	% INCREASE SINCE LAST REPT
BEVANS CACTUS	107	4	103	1	102	93	6	3	99	90	3
NEBIA HILL	100	4	96	2	94	90	3	1	98	94	1
HAWKS NEST	171	6	165	2	163	150	6	7	99	91	3
AIRPORT	418	7	411	14	397	347	30	20	97	84	3
CRUTCHFIELD'S	183	2	181	28	153	117	25	11	85	65	3
NEWTOWN	7	0	7	3	4	2	1	1	57	29	29
POTCH POINT	74	4	70	33	37	22	13	2	52	31	28
CANFELLS	70	0	70	51	19	8	9	2	27	11	-
<b>TOTAL</b>	<b>1130</b>	<b>27</b>	<b>1103</b>	<b>134</b>	<b>969</b>	<b>829</b>	<b>93</b>	<b>47</b>	<b>88</b>	<b>75</b>	<b>-</b>

#### **4. NAMOI LOCAL GOVERNMENT GROUP MINUTES OF MEETING**

**REPORTING SECTION:** Urban Infrastructure Services  
**AUTHOR:** Siegfredo Coralde – Director Urban Infrastructure Services  
**FILE NUMBER:** 09/1846

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##### **Summary:**

This report provides Council with the Draft Minutes of the AGM Meeting 2008 as well as the Draft Minutes for Ordinary Meeting No. 21 – 6 August 2009. These Draft Minutes were both discussed on 05 November 2009 Ordinary Meeting at Gunnedah.

##### **Discussion (including issues and background)**

The Namoi Local Government Group (NLGG) was set-up in July 2004 to enable Namoi CMA and local Councils across the Namoi Catchment to discuss and consult on natural resource management issues.

NLGG's operation is guided by the Terms of Reference for this committee and the NRM Partnership Agreement Memorandum of Understanding between the Local Government and Local Shires Association and the Catchment Management Authorities of NSW.

##### **Reference**

CMA Terms of Reference

##### **Financial Implications:**

Nil

<b>Namoi Local Government Group Minutes of Meeting</b>
<p><b>Recommendation:</b></p> <p>That Walgett Shire Council resolve to:</p> <ol style="list-style-type: none"><li>Note the draft minutes of the Namoi Local Government Group meeting held on 6<sup>th</sup> August 2009 and the draft minutes of the Annual General Meeting held 4 December 2008.</li></ol>



##### **Attachments:**

NLGG Draft Minutes of AGM Meeting 2008  
NLGG Draft Minutes of Ordinary Meeting No. 21 – 6 August 2009



## Namoi Local Government Group

### Meeting 22

### Draft Minutes

6 August 2009

Namoi CMA Boardroom, Gunnedah

12.30pm – To 2.30pm

----- Meeting Minutes -----			
Attending:	Colleen Fuller, Carolyn Hunt GSC, Geoff Mitchell, Alison McGaffin TRC, Terry Dwyer Narrabri Council, Merv Prendergast, Ron Van Katwyck LPSC, Gerry Moran Walcha Council, Simon Taylor, Felicity Baker NCMA.		
Apologies:	Leon Mills, Lachlan Johnson GSC, Fred Coredale, Jane Keir Walgett Council, Bruce Logan TRC, Col Stewart LPSC, Janelle Archdale Walcha Council		
Motion:	Apologies accepted		
Moved:	Ron van Katwyck LPSC	Seconded:	Alison McGaffin TRC
			Adopted
Acceptance of minutes			
Motion:	Minutes of previous meeting accepted		
Moved:	Alison McGaffin TRC	Seconded:	Terry Dwyer Narrabri Council
			Adopted
Review of Actions from previous meeting			
22.5 Presentation: Regenes Project			Mick Prendergast LPSC
<p>A pilot program in partnership with Blacktown City Council. LPSC offers local landowners financial and technical support to plant trees in order to: sequester carbon dioxide in response to climate change, earn carbon trading income for the landowners, meet additional environmental objectives identified by the landowners, including enhancing biodiversity, providing windbreaks and reducing soil salinity. Made possible through a \$2 million grant from the NSW Environmental Trust's Urban Sustainability Program.</p> <p>NCMA is a foundation stakeholder. Regenes works closely with NCMA to ensure that revegetation works are consistent with and complementary to NCMA objectives. Regenes also engages with the local community and businesses through community and corporate planting events and other activities.</p>			
Resolution/Action (select which)		Person responsible:	Deadline:
		n/a	n/a
22.6 /8 Caring for Our Country bid/ Partnership Funding Update			Simon Taylor
Discussion:			
Simon extended thanks from Sally Egan for the letters of support for the funding bid. Unfortunately NCMA did not receive grants for the round although recurrent funding is in place but is reduced to previous years. There are funds to keep NLGG going but no partnership funding for Local Government as decided by the group in previously. Funding in place to support Green is the New Black project. Simon explained that partnership funding this time would be focused on landholders and industry.			
Action items:		Person responsible:	Deadline:



# WALGETT SHIRE COUNCIL AGENDA

1.	n/a	n/a
22.7 State of the Environment Report Update/ NCMA Computers update./Partnership Officer role		Felicity Baker NCMA
Discussion: Still outstanding Council data to be sent to NCMA to comply for Hyder. Further template to come from Hyder for distribution to Councils.		
All available computers now distributed to Councils and community groups. More computers will become available over time.		
Partnership officer role. Communicate NRM policies and strategies of government and Namoi CMA to industry, local government and urban communities and to provide support services to joint Local Government and CMA committees. Work with local government and key stakeholders to address gaps. Disseminate information about NRM funding opportunities for industry and local government.		
Action items:	Person responsible:	Deadline:
	n/a	n/a
General Business		Colleen Fuller GSC
22.8 Value of NCMA and Councils Partnership		
Colleen Fuller acknowledged the value of the partnership of councils with NCMA. Alison McGaffin agreed – a good news story. Importance of the development of site such as Inglebar and Mullabar Lagoon and the ongoing Urban Riverina Project invaluable to the region. Suggested that we do more press release to tell these stories.		
22.9 Update – Green is the New Black Project		Alison McGaffin
Inception meeting held with the steering committee formed. The business plan to be developed by the end of September. What will be funded will be specified in the plan. Council input will be recognised. The challenge will be to service the project with adequate resources and that the plan is realistic as to what councils can do.		
22.10 NLGG stick pins		
NLGG stick pins to be ordered and made available for the next meeting.		
22.10 Road side Vegetation Plan		
Needs to be edited further – should be available soon.		
22.10 Documents tabled for distribution.		
Local Government Shire Association Awards Flyer: Sustainable Homes project – call for interest from Councils.		
Next Meeting		5 Nov 2009 12 for 12.30 NCMA Board Room Gunnedah

Close 1530hrs



## Namoi Local Government Group

### Meeting 1

*Draft* Minutes AGM – reconvened

4 December 2008

Namoi CMA Boardroom, Gunnedah

11am – 11.35 am

----- Meeting Minutes -----		
Attending:	Alison McGaffin, Bruce Logan, Geoff Mitchell (TRC), Merv Prendergast, Col Stewart (LPS), Terry Dwyer (NS), Carolyn Hunt, Colleen Fuller (GSC), Gerry Moran (WS), Sally Egan, Simon Taylor, Felicity Baker	
Facilitators welcome	Discussion: Simon Taylor welcomed all attendees especially new members, explained that this was the first AGM – no previous documentation. Simon also outlined the roles of Namoi CMA staff within the NLGG.	
Apologies:	Janelle Archdale, Kevin Ferrier, Phil Betts, Russell Webb, Paul Keech	
Motion:	Apologies accepted	
Moved:	Col Stewart	Seconded: Colleen Fuller Adopted
Acceptance of minutes		
Motion:	Minutes of previous meeting accepted – No Previous minutes	
Agenda Items		
1.1 Chairmans Report: Previous Chair Kevin Tongue’s final words from meeting Meeting 17 – 17 July 2008 accepted as such.		
1.2 Namoi CMA Report: Summary report of meeting actions Sally Egan – Namoi CMA		
Participating Council’s representatives on NLGG		Simon Taylor
Simon Taylor (NCMA) called for nominations from the floor for NLGG Chair .		
Nomination of NLGG Office bearers		
Chair: Colleen Fuller (Gunnedah Shire Council)		Nominated by: Alison Macgaffin (TRC)
Accepted		Seconded by: Col Stewart (LPS)
Deputy Chair: Col Stewart (Liverpool Plains Shire Council)		Nominated by: Colleen Fuller (GSC)
Accepted		Seconded by: Bruce Logan (TRC)
Executive Officer: Felicity Baker (NCMA)		Confirmed
Meeting Dates 2009		
Thursday Feb 5, Thursday May 7, Thursday August 6, Thursday November 5 meeting concluded 11.35am		



## 14. Reservation of items for Debate

Nil

## 15. Reports of Officers

### 5. CODE OF CONDUCT COMMITTEE

**REPORTING SECTION:** Corporate and Community Services  
**AUTHOR:** Carole Medcalf – Director Corporate and Community Services  
**FILE NUMBER:** 000/00/00/00

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#### Summary:

At the 2<sup>nd</sup> September 2008 Council meeting it was resolved, to appoint conduct Reviewers for a term of 12 months; not pay a fee for service to Reviewers but rather meet all out of pocket expenses and to invite Council's Solicitors to nominate a Solicitor to be a Conduct Reviewer.

Reviewers can be asked to form a panel of three or more or be an independent sole Reviewer. The initial term of 12 months appointment has expired and Council will need to decide to re-appoint the current committee members or to re-advertise the expression of interest for committee members.

#### Discussion (including issues and background):

A Conduct Reviewer is "a person independent of council who is solely selected from those appointed by council to review allegations of breaches of the code of conduct by Councillors or the General Manager in accordance with the procedures set out in Sections 12, 13 and 14".

A Conduct Review Committee is "a committee of three or more persons independent of council who are selected, from those appointed by council, to review allegations of breaches of the code of conduct by Councillors or the General Manager in accordance with the procedures set out in Sections 12, 13 and 14".

In response to Council's invitation, Council's Solicitors have nominated Mr Don Olney to be a Conduct Reviewer with Mr Nick Wilson as alternate.

A number of expressions of interest to be reviewers were received. The Code of Conduct at Section 12.3 specifies that "The members of the conduct review committee and/or the persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community."

Our current reviewers are:

Mr Don Olney, Solicitor  
Mrs Shirley Mitchell, Business operator  
Ms Catherine Bott, Rural Financial Councillor  
Mr Trent Swinton, Policeman Lightning Ridge  
Mrs Colleen Edgar, Retired public servant

Mrs Shirley Mitchell has recently disposed of her business and will be leaving Walgett shortly. It is therefore recommended that she not be re-appointed. Mr Trent Swinton has re-located from Lightning Ridge to the Police in Walgett. His re-appointment is recommended.

**Relevant Reference Documents:**

Code of Conduct

**Stakeholders:**

Councillors, General Manager, ratepayers

**Financial Implications:**

Minimal

**Code of Conduct Committee**

**Recommendation:**

That Walgett Shire Council resolve to:

1. Write to the following people and ask if they will accept re-appointment as Code of Conduct Reviewers:
  - \* Mr Don Olney
  - \* Ms Catherine Bott
  - \* Mr Trent Swinton
  - \* Mrs Colleen Edgar.

The appointment to take effect from Council's meeting dated for a 12 month period.

2. Ensure Code of Conduct training is provided at the earliest opportunity to all Reviewers unfamiliar with Council's Code of Conduct.

**Attachments:**

Nil

## **6. DRAFT TENDERING PROCEDURES**

**REPORTING SECTION:** Corporate and Community Services  
**AUTHOR:** Carole Medcalf – Director Corporate and Community Services  
**FILE NUMBER:** 000/00/00/00

---

### **Summary:**

Council requested that a report be brought to the December 2009 meeting regarding Council's tendering processes. The Tendering Procedure is attached to this report.

### **Discussion (including issues and background):**

The Department of Local Government issued Tendering Guidelines in October 2009 and Councils are required to develop their policies and Procedures in line with the departmental guidelines.

The guidelines are available on the Department's website and the circular, with a summary of major points is attached to this report.

### **Relevant Reference Documents:**

DLG Circular No 09/39  
Draft Quotation and Tender Thresholds Procedure

### **Stakeholders:**

Walgett Shire Council and ratepayers

### **Financial Implications:**

Nil

<b>Draft Tendering Procedures</b>
<p><b>Recommendation:</b></p> <p>That Walgett Shire Council resolve to:</p> <ol style="list-style-type: none"><li>1. Note the Tendering Procedure.</li></ol>



### **Attachments:**

Tendering Procedure  
DLG Circular 09/39

WSC Procedure AFM – Quotation & Tender Thresholds

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## AFM – QUOTATION & TENDER THRESHOLDS

Approval Date:

Review Date:

Responsible Officer: Director Rural Infrastructure & Support Services

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### **Objective**

WSC will provide quotation and tender thresholds to guide staff in meeting statutory obligations:

### **Council Policy Reference**

AFM – Purchasing

### **Statutory Requirements**

[Local Government Act 1993](#)

### **Related Policy/Procedure**

AFM – Financial Management and Control  
AFM – Fraud Control

## WSC Procedure AFM – Quotation &amp; Tender Thresholds

**Quotation & Tender Thresholds****Definitions**

**“Goods or Services”** means: materials, equipment, plant, contractors, consultancies, and the like, other than those items identified as “infrastructure”. It includes building maintenance activities.

**“Infrastructure”** means: land and engineering structures such as roads, footpaths, water supply, sewerage, stormwater and bridges, public private partnerships, and construction related projects such as feasibility, design, and maintenance of infrastructure, but excluding the purchase or construction of buildings not associated with the aforementioned infrastructure. (Refer DLG Capital Expenditure Guidelines)

**“Estimated Value”** means: the total estimated value of the procurement, excluding GST, established prior to selecting the appropriate procurement process.

**Threshold Requirements**

Goods or Services			
Estimated Value <sup>(1)</sup>	Offers to be Invited	Method of Invitation	Authorisation Required
Under \$5,000	At least 1 verbal Quotation	Oral or Written	Must have delegated authority to purchase exceeding \$5,000
\$5,000 to under \$40,000	At least 3 Quotations	Written	Must have delegated authority to purchase exceeding the estimated value
\$40,000 to under \$100,000	At least 3 Quotations	Written	Request for Offer document to be independently reviewed and endorsed by Departmental Manager or above
\$100,000 to under \$150,000	Public Quotations	Written	Request for Offer document to be independently reviewed and endorsed by Departmental Director or above
\$150,000 to under \$1M <sup>(2)</sup>	Public Tender	Written	Procurement must be identified in Council's Management Plan, Completed Procurement Plan and Tender Document to be reviewed by General Manager
\$1M or more <sup>(3)</sup>	Public Tender	Written	Completed Capital Expenditure Review to be endorsed by Council

## WSC Procedure AFM – Quotation &amp; Tender Thresholds

Infrastructure			
Estimated Value <sup>(1)</sup>	Offers to be Invited	Method of Invitation	Authorisation Required
Under \$20,000	At least 1 verbal Quotation	Oral or Written	Must have delegated authority to purchase exceeding \$20,000
\$20,000 to under \$50,000	At least 3 written Quotations	Written	Must have delegated authority to purchase exceeding the estimated value
\$50,000 to under \$100,000	At least 3 written Quotations	Written	Request for Offer document to be independently reviewed and endorsed by Departmental Manager or above
\$100,000 to under \$150,000	Public Quotations	Written	Request for Offer document to be independently reviewed and endorsed by Departmental Director or above
\$150,000 or more <sup>(2)</sup>	Public Tender	Written	Procurement must be identified in Council's Management Plan, Completed Procurement Plan and Tender Document to be reviewed by General Manager

Notes:

<sup>(1)</sup> If the estimated value of procurement is under one of the stated thresholds by 10% or less, the basis for selecting that estimated value should be documented and placed on file for audit purposes before undertaking the procurement process. This is because there is a possibility that when the final offers are received, the actual preferred offer may exceed the next threshold. This could create a perception that the officer managing the process may have underestimated to avoid the requirements of a higher threshold.

<sup>(2)</sup> Refer to the [Local Government \(General\) Regulation](#) to confirm the Public Tender Threshold

<sup>(3)</sup> Refer to the Department of Local Government Guidelines to confirm the requirements for completing a Capital Expenditure Review.

## Exemptions

### 1.1. Standing-Offer or Period Contracts

Where Council has accepted tenders for a standing-offer or period contract arrangement the above thresholds do not apply. Refer to the selection criteria contained within the standing-offer contract to identify the best value for money offer.

### 1.2. General Manager's Exemptions

For individual procurement activities, the General Manager may, in writing, exempt an officer from complying with the quotation requirements.

The General Manager must be satisfied, on reasonable grounds, that the benefit in giving the exemption outweighs the benefit in requiring compliance with the requirements.

WSC Procedure AFM – Quotation & Tender Thresholds

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Examples of when an exemption might be given:

- Only a single or limited number of suppliers are available because of the need to purchase equipment that is compatible with existing equipment or because of a supplier's specialist knowledge;
- Only one firm can supply a particular good or service;
- Standardisation upon a given item or product is agreed after public tenders have been called for the original equipment;
- The time within which a particular procurement activity must be completed prevents the calling of public quotations.

The exemption must be in writing, must state the procurement proposal to which it applies and the General Manager's reasons for the exemption.

## WALGETT SHIRE COUNCIL AGENDA

WSC Procedure AFM – Quotation & Tender Thresholds

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### **Procedure Review History**

Date	Changes Made	Approved By
	Procedure Developed	Ray Kent - General Manager





Circular No. 09-39  
Date 26 October 2009  
Doc ID. A14505

Contact Angus Broad  
02 4428 4192  
angus.broad@dlg.nsw.gov.au

## TENDERING GUIDELINES FOR NSW LOCAL GOVERNMENT

Following consultation with the local government sector, the Division of Local Government, Department of Premier and Cabinet has developed the *Tendering Guidelines for NSW Local Government*.

Copies of the Guidelines can be found on the 'Publications' page of the Division's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

The Guidelines have been adopted by the Deputy Director General (Local Government), Department of Premier and Cabinet under section 23A of the *Local Government Act 1993*. Accordingly, the Guidelines must be taken into consideration by all councils when exercising their tendering functions.

The Guidelines have been prepared to encourage and support best practice procurement within the local government sector.

Council procurement and disposal activities are governed by strict considerations of probity, transparency and accountability, as they involve expenditure of public funds for public purposes.

The Guidelines will assist councils in applying clear policies, consistent procedures and effective risk management strategies in accordance with the Act, the Regulation and other relevant legislation.

The key principles that should be observed when tendering include:

- councils are generally required to call tenders where the estimated expenditure or receipt exceeds \$150,000
- councils are encouraged to consider using tendering processes when a lesser amount is involved to ensure they obtain best value
- councils must not adopt practices, such as contract splitting, to avoid their obligations under the Act
- tendering processes should involve councillors, managers and those responsible for the on-ground delivery of services.

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The *Tendering Guidelines for NSW Local Government* are divided into four parts, comprising:

- Section One – Guiding Principles – sets out the overall principles that apply to the tendering process used by NSW local government
- Section Two – Procurement Management – outlines processes necessary to effectively manage the tendering process
- Section Three – The Tendering Process – outlines the stages involved in the tendering process with reference to specific legislative requirements and recommended practices
- Section Four – Resources – provides useful publications, websites and contacts, as well as a tendering checklist and list of commonly used terms in tendering, purchasing goods and services and disposal of property.

The Guidelines do not affect public-private partnerships and councils should refer to the *Guidelines on the Procedures and Processes to be followed by Local Government in Public-Private Partnerships* in relation to such projects.

All councils must implement the Guidelines as soon as practicable and review their current procurement policies, processes and procedures to ensure they comply.

The Division intends undertaking random audits later this year to ensure councils are meeting their obligations under the Act and are adopting best practices.



**Ross Woodward**  
**Deputy Director General (Local Government)**  
**Department of Premier and Cabinet**

## 7. **CASH ON HAND AND INVESTMENT REPORT AS AT 30 NOVEMBER 2009**

**REPORTING SECTION:** Corporate and Community Services  
**AUTHOR:** Serena Stubbs – Acting Finance Manager  
**FILE NUMBER:** 09/1460

### **Summary:**

This report summarises the cash on hand and investments held by Walgett Shire Council as at 30 November 2009.

### **Discussion (including issues and background):**

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

As at 30 November 2009 the operational bank account's balance was \$2,061,079.41. The reconciliation of this balance is:

Operational Account Bank Reconciliation As at 30 November 2009	
	\$
Opening Ledger Account Balance as at 1 November 2009	1,544,473.09
Add: Receipts	3,243,844.56
Add: Recalled Investments	500,000.00
Less: New Investments	(1,700,000.00)
Less: Payments	(1,527,238.24)
Closing Ledger Balance as at 30 November 2009	2,061,079.41
Balance as per Bank Statement as at 30 November 2009	2,078,516.89
Add: Receipts not banked	19,329.29
Less: Payments not presented	(36,766.77)
Closing Balance of Bank Account	2,061,079.41
Difference (A-B)	0.00

As at 30 November 2009 Walgett Shire Council's investment register's balance was \$9,049,360.80. The balance as per the attached investment report comprised:

Term Deposits	\$8,000,000.00
Callable Range Accrual Notes	\$1,000,000.00
Floating Rate Collateralized Debt Obligation (CDO)	\$ 49,360.80

The market values disclosed for the Floating Rate Collateralized Debt Obligation (CDO) are market values as at 30 June 2009 and were supplied by the ANZ Group.

## WALGETT SHIRE COUNCIL AGENDA

As at 30 November 2009 Walgett Shire Council's total available cash and invested funds were \$11,110,440.21 represented by:

Working Account Balance	\$2,061,079.41
Investments	\$9,049,360.80

### Cash on Hand and Investment Report as at 30 November 2009

#### **Recommendation:**

That Walgett Shire Council resolve to:

1. Receive the cash on hand and Investment report as at 30 November 2009.

# WALGETT SHIRE COUNCIL AGENDA

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

<u>Investment Institution</u>	<u>Type of Investment</u>	<u>Term (days)</u>	<u>Rate %</u>	<u>Ref</u>	<u>Reset Date</u>	<u>Maturity Date</u>		
<b>Term Deposits</b>								
Savings & Loans Credit Union	Term Deposit	91	4.44	591/10		01-Dec-09	\$	500,000.00
Newcastle Permanent	Term Deposit	90	4.74	592/10		08-Dec-09	\$	500,000.00
National Australia Bank	Term Deposit	90	4.45	593/10		08-Dec-09	\$	500,000.00
St George Bank	Term Deposit	91	4.45	597/10		22-Dec-09	\$	500,000.00
Macquarie Bank	Term Deposit	92	4.45	598/10		29-Dec-09	\$	500,000.00
Macquarie Bank	Term Deposit	90	4.45	600/10		04-Jan-10	\$	500,000.00
Local Government Financial Services	Term Deposit	91	4.35	599/10		05-Jan-10	\$	500,000.00
Westpac	Term Deposit	90	4.35	601/10		05-Jan-10	\$	500,000.00
Bank of Queensland	Term Deposit	112	4.35	596/10		12-Jan-10	\$	500,000.00
IMB Ltd Financial Services	Term Deposit	92	4.60	602/10		12-Jan-10	\$	500,000.00
National Australia Bank	Term Deposit	91	5.10	603/10		02-Feb-10	\$	500,000.00
Newcastle Permanent	Term Deposit	92	5.31	604/10		16-Feb-10	\$	500,000.00
Suncorp Metway	Term Deposit	91	5.17	605/10		16-Feb-10	\$	500,000.00
IMB Ltd Financial Services	Term Deposit	89	5.20	606/10		16-Feb-10	\$	500,000.00
Local Government Financial Services	Term Deposit	89	5.33	607/10		23-Feb-10	\$	500,000.00
Australian Defence Credit Union	Term Deposit	89	5.44	608/10		23-Feb-10	\$	500,000.00
<b>Callable Range Accrual Notes (CRAN)</b>								
Commonwealth Bank of Australia bond	Term Deposit	91	7.50	594/10	16-Dec-09	16-Dec-10	\$	500,000.00
Royal Bank Canada bond	Term Deposit	91	7.70	595/10	16-Dec-09	16-Mar-11	\$	500,000.00
<b>Floating Rates Collateralized Debt Obligations (CDO)</b>								
Zircon Finance Ltd	Floating Rate CDO		0.00			20-Sep-14	\$	0.00
Morgan Stanley Aces SP	Floating Rate CDO	91	5.325			20-Jun-15	\$	12,165.59
Helium Capital Ltd	Floating Rate CDO	91	4.590			23-Jun-14	\$	2,193.12
Magnolia Finance GLB Ltd	Floating Rate CDO	91	4.775			20-Mar-12	\$	35,002.09
							\$	<u>9,049,360.80</u>

Investment Report as at 30 November 2009

## **8. GOVERNMENT INFORMATION (PUBLIC ACCESS) ACT 2009**

**REPORTING SECTION:** Corporate and Community Services  
**AUTHOR:** Helena Lovegrove – Records Manager  
**FILE NUMBER:** 09/1780

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### **Summary:**

The Government Information (Public Access) Act 2009 (GIPA) will replace the current Freedom of Information Act 1989 in early 2010. GIPA requires Council to provide public access to documents in a different, proactive manner. This report details the implications for Walgett Shire Council.

### **Discussion (including issues and background):**

In early 2010 GIPA will replace the Freedom of Information Act 1989 in New South Wales. The object of this Act is to authorise and encourage the proactive release of Government Information and to give the public an enforceable right to access this information.

Part 2, Division 1, Section 5 of the Act also states that:

There is a presumption in favour of the disclosure of government information unless there is an overriding public interest against disclosure.

GIPA places a mandatory requirement on Council to proactively provide information designated as open access information. The Act specifies that this information should be made available on Council's website unless it would impose unreasonable additional costs on Council. The amount of information that has been designated as open access information for local authorities is such that not all open access information will be available on Council's website when the Act comes into force in early 2010.

Part 2 Section 4 of the Government Information (Public Access) Regulations 2009 also requires that:

- (1) *A local authority must make its open access information publicly available by:*
  - (a) *making the information available for inspection free of charge by any person at the office of the local authority during ordinary office hours, and*
  - (b) *providing a copy of a record containing the information (or providing the facilities for making a copy of a record containing the information) to any person either free of charge or for a charge not exceeding the reasonable cost of photocopying.*

As part of its open access information Council is required to create a publication guide, this guide should:

- describe the structure and functions of the agency, and
- describe the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
- specify any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
- identify the various kinds of government information held by the agency, and
- identify the kinds of government information held by the agency that the agency makes (or will make) publicly available, and

- specify the manner in which the agency makes (or will make) government information publicly available, and
- identify the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.

Once completed the publication guide needs to be lodged, within 6 months of the introduction of the Act, i.e. by June 2010, with the Information Commissioner and be updated at intervals of no more than 12 months.

Once GIPA comes into force the Government Information (Public Access) (Consequential Amendments and Repeal) Act 2009 No 54 will cause section 10B(4) of the Local Government Act to be omitted. Section 10B(4) is as follows:

(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.

Council staff has started planning for the introduction of GIPA in line with the recommendations in the Advice to Councils provided by the Office of the Information Commissioner that is attached to this report

Council's designated officer will be Director Corporate and Community Services, with the Records Manager having day to day operational control.

Training in the new requirements will take place early in 2010 following the release of the training materials by the Office of the NSW Information Commissioner. The training plan is being development by Human Resources and the Records Manager in conjunction with the Director Corporate and Community Services.

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

Government Information (Public Access) Act 2009  
Government Information (Public Access) Regulation 2009

#### **Stakeholders:**

Council staff  
Members of the public

#### **Financial Implications:**

Nil

<b>Government Information (Public Access) Act 2009</b>
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**Recommendation:**

That Walgett Shire Council resolve to:

1. Note the report on the commencement of the Government Information (Public Access) Act 2009.

**Attachments:**

Advice to Councils from the Office of the Information Commissioner  
List of information designated as Open Access Information  
Public Interest Considerations for and against disclosure



## **Advice to Councils on the implementation of the Government Information (Public Access) Act 2009**

The *Government Information (Public Access) Act 2009* (the GIPA Act) introduces a new 'Right to Information' regime to NSW, replacing the existing Freedom of Information (FOI) system which has been operating since 1989. The new regime is designed to meet community expectations for more open and transparent government, and is consistent with similar new Open Government initiatives already introduced in Queensland and proposed by the Commonwealth and Tasmania.

The GIPA Act applies to all NSW government agencies, including local councils and county councils (in accordance with the Act). It requires proactive information disclosure through mandatory publication and authorised release of 'open access information'. It also provides for disclosure in response to informal requests and a revised system of response to formal access applications. There is a general presumption under the Act in favour of disclosure, subject to a public interest test whereby information may only be withheld where there is an overriding public interest, on balance, against disclosure. Access application decisions will be subject to internal agency review as well as to external review by the Information Commissioner and/or the Administrative Decisions Tribunal (ADT).

The GIPA Act will commence in early 2010. This allows time for policy guidance to be issued, training materials to be developed and for training to be delivered to agencies before commencement. As principal officers, general managers need to start communicating the essence of the new open government objectives and processes to all staff.

To prepare for commencement of the GIPA Act, general managers can immediately:

- Designate a senior executive to take responsibility for compliance with the Act and for leading a change management process to transition from FOI to the new Right to Information regime.
- Ensure that there is early communication about the new Right to Information regime to all staff.
- Commence planning for delivery of the new open access information obligations contained in Part 3 and Schedule 5 of the GIPA Act.
- Initiate development of a training plan for officers who will be responsible for the open access obligations, for responding to formal access applications under Part 4 and for internal review under Part 5. The OIC is developing an overall training plan and materials to support agency training.
- Consider the most appropriate location for Right to Information officers within their organisation. As a guide the legislation emphasises avoiding a legalistic or defensive approach and expressly provides that agencies are not subject to the direction or control of any Minister in dealing with formal access applications (s.9(2), GIPA Act).

This publication is intended to give general guidance only. It should not be substituted for reading the terms of the *Government Information (Public Access) Act 2009* (NSW), nor should it be relied upon as legal advice.

## WALGETT SHIRE COUNCIL AGENDA

Office of the NSW Information Commissioner  
Promoting open government

- Assess the ability of their council's information systems to handle the routine publication of open access information, to identify and retrieve requested information, and to fulfil reporting requirements of the GIPA Act. Where systems are not adequate, early action will be required to make necessary changes.
- Address the implications of the GIPA Act for their council's obligations under the *State Records Act 1998*.

The OIC is seeking to engage all stakeholders, including key user groups such as the media and non-government organisations. A public awareness campaign is scheduled for early 2010, immediately prior to commencement of the new Act. Public expectations are high, and it is essential that, where they are realistic, they be met.

The acting Information Commissioner is liaising with councils and will issue further guidance about the new regime as soon as practicable. In the meantime, councils should take preliminary action to ensure that they will be able to meet their obligations upon commencement of the GIPA Act in early 2010.

The OIC's website at [www.informationcommissioner.nsw.gov.au](http://www.informationcommissioner.nsw.gov.au), will be regularly updated with guidance on policies and processes. A free call number 1800 194 210, has been established for enquiries, but will not be advertised generally until closer to the start of the new Right to Information regime in early 2010. The OIC can be contacted by email at [Information\\_Commissioner@agd.nsw.gov.au](mailto:Information_Commissioner@agd.nsw.gov.au).

Any questions relating to GIPA Act compliance by local councils can be directed to Karina Ponne, Legal Officer, on (02) 8093 5543 or [karina\\_ponne@agd.nsw.gov.au](mailto:karina_ponne@agd.nsw.gov.au).

The Office of the Information Commissioner (OIC) has developed an *implementation plan*; and an introductory guide - *Right to Information in NSW: A Guide* - that includes an explanation of the key differences between the new 'Right to Information' regime and FOI. These two documents are now available on the Information Commissioner's web site along with a copy of this *Advice*. Any information provided to staff should be consistent with the *Guide*.

## ATTACHMENT B

### Open access information

- (a) the agency's current publication guide (see Division 2),
- (b) information about the agency contained in any document tabled in Parliament by or on behalf of the agency, other than any document tabled by order of either House of Parliament,
- (c) the agency's policy documents (see Division 3),
- (d) the agency's disclosure log of access applications (see Division 4),
- (e) the agency's register of government contracts (see Division 5),
- (f) the agency's record (kept under section 6) of the open access information (if any) that it does not make publicly available on the basis of an overriding public interest against disclosure,
- (g) such other government information as may be prescribed by the regulations as open access information.

### Division 2 Publication guides

#### 20 Agencies must have publication guide

- (1) An agency (other than a Minister) must have a guide (its **publication guide**) that:
  - (a) describes the structure and functions of the agency, and
  - (b) describes the ways in which the functions (including, in particular, the decision-making functions) of the agency affect members of the public, and
  - (c) specifies any arrangements that exist to enable members of the public to participate in the formulation of the agency's policy and the exercise of the agency's functions, and
  - (d) identifies the various kinds of government information held by the agency, and
  - (e) identifies the kinds of government information held by the agency that the agency makes (or will make) publicly available, and
  - (f) specifies the manner in which the agency makes (or will make) government information publicly available, and
  - (g) identifies the kinds of information that are (or will be) made publicly available free of charge and those kinds for which a charge is (or will be) imposed.
- (2) An agency must make government information publicly available as provided by its publication guide.
- (3) The Director-General of the Department of Local Government may, in consultation with the Information Commissioner, adopt mandatory provisions for inclusion in the publication guide of local authorities. The publication guide of a local authority must include any such mandatory provision unless the Director-General otherwise approves in a particular case.

#### 21 Adoption and review of publication guide

An agency must adopt its first publication guide within 6 months after the commencement of this section and must review its publication guide and adopt a new publication guide at intervals of not more than 12 months. An agency may update and amend its publication guide at any time.

### Schedule 1 Additional open access information—local authorities (Clause 3)

#### 1 Information about local authority

- (1) Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:
  - (a) the model code prescribed under section 440 (1) of the LGA and the code of conduct adopted under section 440 (3) of the LGA,
  - (b) code of meeting practice,
  - (c) annual report,
  - (d) annual financial reports,

- (e) auditor's report,
- (f) management plan,
- (g) EEO management plan,
- (h) policy concerning the payment of expenses incurred by, and the provision of facilities to, councillors,
- (i) annual reports of bodies exercising functions delegated by the local authority,
- (j) any codes referred to in the LGA.

(2) Information contained in the following records (whenever created) is prescribed as open access information:

- (a) returns of the interests of councillors, designated persons and delegates,
- (b) agendas and business papers for any meeting of the local authority or any committee of the local authority (but not including business papers for matters considered when part of a meeting is closed to the public),
- (c) minutes of any meeting of the local authority or any committee of the local authority, but restricted (in the case of any part of a meeting that is closed to the public) to the resolutions and recommendations of the meeting,
- (d) Departmental representative reports presented at a meeting of the local authority in accordance with section 433 of the LGA.

(3) Information contained in the current version of the following records is prescribed as open access information:

- (a) land register,
- (b) register of investments,
- (c) register of delegations,
- (d) register of graffiti removal work kept in accordance with section 13 of the Graffiti Control Act 2008,
- (e) register of current declarations of disclosures of political donations kept in accordance with section 328A of the LGA,
- (f) the register of voting on planning matters kept in accordance with section 375A of the LGA.

## **2 Plans and policies**

Information contained in the current version and the most recent previous version of the following records is prescribed as open access information:

- (a) local policies adopted by the local authority concerning approvals and orders,
- (b) plans of management for community land,
- (c) environmental planning instruments, development control plans and contributions plans made under the Environmental Planning and Assessment Act 1979 applying to land within the local authority's area.

## **3 Information about development applications**

(1) Information contained in the following records (whenever created) is prescribed as open access information:

- (a) development applications (within the meaning of the Environmental Planning and Assessment Act 1979) and any associated documents received in relation to a proposed development including the following:
  - (i) home warranty insurance documents,
  - (ii) construction certificates,
  - (iii) occupation certificates,
  - (iv) structural certification documents,
  - (v) town planner reports,
  - (vi) submissions received on development applications,
  - (vii) heritage consultant reports,
  - (viii) tree inspection consultant reports,
  - (ix) acoustics consultant reports,

- (x) land contamination consultant reports,
- (b) records of decisions on development applications (including decisions made on appeal),
- (c) a record that describes the general nature of the documents that the local authority decides are excluded from the operation of this clause by subclause (2).

(2) This clause does not apply to so much of the information referred to in subclause (1) (a) as consists of:

- (a) the plans and specifications for any residential parts of a proposed building, other than plans that merely show its height and its external configuration in relation to the site on which it is proposed to be erected, or
- (b) commercial information, if the information would be likely to prejudice the commercial position of the person who supplied it or to reveal a trade secret.

(3) A local authority must keep the record referred to in subclause (1) (c).

#### **4 Approvals, orders and other documents**

Information contained in the following records (whenever created) is prescribed as open access information:

- (a) applications for approvals under Part 1 of Chapter 7 of the LGA and any associated documents received in relation to such an application,
- (b) applications for approvals under any other Act and any associated documents received in relation to such an application,
- (c) records of approvals granted or refused, any variation from local policies with reasons for the variation, and decisions made on appeals concerning approvals,
- (d) orders given under Part 2 of Chapter 7 of the LGA, and any reasons given under section 136 of the LGA,
- (e) orders given under the authority of any other Act,
- (f) records of building certificates under the Environmental Planning and Assessment Act 1979,
- (g) plans of land proposed to be compulsorily acquired by the local authority,
- (h) compulsory acquisition notices,
- (i) leases and licences for use of public land classified as community land.

ATTACHMENT C

**Public interest considerations in favour of disclosure**

- (1) There is a general public interest in favour of the disclosure of government information.
- (2) Nothing in this Act limits any other public interest considerations in favour of the disclosure of government information that may be taken into account for the purpose of determining whether there is an overriding public interest against disclosure of government information.

**Note.** The following are examples of public interest considerations in favour of disclosure of information:

- (a) Disclosure of the information could reasonably be expected to promote open discussion of public affairs, enhance Government accountability or contribute to positive and informed debate on issues of public importance.
  - (b) Disclosure of the information could reasonably be expected to inform the public about the operations of agencies and, in particular, their policies and practices for dealing with members of the public.
  - (c) Disclosure of the information could reasonably be expected to ensure effective oversight of the expenditure of public funds.
  - (d) The information is personal information of the person to whom it is to be disclosed.
  - (e) Disclosure of the information could reasonably be expected to reveal or substantiate that an agency (or a member of an agency) has engaged in misconduct or negligent, improper or unlawful conduct.
- (3) The Information Commissioner can issue guidelines about public interest considerations in favour of the disclosure of government information, for the assistance of agencies.
- Public interest test

There is an **overriding public interest against disclosure** of government information for the purposes of this Act if (and only if) there are public interest considerations against disclosure and, on balance, those considerations outweigh the public interest considerations in favour of disclosure.

**Public interest considerations against disclosure**

- (1) It is to be conclusively presumed that there is an overriding public interest against disclosure of any of the government information described in Schedule 1.
- (2) The public interest considerations listed in the Table to this section are the only other considerations that may be taken into account under this Act as public interest considerations against disclosure for the purpose of determining whether there is an overriding public interest against disclosure of government information.
- (3) The Information Commissioner can issue guidelines about public interest considerations against the disclosure of government information, for the assistance of agencies, but cannot add to the list of considerations in the Table to this section.

**1 Responsible and effective government**

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects (whether in a particular case or generally):

- (a) prejudice collective Ministerial responsibility,
- (b) prejudice Ministerial responsibility to Parliament,
- (c) prejudice relations with, or the obtaining of confidential information from, another government,
- (d) prejudice the supply to an agency of confidential information that facilitates the effective exercise of that agency's functions,
- (e) reveal a deliberation or consultation conducted, or an opinion, advice or recommendation given, in such a way as to prejudice a deliberative process of government or an agency,
- (f) prejudice the effective exercise by an agency of the agency's functions,

- (g) found an action against an agency for breach of confidence or otherwise result in the disclosure of information provided to an agency in confidence,
- (h) prejudice the conduct, effectiveness or integrity of any audit, test, investigation or review conducted by or on behalf of an agency by revealing its purpose, conduct or results (whether or not commenced and whether or not completed).

## **2 Law enforcement and security**

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects (whether in a particular case or generally):

- (a) reveal or tend to reveal the identity of an informant or prejudice the future supply of information from an informant,
- (b) prejudice the prevention, detection or investigation of a contravention or possible contravention of the law or prejudice the enforcement of the law,
- (c) increase the likelihood of, or prejudice the prevention of, preparedness against, response to, or recovery from, a public emergency (including any natural disaster, major accident, civil disturbance or act of terrorism),
- (d) endanger, or prejudice any system or procedure for protecting, the life, health or safety of any person,
- (e) endanger the security of, or prejudice any system or procedure for protecting, any place, property or vehicle,
- (f) facilitate the commission of a criminal act (including a terrorist act within the meaning of the *Terrorism (Police Powers) Act 2002*),
- (g) prejudice the supervision of, or facilitate the escape of, any person in lawful custody,
- (h) prejudice the security, discipline or good order of any correctional facility.

## **3 Individual rights, judicial processes and natural justice**

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:

- (a) reveal an individual's personal information,
- (b) contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998* or a Health Privacy Principle under the *Health Records and Information Privacy Act 2002*,
- (c) prejudice any court proceedings by revealing matter prepared for the purposes of or in relation to current or future proceedings,
- (d) prejudice the fair trial of any person, the impartial adjudication of any case or a person's right to procedural fairness,
- (e) reveal false or unsubstantiated allegations about a person that are defamatory,
- (f) expose a person to a risk of harm or of serious harassment or serious intimidation,
- (g) in the case of the disclosure of personal information about a child—the disclosure of information that it would not be in the best interests of the child to have disclosed.

## **4 Business interests of agencies and other persons**

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:

- (a) undermine competitive neutrality in connection with any functions of an agency in respect of which it competes with any person or otherwise place an agency at a competitive advantage or disadvantage in any market,
- (b) reveal commercial-in-confidence provisions of a government contract,
- (c) diminish the competitive commercial value of any information to any person,
- (d) prejudice any person's legitimate business, commercial, professional or financial interests,
- (e) prejudice the conduct, effectiveness or integrity of any research by revealing its purpose, conduct or results (whether or not commenced and whether or not completed).

## **5 Environment, culture, economy and general matters**

There is a public interest consideration against disclosure of information if disclosure of the information could reasonably be expected to have one or more of the following effects:

- (a) endanger, or prejudice any system or procedure for protecting, the environment,
- (b) prejudice the conservation of any place or object of natural, cultural or heritage value, or reveal any information relating to Aboriginal or Torres Strait Islander traditional knowledge,
- (c) endanger, or prejudice any system or procedure for protecting, the life, health or safety of any animal or other living thing, or threaten the existence of any species,
- (d) damage, or prejudice the ability of the Government or an agency to manage, the economy,
- (e) expose any person to an unfair advantage or disadvantage as a result of the premature disclosure of information concerning any proposed action or inaction of the Government or an agency.

## **6 Secrecy provisions**

- (1) There is a public interest consideration against disclosure of information if disclosure of the information by any person could (disregarding the operation of this Act) reasonably be expected to constitute a contravention of a provision of any other Act or statutory rule (of this or another State or of the Commonwealth) that prohibits the disclosure of information, whether or not the prohibition is subject to specified qualifications or exceptions.
- (2) The public interest consideration under this clause extends to consideration of the policy that underlies the prohibition against disclosure.

## **7 Exempt documents under interstate Freedom of Information legislation**

- (1) There is a public interest consideration against disclosure of information communicated to the Government of New South Wales by the Government of the Commonwealth or of another State if notice has been received from that Government that the information is exempt matter within the meaning of a corresponding law of the Commonwealth or that other State.
- (2) The public interest consideration under this clause extends to consideration of the policy that underlies the exemption.
- (3) In this clause, a reference to a corresponding law is a reference to:
  - (a) the Freedom of Information Act 1982 of the Commonwealth, or
  - (b) a law of any other State that is prescribed by the regulations as a corresponding law for the purposes of this clause.



## **9. COMMUNITY BASED HERITAGE STUDY CORRECTIONS**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin – Director Planning and Regulatory Services  
**FILE NUMBER:** 09/1165

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### **Summary:**

Recently a number of significant errors have been identified within the Report of the Community Based Heritage Study of the Walgett Shire. It is recommended that Council endorse the correction of these errors.

### **Discussion (including issues and background):**

At a Council meeting held on 19 February 2008 Walgett Shire Council resolved to place the 'Report of the Community-Based Heritage Study of Walgett Shire' on public exhibition. It also resolved as follows:

7. With regard to the preserved opal fields:
  - (a) Not endorse the recommendations of the Heritage Adviser made in the Heritage Study, or memorandum dated 23 January 2007.
  - (b) In the next financial year, consider funding a heritage study of the preserved opal fields which assesses all significant heritage values and provides an analysis of options for managing those values in a planning context.

The report was subsequently exhibited between 27 February and 27 March 2008. At a Council meeting held on 20 May 2008 Walgett Shire Council resolved as follows:

1. Endorse the Report of the Community-Based Heritage Study of Walgett Shire which includes the following amendments:
  - a. Improving or correcting the property descriptions for items 2, 5, 15, 26, 35, 45, 50, 51, 75, 76, 89, 99, 100, 109, 110, 111, 112, 122, 123, 124, 126, 129, 135, 137, 143, 144, 149, 150, 151, 152, 153, 154, 155 & 156.
  - b. Deleting the listing sheets for items 77 (Walgett water filtration plant), 91 (Athol pines – Gray Park) and 92 (Trees in Warrena St) which should not have been included.
  - c. Correcting the name of item 127 from "Boro Tank" to "Borah Tank".
  - d. Correcting and replacing the map of heritage items in Collarenebri (Appendix E – Map 2) which shows two occurrences for item 35.
  - e. Adding a map of heritage items in Burren Junction (Appendix E – new Map 8).

Recent work by Council staff disclosed additional errors, including particularly significant ones in the legal descriptions (lot, section and deposited plan numbers) of sites detailed within the heritage study. Those errors are listed in Attachment A to this report.

The heritage study is a significant public document which is regularly used by land owners, Council staff, solicitors and other people. Most items identified by the study will subsequently be

included in a draft schedule of local heritage items under a Local Environmental Plan (LEP). It is important to note that some items will be left out of the LEP because:

- They may have been destroyed by storm or fire since the study was completed, or;
- Council may have resolved to remove them from the draft LEP schedule.

Walgett Shire Council's current Heritage Advisor, Ray Christison, has been consulted regarding this report and supports the recommendations made.

**Relevant Reference Documents:**

Report of the Community Based Heritage Study of Walgett Shire, April 2008.

**Stakeholders:**

Owners of heritage items, Walgett Shire Council's Heritage Advisor (Ray Christison), Walgett Shire Council and public.

**Financial Implications:**

Nil

**Community Based Heritage Study Corrections****Recommendation:**

That Walgett Shire Council resolve to

1. Correct the Report of the Community Based Heritage Study of Walgett Shire as shown in the table below.

PAGE	ITEM No.	ISSUE	CORRECTION
82	26	Property description	Modify to lot 22
84	29	Property description	Modify to lot B, DP 399615
98	37	Property description	Modify to lot 2, DP 215257
108	44	Property description	Modify to lot 1, DP 1083221
145	68	House demolished	Add notation house demolished Sept. 2009 after storm damage.
200	107	Bakery burnt down	Add notation that bakery building burnt down April 2009
283	N/A	Error in Map 1, Rural areas	Delete item 94 from map as it was not included in report
285	N/A	Errors in Map 3, Walgett	Delete items 103 & 60 from map as they were not included in report
			Delete incorrect items 29 & 134
288	N/A	Error in Map 6, Come-by-Chance	Modify to show correct location for item 37

2. Endorse the amended report of the Report of the Community Based Heritage Study of Walgett Shire, dated November 2009, excluding:

- (a) The following items in Recommendation 1 (section 6) which were proposed to listed in the heritage schedule of a Local Environmental Plan (LEP):

- \* Item 58, lot 45 DP 546693, Walgett. Reason: Report dated 25 November 2009 by Walgett Shire Council's Heritage Advisor, Ray Christison, recommends that the item not be included as a heritage item within an LEP.
- \* Item 68, lot 25 DP 15645, Burren Junction. Reason: Building damaged by storm late in 2008 and has since been demolished.
- \* Item 75, unknown lot and DP, near Come-By-Chance. Reason: The property description has not been determined and the statutory requirements for listing cannot be met.
- \* Item 76, various lots and DPs, Walgett. Reason: The provisions of Division 7 of State Environmental Planning Policy (Infrastructure) 2007 override the effect of listing this as a local heritage item within an LEP.
- \* Item 107, lot 3 section 4 DP 769262, Collarenebri. Reason: Walgett Shire Council resolved on 28 July 2009 to remove the item from the draft (LEP) heritage schedule, as per a recommendation by Walgett Shire Council's Heritage Advisor, Ray Christison.

- (b) Recommendation 2 (section 6), proposing that a heritage conservation area be established over the 'preserved' opal fields at Lightning Ridge, Coocoran, Grawin, Carter's, Sheepyard and Glengarry areas.

**Attachments:**

A – Errors in the Report of the Community-Based Heritage Study of Walgett Shire dated April 2008

### Attachment A – Errors in the Report of the Community-Based Heritage Study of Walgett Shire dated April 2008

The following errors have been identified by staff of Walgett Shire Council in the Heritage Study Report dated April 2008

PAGE	ITEM No.	ISSUE	ERROR	CORRECTION
82	26	Property description	Lot 23	Modify to lot 22
84	29	Property description	Lot 33, DP588872	Modify to lot B, DP 399615
98	37	Property description	Lot 1, DP 13603	Modify to lot 2, DP 215257
108	44	Property description	Lot 16, DP759036	Modify to lot 1, DP 1083221
145	68	House demolished	Nil	Add notation house demolished Sept. 2009 after storm damage.
200	107	Bakery burnt down	Nil	Add notation that bakery building burnt down April 2009
283	N/A	Error in Map 1, Rural areas	Item 94 shown	Delete item from map as it was not included in report
285	N/A	Errors in Map 3, Walgett	Item 103 shown	Delete items from map as they were not included in report
			Item 60 shown	
			Item 29 repeated	Delete incorrect items
			Item 134 repeated	
288	N/A	Error in Map 6, Come-by-Chance	Item 37 shown in wrong location	Modify to show correct location

## **10. OBJECTION TO PROPOSED HERITAGE LISTING**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin – Director Planning and Regulatory Services  
**FILE NUMBER:** 09/1165

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### **Summary:**

Some time ago, Walgett Shire Council received a letter from Barry McKenzie objecting to the proposed heritage listing of a property that he owns. Council's Heritage Advisor has reviewed the objection and recommended that the property be removed from the draft local heritage schedule for a Walgett Shire Local Environmental Plan.

### **Discussion (including issues and background):**

A letter was sent to Barry McKenzie on 30 November 2006 notifying him that Walgett Shire Council was considering listing his property, lot 45, DP 546693 as a local heritage item. The site had been identified as a blacksmith's workshop of local heritage significance during compilation of the Community Based Heritage Study of Walgett Shire. At the time no response was received from Mr McKenzie.

Subsequently, in a letter dated 29/9/08, Mr McKenzie objected to the heritage listing of the property (see Attachment A).

Walgett Shire Council's Heritage Advisor, Ray Christison, subsequently reviewed information gathered on the property by Council's previous advisor, Graham Hall, and undertook a site inspection. Mr Christison has now recommended that site be removed from the draft local heritage schedule for the Walgett Shire Local Environmental Plan. (See Attachment B)

### **Relevant Reference Documents:**

Report of the Community Based Heritage Study of Walgett Shire, April 2008 (especially pages 131 and 132)

### **Stakeholders:**

Barry McKenzie, Walgett Shire Council, public

### **Financial Implications:**

Nil

**Objection to Proposed Heritage Listing**

**Recommendation:**

That Walgett Shire Council resolve to:

1. Note the letter dated 29/9/08 from Barry McKenzie objecting to the proposed heritage listing of the former blacksmith's shop.
2. Note the report dated 25 November 2009 on the former blacksmith's shop from Walgett Shire Council's Heritage Advisor, Ray Christison.
3. Remove the 'former blacksmith's shop' located on lot 45, DP 546693, Warrena St, Walgett from the draft local heritage schedule for a Walgett Shire Local Environmental Plan, in accordance with the recommendation of Walgett Shire Council's Heritage Advisor.
4. Write to Barry McKenzie and advise him of Council's resolution.

**Attachments:**

- A – Letter dated 29-9-08 from Barry McKenzie objecting to proposed heritage listing  
B – Report from Council's Heritage Advisor regarding proposed heritage item

Attachment A – Letter dated 29-9-08 from Barry McKenzie objecting to proposed heritage listing

235/06/26/00 Rn: 5996. BARRY MCKENZIE MOTORS  
20 Keepit St  
P.O. Box 139  
Walgett  
2832  
29/9/08

The General Manager  
Walgett Shire Council  
Walgett

Dear Sir,

Re the proposed listing of my premises as  
a Heritage Blacksmith's Shop.

From 1940 my uncle T.J. McKenzie carried out  
a blacksmithing business on the corner of Fox  
& <sup>WARREN</sup> ~~McKenzie~~ streets. In late 1940, early 1941  
he built this 60ft. by 30ft. corrugated iron shed.

He then moved his blacksmithing equipment plus  
electric and oxy welding and motor vehicle  
servicing enterprises into the new building.

In the late 1940's the demand for blacksmith  
services fell to where he dispensed with the equipment  
from the shed, to concentrate on the other businesses.

In 1950 he leased the premises to Ian Mackenzie  
Transport as a garage & Austin car dealership.

In January 1958 I occupied the building as  
Barry McKenzie Motors.

In view of the above & the fact that for  
over ~~seventy~~ <sup>sixty</sup> years there has been no physical  
evidence to show that the premises were ever  
used for blacksmithing services, I fail to see  
why Heritage listing should be considered

Yours faithfully

Barry McKenzie



Attachment B –Report from Council's Heritage Advisor dated 25 November 2009 regarding proposed heritage item



**High Ground Consulting**

(Hammusk Pty Ltd)  
116 Hassans Walls Road  
LITHGOW NSW 2790

ABN: 67 070 055 319  
(02) 6353 1812  
0419 438 609

highground@swiftdsl.com.au

General Manager  
Walgett Shire Council  
PO Box 31  
WALGETT NSW 2832

ATT: Matthew Goodwin, Director Planning and Regulatory Services

Dear Matthew,

**Objection to heritage listing – Blacksmith's Shop (former), Keepit Street, Walgett**

On 20 October 2008 I inspected a former blacksmith shop located in Keepit Street Walgett that currently functions as an automotive workshop. This building was included as item 58 in the Walgett Shire Heritage Study and listed in the draft heritage schedule for the new Walgett Shire LEP.

An objection to the proposed listing was submitted by the building's owner, Barry McKenzie. This objection was based on the following grounds:

- The building was constructed in 1940-1941 by T.J. McKenzie when he relocated his blacksmithing business from earlier premises on the corner of Fox and Warrena Streets.
- Blacksmithing activity ceased by 1950 and all blacksmithing equipment was removed.

**Heritage significance**

The heritage inventory sheet for this building identifies it as "a rare largely intact simply built blacksmith's shop, probably dating from the expansionary period in the early 20<sup>th</sup> century, demonstrating Walgett's role as a centre serving the surrounding rural area".

**Inspection**

The building was inspected in 20 October 2008 and its structure recorded. Note was also taken of original electrical switching gear remaining within the premises. No evidence of former blacksmithing activity was identified.

The relatively recent construction and materials of the building were noted. While the building has some significance as a structure associated with small-scale industrial activity in Walgett it is considered that recording of the building and its former functions is sufficient to ensure that its place in the story of Walgett is preserved. I will endeavour at a future time to undertake a more



formal recording of the building and record Mr McKenzie's memories of the place.

**Recommendation**

It is recommended that the building be removed from the draft Walgett Shire LEP Heritage Schedule in accordance with the expressed wishes of the owner.

Yours faithfully

A handwritten signature in black ink, appearing to read "Ray Christison", with a long horizontal flourish extending to the right.

Ray Christison  
Heritage Advisor  
Walgett Shire Council  
25 November 2009

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

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

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### **Summary:**

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

### **Discussion (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 Director Planning and Regulatory Services and General Manager during October 2009.

Document type 20 represents Development Applications, while document type 24 represents Complying Development Certificates.

### **Relevant Reference Documents:**

Files for the respective Development and Complying Development Certificate applications

### **Stakeholders:**

Public and applicants

### **Financial Implications:**

Nil

<b>Development and Complying Development Certificate Applications</b>
<p><b>Recommendation:</b></p> <p>That Walgett Shire Council resolve to:</p> <ol style="list-style-type: none"><li>Note the Development and Complying Development Certificate applications dealt with under delegated authority by the Director Planning and Regulatory Services and General Manager during October 2009.</li></ol>



### **Attachments:**

A – Report on DAs and CDCs issued October 2009

## Attachment A – Report on DAs and CDCs issued October 2009

## AUTHORITY

## Determined Applications



Page:1

11/30/2009	Parameters:	Date Range: Y Start Date: 1/10/2009 End Date: 31/10/2009 As At Date:	Document Type: Officer: ALL Number of Days: 0 Stop The Clock: Yes
Document	Applicant Name / Address	Development Type Property Address Title Owner	Determination Determined Received
Document Type: 20			
Stop the Clock			
Total Elapsed Calendar Days: 38 Calendar Stop Days: 0 Adjusted Calendar Days: 38			
02/0/2009/0000000022/001	160 Subdivision/Consolidation	Approved - Staff Delegation	07/10/2009
	LOT: 16 DP: 753938 Mr M J Holcombe		31/08/2009
Stop the Clock			
Total Elapsed Calendar Days: 18 Calendar Stop Days: 0 Adjusted Calendar Days: 18			
02/0/2009/0000000023/001	160 Subdivision/Consolidation	Approved - Staff Delegation	29/10/2009
	Racecourse R: 84117 Walgett Shire Council		12/10/2009

Officer: Ms J R Babic  
Number of Applications: 3

Average Elapsed Calendar Days: 19.00  
Average Calendar Stop Days: 0.00  
Average Adjusted Calendar Days: 19.00

Total Elapsed Calendar Days: 57.00  
Total Calendar Stop Days: 0.00  
Total Adjusted Calendar Days: 57.00

## AUTHORITY



## **12. 2009/2010 LOCAL HERITAGE FUND APPLICATIONS**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin – Director Planning and Regulatory Services  
**FILE NUMBER:** 09/1597

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### **Summary:**

Walgett Shire Council recently wrote to the owners of private items that have been proposed for listing as a local heritage item and invited them to apply for a grant from Council's Local Heritage Fund to assist with conservation and restoration work. It is recommended that the General Manager be delegated authority to approve allocation of funds from the fund.

### **Discussion (including issues and background):**

In a letter dated 19 October 2009 Walgett Shire Council wrote 84 owners of private properties in the proposed Walgett Shire local heritage schedule to be included in a Local Environmental Plan. Letters were not sent for items located on land owned by State Government, Council, or a public authority (eg railway land). Owners were invited to obtain an information and application package regarding the local heritage fund (Attachment A).

The letter indicated that grants of up to \$2,000.00 were available from the Walgett Shire Local Heritage Fund to assist owners undertake conservation and maintenance works on heritage buildings and places. Owners are required to at least match Council's contribution.

Walgett Shire Council has established a budget of \$16,800 for its Local Heritage Fund. If Council manages the fund in accordance with the requirements of the Heritage Branch Department of Planning, that agency will reimburse half of this amount via a grant at the end of the financial year. One of the key requirements is that the fund be dispersed with regard for the recommendations of Council's Heritage Advisor.

At the time of preparing this report, the following applications had been lodged for assistance:

- Painting of house - Earl Street, Collarenebri.
- Replacement of broken boards in the quarters & laundry at Moongulla, Collarenebri.
- Re-wiring of Come-By-Chance Hall & installation of new toilet.
- Replacement of windows, doors and weather boards at Epping shearing shed, Pilliga.
- Maintenance repairs and painting, Glenburnie homestead, Burren Junction.

Council's Heritage Advisor has received enquiries regarding six other properties and has discussed works with their owners. It is anticipated that a number of late applications will be received for works at Angledool, Burren Junction, Come-By-Chance and Lightning Ridge.

The Heritage Advisor's assessment of all applications could not be completed at the time this report was prepared.

### **Relevant Reference Documents:**

Report of the Community Based Heritage Study of Walgett Shire, April 2008.  
(especially pages 131 and 132)

**Stakeholders:**

Owners of items proposed for listing as items of local heritage, Walgett Shire Council, public.

**Financial Implications:**

There is an established budget of \$16,800 for the Local Heritage Fund. At the end of the financial year it is expected that Council will receive a grant equivalent to half of the money dispersed from the fund.

<b>2009/2010 Local Heritage Fund Applications</b>
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<p><b>Recommendation:</b></p>
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<p>That Walgett Shire Council resolve to:</p>
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- |  |
|--|
| <ol style="list-style-type: none"><li>1. Delegate authority to the General Manager to approve the allocation of funds from the Walgett Shire Council Local Heritage Fund 2009-2010, after considering the advice received from Council's Heritage Advisor, Ray Christison.</li></ol> |
|--|

**Attachments:**

A – Guidelines and application form for the Walgett Shire Local Heritage Fund

Mr Raymond Kent  
General Manager  
Walgett Shire Council  
PO Box 31  
WALGETT NSW 2832  
Phone (02) 6828 1399  
Fax (02) 6828 1608



## GUIDELINES FOR THE OPERATION OF THE LOCAL HERITAGE FUND

### BACKGROUND

A Local Heritage Fund has been established by Council with the aid of a grant from the NSW Heritage Office. The purpose of the Fund is to provide small grants or loans to assist owners of heritage items with conservation work.

### ELIGIBLE PROJECTS

Eligible projects will provide for the conservation of heritage buildings or other items in the Shire through repair, maintenance, or reinstatement of missing elements. The item need not necessarily have been previously heritage-listed by Council, but an assessment of its heritage significance will be made at the time of application. It should be expected that unlisted items for which assistance is provided will be heritage-listed by Council in due course.

Examples of suitable projects could include work on the structure of a building, verandahs, roof cladding, fences, decorative detail and painting.

### PROJECTS NOT FUNDED

Funding will generally **not** be provided:

- Where assistance is reasonably available from another source
- Where substantial assistance has been previously provided
- Where the applicant has yet to complete other assisted projects
- For the purchase of a building, site or movable item
- For a new addition to a heritage building (including new internal fittings such as new kitchens and bathrooms)
- For the relocation of a heritage building
- For properties on which rates have been unpaid
- For work on a government-owned building used for a government purpose



## **ASSESSMENT CRITERIA**

The following matters will be taken into account by the Council in assessing the priority of the application. (Please note that it is not necessary for the proposed project to meet all of these criteria.)

- The heritage significance of the item (i.e. its historical, aesthetic, scientific, social or spiritual value)
- The applicant's ability to demonstrate technical and financial responsibility with regard to the project, and the ability to complete it within a specified time
- The degree to which the applicant is contributing to the project
- Projects which would encourage the conservation of other heritage items
- Projects which are highly visible to the public
- Projects which have high public accessibility, e.g. a local museum, church or a private home which is open to the public several times a year
- Work on items owned or used by community groups
- Projects which are in an area which has received little or no funding
- Projects involving aspects of heritage which have received little or no funding
- Projects subject to conservation controls where the owner is able to show hardship arising from the need to conserve the item
- Projects where urgent action is necessary to conserve a heritage item

## **LEVEL OF FUNDING AVAILABLE**

A total of \$16,800 is available this year for the entire Walgett Shire. Typical grants will be in the \$500 to \$2,000 range. A higher amount may be provided if circumstances warrant it.

Applicants will generally be expected to provide at least a matching contribution. This will normally be financial, but contributions of labour and / or materials may be accepted, provided that the standard of work is not compromised and the Heritage Adviser is satisfied that the value of such contribution as stated in the application is reasonable.

There will clearly be cases where applicants may wish to contribute more.

## **TIMING OF PROJECTS**

Projects funded under this program must be completed by 30 May 2010.

## **WHAT YOU NEED TO DO**

### **Firstly contact Council's Heritage Adviser**

Please make a preliminary assessment of the work you propose to do, and then contact the Heritage Adviser to discuss the eligibility of your project and other details. This service is provided free of charge. The adviser will be able to assist you in making an application. If the project is too large the adviser may suggest that you engage a conservation architect for the project.

The Heritage Adviser is Ray Christison, and you can contact him on by phone on (02) 6353 1812 or email at [highground@swiftdsl.com.au](mailto:highground@swiftdsl.com.au).

### **Background Research**

It may assist your case if you can demonstrate why the work you propose is appropriate from a heritage point of view. To do this you may need to do some research. For example, if a project involved rebuilding a missing veranda, old photographs would help with designing the replacement. The Heritage Adviser may also have some suggestions to follow up.

### **Schedule of Work**

You then need to decide in detail what work you want to carry out. This should be put down in a clear item by item job schedule.

### **Plans, Sketches and Photographs**

Depending on the size of the job you may need these to support your application. It may assist your application if you enclose photographs to explain the job.

### **Quotes**

If possible, get at least two quotes for the work. If you cannot get quotes in time to meet the closing date, provide an estimate, but follow up with a quote as soon as possible.

### **Fill in the application form**

Fill in the attached form, keep a copy for your records, add the attachments and send directly to Lyn Douglas at Walgett Shire Council. (You may also have to submit a Development Application and or apply for a Construction Certificate: check with Council.)

**WALGETT SHIRE COUNCIL  
LOCAL HERITAGE FUND  
APPLICATION FOR FINANCIAL ASSISTANCE**

Please refer to guidelines before completing this application

**APPLICANT**

NAME: .....

POSTAL ADDRESS: .....

..... POSTCODE: .....

TELEPHONE: PRIVATE: ..... BUSINESS: .....

FAX: ..... E-mail: .....

**LOCATION OF THE ITEM**

STREET ADDRESS OR OTHER DETAILS OF LOCATION:

.....  
.....

**THE PROPOSAL**

PROPOSED WORKS: .....

.....  
.....

PRESENT USE OF ITEM: .....

.....  
.....

PROPOSED USE OF ITEM:

(If a change of use is proposed. Note: A Development Application may be required.)

.....  
.....

**FUNDS**

AMOUNT SOUGHT UNDER THIS APPLICATION: .....\$.....

CASH CONTRIBUTION BY APPLICANT.....\$.....

VALUE OF ANY OTHER CONTRIBUTIONS BY APPLICANT\* .....\$.....

ESTIMATED TOTAL COST OF WORKS:.....\$.....

\*DETAILS OF ANY NON-CASH CONTRIBUTION BY APPLICANT.....

.....  
.....  
.....

**ADDITIONAL INFORMATION SUBMITTED WITH APPLICATION**

Please tick as applicable

Quotes to carry out work	
Trades people's qualifications	
Plans/sketches/specification/schedule of the proposed works	
Photographs of item as existing	
Samples of finished materials/colours	
Historical information	

**SIGNATURE OF APPLICANT**

I/we, the undersigned, hereby apply for financial assistance under the Local Heritage Assistance Fund to carry out works described in this application on the land specified in this application.

..... Signature  
 ..... Capacity  
 ..... Date

**CONSENT OF OWNER(S) OF LAND**

NAME OF OWNER(S) OF LAND: .....

POSTAL ADDRESS: .....

.....Postcode.....

I/we, the undersigned, being the owner(s) nominated above of the land to which this application relates, hereby consent to the making of this application.

..... Signature  
 ..... Capacity  
 ..... Date

**WALGETT SHIRE COUNCIL****AGREEMENT FOR FINANCIAL ASSISTANCE PROVIDED FROM  
THE LOCAL HERITAGE FUND**

Project number	
Applicant's name	
Postal Address	
Project Address	
Amount of Assistance	
Grant or loan	
Applicant's Contribution	
Special Conditions	
Completion date	

**CONDITIONS****1. Acceptance**

The applicant must accept this offer of assistance within 6 weeks of the date of this offer; otherwise it may be withdrawn.

**2. Permission to Commence Work**

The applicant must provide the following information to Council before permission to commence work will be granted:

- (a) Drawings and/or specifications sufficient to define the extent of the work
- (b) Names of persons or organisations to carry out the work
- (c) A time schedule for the completion of the project
- (d) The name of a suitably qualified person to supervise the work

**3. Funding from other sources**

The applicant must immediately advise the Council of any changes to financial resources and arrangements connected with the project.

**4. Claims**

Claims for payment must be made in writing, setting out clearly the extent of work carried out, and the amount claimed. Attach originals of any bills.

**5. Progress Reports**

The applicant must provide brief progress reports as requested.

### 9. Revocation

This financial assistance may be reviewed or revoked at any time under any one or more of the following circumstances:

- (a) Work being unsatisfactory
- (b) Failure to meet time schedule constraints
- (c) Failure to provide progress reports
- (d) Non disclosure, misleading or false disclosure of information

The applicant agrees, in case of revocation, to refund any monies advanced, plus interest at the current rate used for local government rate arrears.

### 10. Loan Conditions

If assistance is provided by way of a loan, the applicant must enter into a separate agreement to specify the repayments and to provide any security which may be required.

### 11. Reusable Equipment

The funds provided are not to be used to purchase reusable equipment without the prior written approval of the Council.

### 12. Appropriate Conservation Work and Financial Management

All work must be carried out in accordance with appropriate conservation practice and sound financial management.

### 13. Long Term Protection

The applicant must take all reasonable measures to protect in perpetuity the item for which this assistance is granted. The applicant and the owner of the item assisted agree not to object to the inclusion of the item in a Local Environmental Plan. The applicant must, if required, insure and keep insured at all times the item for which this assistance is granted.

## ACCEPTANCE

I, the applicant, hereby agree to the above conditions and accept this offer of assistance.

..... Name  
..... Capacity  
..... Signature ..... Date

### To be completed for projects where the applicant is not the owner

I, the owner of the item for which this assistance is granted, agree to the conditions of this assistance and give permission for work to commence.

..... Name  
..... Capacity  
..... Signature ..... Date

### **13. *ADDITIONAL WATER EXPENDITURE PROPOSALS 2009/2010***

**REPORTING SECTION:** Urban Infrastructure Services  
**AUTHOR:** Siegfredo Coralde – Director Urban Infrastructure Services  
**FILE NUMBER:** 09/1237

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#### **Summary:**

This report requests additional expenditure items for the 2009/10 financial year for Council's immediate consideration.

#### **Discussion (including issues and background):**

Council approved new expenditure proposals of the following items during its 24 November 2009 Ordinary Meeting:

- |  |              |
|--|--------------|
| ▪ Software, IT and Meter readers for Water Billing | \$ 40,000.00 |
| ▪ Installation of Water Meters at Lightning Ridge  | \$188,000.00 |

To complete the whole circuit of effectively charging water by July 2010, Carinda must have water meters installed and telemetry systems of standpipes at Walgett and Cumborah are working properly. The following additional water expenditure proposals are:

- |  |              |
|--|--------------|
| ▪ Procurement and installation of Carinda Water Meters   | \$ 17,000.00 |
| ▪ Telemetry, automatic chips procurement and installation, plumbing works of 3 standpipes (2-Walgett and 1-Cumborah) | \$ 60,000.00 |

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

New Expenditure Proposals 2009/10 (November) Report

#### **Stakeholders:**

Walgett Shire Council  
Walgett Shire Ratepayers

#### **Financial Implications:**

If approved this would leave the Walgett water fund in deficit by \$121,546.00. Currently in restricted cash, the Walgett water fund is carrying \$410,631.00. This would effectively leave a surplus of \$289,085.00

**Additional Water Expenditure Proposals 2009/2010**

**Recommendation:**

That Walgett Shire Council resolve to:

1. Approve approve the procurement and installation of water meters at Carinda, to be funded from the Walgett Water Fund Reserve.
2. Approve the telemetry procurement and installation of standpipes at Walgett and Cumborah, to be funded from the Walgett Water Fund Reserve.



## **14. STRATEGIC PLANT REPLACEMENT PROGRAM 2010 - 2024**

**REPORTING SECTION:** Director Rural Infrastructure & Support Services  
**AUTHOR:** Ian Taylor - Director Rural Infrastructure & Support Services  
**FILE NUMBER:** 09/1260

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### **Summary:**

Council insures approximately \$7.5M of Plant, including motor vehicles, earthmoving plant, and other minor equipment. To ensure that this plant is serving council's needs for delivering services a strategic plan is required for their acquisition and replacement. This report provides Council with the draft Strategic Plant Replacement Program 2010 - 2024 and recommends approval to procure identified plant in the current financial year.

### **Discussion (including issues and background):**

Council insures approximately \$7.5M of Plant, including motor vehicles, earthmoving plant, and other minor equipment. To ensure that this plant is serving council's needs for delivering services a strategic plan is required for their acquisition and replacement. Council follows the Plant and Vehicle Management Manual published and annually updated by the Institute of Public Works Engineering Australia as the guiding document for plant management.

The draft Strategic Plant Replacement Program 2010 - 2024 (SPRP) provides Council with a break-down of its plant assets by Department and service area. The SPRP provides indicative utilisation and age of the current plant and identifies the forecast annual replacement revenue from the plant. It identifies plant that is proposed to be decommissioned without replacement, and new or modified plant requirements. Finally, it identifies the forecast expenditures on plant replacement over the following 15 years.

The desirable goal of the SPRP is that the provision of plant for the delivery of council services is sustainable, meaning that the costs of providing plant today are not 'shifted' into future years by unrealistically low plant hire rates or the acquisition and replacement of lower cost plant items such as light motor vehicles. To achieve this, it will require review on an annual basis.

Council owns a number of plant items which are of high value and are retained for extended periods. Hence the SPRP extends well beyond the life of most equipment. Graders and heavy trucks are typical examples of these items.

The SPRP is a strategic plan, and therefore the values in the plan are intended to be conservative. The procurement process should, on average, undercut the forecast changeover costs identified in the plan. Likewise, the replacement revenue from the plant hire rates should, on average, exceed the forecast revenue in the SPRP.

It must also be noted that there are a number of reasons for owning plant apart from lowest operating cost. These include:

- 1) Plant assets or plant related services which are not readily available within the Shire from external contractors. These include: bitumen patching, pavement stabilisation (especially for repair/rehabilitation works), waste collection vehicles, water & sewerage repair truck, mobile mechanics vehicle, potable water registered water cart, full-service road construction and repair to Specification, and short term vehicle hire.

2) Plant assets that are required to deliver services of an urgent nature, requiring council to have the plant on-hand and not be delayed in mobilising subcontractors. These include: backhoe/loaders (water & sewerage repair), generators (airport lighting), and road incident response equipment including traffic control, debris clearing, and mobilising minor repair equipment (including graders). The Rural Fire Service and State Emergency Service also approach Council as their first "port of call" for providing assistance in delivering additional support in the form of transport, water carts, pumps, and graders.

Recent experience, especially with the RTA Road Maintenance Council Contract has highlighted a number of deficiencies in council's fleet. Foremost among these are:

- (1) The lack of capacity and efficiency to meet the contract requirements for bitumen patching;
- (2) The lack of efficiency using external contractors to provide stabilisation services due to the amount of standby time;
- (3) The support vehicles to construction crews are often being overloaded and rely on multiple trailers to be used to relocate the crew; and
- (4) Both Heavy Tipper / Plant Trailer combinations have very little margin for error to meet statutory mass limitations. This diminishes the versatility of these plant and places the operators at risk of penalties for overloading.

The SPRP proposes to eliminate these deficiencies by:

- (1) Acquiring modern high velocity air bitumen patching vehicles which can be operated from within the vehicle when undertaking routine patching. A vehicle of this type is currently being utilised on hire with beneficial results;
- (2) Acquiring an in-house stabilisation capacity using a tractor mounted equipment suitable for typical heavy patching works in lieu of a current maintenance grader crew. A number of neighbouring councils have this capacity (and have no spare availability for Walgett to use). It is envisaged that when not undertaking stabilisation work, the tractor would be available for operating a towed combination roller.
- (3) Support vehicles for construction crews (currently crew cab 4x4 - Ford Ranger / Holden Colorado equivalent) are proposed to be replaced with 4x2 crew cab light trucks with fuel tank and sign racks mounted on the tray. Two person crews would remain with a 4x2 Ford Ranger equivalent.
- (4) The Walgett heavy tipper would replace the Collarenebri tipper and the existing Collarenebri trailer would be replaced with a tag trailer. Secondly the Walgett tipper would be replaced with a 6x4 prime mover and step deck plant trailer with an existing tipper/crane truck being upgraded from 4x2 to 6x4.

Note that the above actions will take a number of years to complete, subject to the various resale values achieved.

This report provides Council with the draft Strategic Plant Replacement Program 2010 - 2024 and recommends its adoption to procure identified plant in the current financial year. If adopted, tenders will be called for the following plant: waste collection vehicle, two (2) bitumen patching trucks, a 6x4 prime mover, a 200ph tractor for stabilisation works, and a motor grader.

**Relevant Reference Documents:**

Strategic Plant Replacement Program 2010 - 2024 (Draft)

**Stakeholders:**

Walgett Shire Council

**Financial Implications:**

The Strategic Plant Replacement Program 2010 -2024 is predicated on the basis that the replacement component of internal hire rate charges (fixed and operational depreciation) is restricted to fund plant replacement and that no additional funds are injected into the program.

<b>Strategic Plant Replacement Program 2010-2024</b>
<p><b>Recommendation:</b></p> <p>That Walgett Shire Council resolve to:</p> <ol style="list-style-type: none"><li>1. Adopt the Strategic Plan Replacement Program 2010 -2024</li><li>2. Approve the procurement of plant identified to be replaced in accordance with council's procurement policy and procedures; and</li><li>3. Review the plan by June 2010.</li></ol>