



# **WALGETT SHIRE COUNCIL**

## **AGENDA**

**5 August 2008**

**RAY KENT**  
*General Manager*



29 July 2008

Administrator  
Walgett Shire Council  
PO Box 31  
WALGETT NSW 2832

**NOTICE IS HEREBY GIVEN** that the Ordinary Meeting of Walgett Shire Council will be held in the **Walgett Shire Council Chambers commencing 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**

**9. Mayoral Minutes**

**10. Motions of which Notice has been given**

**11. Presentation of Petitions**

- 12. Councillor's Questions with Notice**
- 13. Reports of Delegates and Representatives**
- 14. Reservation of items for Debate**
- 15. Reports of Officers**

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**DIRECTOR PLANNING AND REGULATORY SERVICES REPORTS**

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- 16. Reports of Committees**
- 17. Questions without notice from Councillors**
- 18. Confidential Reports/Closed Council Meeting**
- 19. Close of Meeting**

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

## 7. Confirmation of Minutes

### MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD IN THE WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY, 15 JULY 2008 COMMENCING AT 10.02 am

#### PRESENT

Mr Vic Smith	Administrator
Mr Ray Kent	General Manager
Mr Matthew Goodwin	Director, Planning and Regulatory Services
Mrs Carole Medcalf	Director, Corporate and Community Services
Mr Ian Taylor	Director, Rural Infrastructure and Support Services
Miss Jodie Gates	Minute Secretary

Administrator Vic Smith acknowledged the traditional owners of the land within the Walgett Shire and acknowledged the present Aboriginal and Torres Strait Islander people who now reside within this Shire.

Administrator Vic Smith welcomed those attending the meeting and invited any member of the community to address matters listed within the Council Agenda.

#### OPEN FORUM PRESENTATIONS

No presentations were made.

#### 140/08 Confirmation of Council Minutes

#### RESOLUTION:

It was resolved on the motion of the Administrator that the minutes of the Council meeting held on 17 June 2008 be confirmed

#### CARRIED

#### 141/08 Additional Council Meeting in September 2008

#### RESOLUTION

It was resolved on the motion of the Administrator that:

An additional ordinary meeting of Council be held at 10.00am Tuesday 2nd September 2008 in Walgett.

The General Manager undertake the appropriate public notification of the meeting.

#### CARRIED

<b>142/08</b>	<b>Annual Performance Review of General Manager</b>
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**RESOLUTION**

It was resolved on the motion of the Administrator that:

The General Manager's performance be formally recorded as being assessed as of better than satisfactory standard

The TRP of the General Manager be increased by 10%

The professional development allowance in Schedule D of the Contract of Employment of the General Manager be reduced from \$5,000 to \$3,000 per annum

The professional memberships allowance in Schedule D of the Contract be reduced from \$1,500 to \$700 per annum

Annual leave for the General Manager be increased by five (5) days per annum

The General Manager's accommodation subsidy be paid fortnightly

**CARRIED**

<b>143/08</b>	<b>Payment of Expenses and Provision of Facilities for Councillors</b>
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**RESOLUTION**

It was resolved on the motion of the Administrator that:

Prior to the Draft Policy being placed on public exhibition, that all references to overseas travel be deleted from this policy.

The Draft policy, "Payment of Expenses and Provision of Facilities for Councillors" be placed on public exhibition for a period not less than 28 days and submissions on its provisions be invited.

The Draft Policy be further considered at the September 2008 Ordinary Meeting of Council, along with any submissions received during the public exhibition period.

**CARRIED**

<b>144/08</b>	<b>Code of Conduct</b>
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**RESOLUTION:**

It was resolved on the Motion of the Administrator that:

The attached 'Walgett Shire Council Code of Conduct' be adopted.

Council make a public call for persons interested in being appointed as conduct reviewers.

A report on the outcome of the public call be placed before either the September or October Ordinary Meeting of Council.

Conduct reviewers be appointed for a term of 12 months, with the possibility for re-appointment. Such appointments to be made at the same Council meeting at which Council determines delegates, representatives and members in respect of external bodies.

Council determines not to pay conduct reviewers a fee but rather to meet all out of pocket expenses.

Council's solicitors, Booth Brown Samuels and Olney, be invited to nominate a Solicitor from the firm to be a conduct reviewer.

**CARRIED**

<b>145/08</b>	<b>Code of Meeting Practice</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that:

Attachment A to the Code of Meeting Practice be retitled 'Order of Business'.

The new Order of Business attached to the report be adopted.

**CARRIED**

<b>146/08</b>	<b>Report on Management Plan 2007/2008 – 2011/2012</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that the Report on the Management Plan 2007/2008 – 2011/2012 for the period April 2008 – June 2008 be received.

**CARRIED**

<b>147/08</b>	<b>Review and Update of Policies and Development of Policy Manual</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that:

1. That Council rescinds all previous policies, with the exception of those 4 named in this report and those, if any, adopted at this meeting.
2. That Council adopts those policies presented at this meeting and attached to this report as Walgett Shire Council Policy Manual.

**CARRIED**

<b>148/08</b>	<b>Investment Report as at 30 June 2008</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that the investment report as at 30 June 2008 be received.

**CARRIED**

<b>149/08</b>	<b>Rates and Charges outstanding 30th June 2008</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that Walgett Shire Council receive the Rates and Charges Outstanding 30th June 2008 Report and note the favourable trend.

**CARRIED**

The Administrator would also like to thank all staff involved in ensuring this trend continues and that staff be congratulated.

<b>150/08</b>	<b>Budget "Carry forwards" to 2008/09</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that Walgett Shire Council transfer the following amounts to restricted funds for the purposes listed:

Rural Addressing Project	\$40,000
Cat holding Facility	\$5,000
Pesticide Pit Remediation	\$46,660
Kerb and Guttering Renewal Program	\$50,000
Collarenebri Youth Centre	\$180.00
Lightning Ridge Youth Centre	\$458.45
Walgett Youth Centre	\$894.04

**CARRIED**



<b>151/08</b>	<b>Tourism Development Activities – July 2008 Report</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that:

That Council request the General Manager to arrange for a proposal (suitable for preparing a cost estimate and seeking landowner's consent for an activity application) to be prepared for establishing a primitive Camping Ground at the Alex Trevaillon Park.

That Council receives and notes the Tourism Development Officers report for July 2008.

**CARRIED**

<b>152/08</b>	<b>Former Walgett Railway Station Building</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that Walgett Shire Council resolve to:

Place advertisements within the Walgett Spectator and the Lightning Ridge News advertising its intention to dispose of the former Walgett Railway Station building and seeking written expressions of interest from the community for its reuse or demolition within two months.

Consider any submissions received at the October 2008 meeting of Walgett Shire Council prior to making a decision about the disposal of the building.

**CARRIED**

<b>153/08</b>	<b>The Australian Opal Centre – Lightning Ridge</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that the Development Application 2008012 be approved under the following conditions of development consent:

## **PRESCRIBED CONDITIONS**

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

### **97A. Fulfilment of BASIX commitments**

- (1) ~~This clause applies:~~
- ~~(a) on and from 1 July 2004, to all land within the initial BASIX area, and~~
  - ~~(b) on and from 1 July 2005, to all land within New South Wales.~~
- (2) ~~This clause applies to all development:~~
- ~~(a) that involves the erection (but not the alteration, enlargement, extension or relocation) of a BASIX-affected building, or~~
  - ~~(b) that involves a change of building use by which a building becomes a BASIX-affected building.~~
- (3) ~~For the purposes of section 80A (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.~~

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

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

### **98A. Erection of signs**

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
- (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

- (4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.
- (5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.
- (6) This clause applies to a development consent granted before 1 July 2004 only if the building work, subdivision work or demolition work involved had not been commenced by that date.
- Note.** *Principal certifying authorities and principal contractors must also ensure that signs required by this clause are erected and maintained (see clause 227A which currently imposes a maximum penalty of \$1,100).*

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

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

- ~~(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.~~

**CONDITIONS IMPOSED BY COUNCIL**

The following development consent conditions are imposed by Council.

**GENERAL**

**Gen 010.**

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

*Reason: To avoid breaching the requirements of any covenant.*

**Gen 020.**

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

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

**Gen 030.**

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

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

**Gen 040.**

Prior to commencing any building works a Construction Certificate must be obtained from Council to authorise construction.

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

**Gen 055**

In addition to plans, elevations and sections, the application for a Construction Certificate is to include the following information:

- (a) The location of all fire safety, smoke detection and alarm systems together with a installation details and,
- (b) Details of the proposed method of termite treatment showing that compliance will be achieved with AS 3660,
- (c) All structural details including specifications, tie-down and bracing plans and slab design details.

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

**Gen 056**

Where it is proposed to use performance based (alternative) solutions for compliance with the Building Code of Australia, the developer is to provide detailed evidence of compliance together with all necessary calculations and expert witness statements.

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

**Gen 065.**

The use or occupation of the premises is not to commence until such time as the terms of Development Consent have been complied with and a final occupation certificate issued.

*Reason: To restrict the use of the premises until the terms of the Development Consent have been complied with so as to ensure the health and safety of occupants of the building*

**APPROVED PLANS**

**Pln 010.**

The development shall be implemented in accordance with:

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

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

**SITE PROTECTION, FENCING AND LANDSCAPING**

**Fen 010.**

Details of any boundary fencing and landscaping works are to be submitted to Council for approval prior to commencement of works.

*Reason: To ensure the appearance of the development is sympathetic with the existing landscape.*

**Fen 015**

A security fence is to be erected around the site whilst construction is in progress.

*Reason: To prevent access to the site by unauthorised persons.*

**Fen 025**

Appropriate barriers are to be established and maintained around all excavation works.

*Reason: To minimise the risk of people falling down vertical faces.*

## **SITING/SETOUT**

### **Set 015.**

The developer of the property is to ensure that any building constructed is located within the confines of the lot.

*Reason: To avoid any buildings being erected in a location where it would be inappropriate.*

## **CONSTRUCTION**

### **Con 010**

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

Weekdays 7.00 a.m. to 7.00 p.m.

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

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

### **Con 020.**

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

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

### **Con 030.**

The builder shall provide a temporary sanitary service to the building site before building operations are commenced.

*Reason: To provide effective sanitation of the site during building construction.*

### **Con 045.**

All construction materials, sheds, skip bins, spoil, temporary water closets etc, shall be kept wholly within the property and not placed on public land.

*Reason: To preserve the amenity of the locality.*

### **Con 070.**

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

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

### **Con 080.**

All timber framing shall comply with the NSW Timber Framing Manual and the Building Code of Australia.

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

### **Con 090.**

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

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

### **Con 110.**

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

*Reason: To ensure structural efficiency of the roof trusses.*

### **Con 120.**

All glass installation shall comply with the requirements of Australian Standard 1288 and 2047 as applicable. The installer shall provide certification that the glazing complies with the requirements of AS 1288 and AS 2047 immediately following installation.

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

**Con 130.**

All wet areas are to be waterproofed in accordance with Australian Standard 3740.

*Reason: To ensure that the waterproofing of the wet areas comply with the relevant Australian Standards and the Building Code of Australia.*

**Con 140.**

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

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

**Con 205.**

The door to fully enclosed sanitary compartments must:

- (a) Slide, or
- (b) Open outward, or
- (c) Be readily removable from the outside of the compartment.

NOTE: If lift-off hinges are used adequate space is to be provided between the top of the door and the doorway to allow the door to be removed from the hinges.

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

**Con 210.**

All electrical work must be carried out by a licensed electrician in accordance with Australian Standard 3000 – SAA Wiring Rules and Australian Standard 3002.

*Reason: To ensure compliance with Australian Standards.*

**DISABLED ACCESS**

**Dis 010.**

Disabled access and facilities are to be provided in accordance with the Building Code of Australia and Australian Standard 1428.1 to 4. *Design for Access and Mobility - New building work.*

*Reason: To ensure compliance with the Building Code of Australia and the Disability-Discrimination Act 1992.*

**Dis 040.**

At least two (2) disabled car parking spaces shall be provided within the proposed car park. The parking spaces are to have minimum width of 3.8m, with the signage and marking complying with the requirements of AS 2890.1-2004. A continuous accessible path of travel complying with the requirements of AS 1428.1 is to be provided from the parking space to the building.

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

**TERMITE CONTROL**

**Ter 010.**

Treatment against termites is to be carried out in accordance with AS 3660.1. Upon completion of the selected method of treatment:

- (a) a certificate is to be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with the specific requirements of Council and AS3660.1.
- (b) A durable notice must be permanently fixed within the meter box indicating:
  - The method of protection
  - The date of installation of the system
  - Where a chemical barrier is used, it's life expectancy as listed on the National Registration Authority label and
  - The need to maintain and inspect the system on a regular basis.

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

## VENTILATION

### **Ven 010.**

Provide an approved system of mechanical ventilation in accordance with the requirements of Part F4.5(b) of the Building Code of Australia.

*Reason: To provide adequate ventilation and to ensure that there are no adverse affects on the occupants or the building.*

## WATER, SEWER, AND STORMWATER

### **Plu 015.**

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

*Reason: To ensure compliance with the Local Government Act 1993, Council's On-Site Sewage Management Guidelines, Australian Standard 3500.1-4 and the NSW Code of Practice, Plumbing and Drainage-2006.*

### **Plu 080.**

All plumbing and drainage works are to be completed in accordance with Australian Standard AS/NZS 3500-2003.1-4 *Plumbing and drainage* and the NSW Code of Practice, Plumbing and Drainage-2006.

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

### **Plu 105**

Reticulated water is not available to the site. The developer is to engage the services of an accredited Hydraulic Engineer for preparation of water storage and reticulation details, for fire services, external use and potable supply. The system design must include details of tanking, pumping methods, tank cleaning and filtration required to ensure maintenance of potable water.

*Reason: To ensure water supply system is suitable for it's intended uses.*

### **Plu 106**

Arrangements are to be made for the regular testing of the potable water supply to ensure compliance with the Australian Drinking Water Guidelines-2004.

*Reason: To ensure that water services are maintained in a healthy condition.*

### **Plu 107**

An On-site waste water (sewerage) management system must be established and maintained on the site to catch and hold all waste water in accordance with relevant Australian Standards and AS 3500-2003 *Plumbing and Drainage*. Details of the proposed system are to be submitted to Council for approval before the commencement of any construction.

*Reason: To ensure that the facilities are maintained at a level of hygiene appropriate for their approved use and to comply with Section 68 of the Local Government Act 1993, Council's On-site Sewerage Management Guidelines.*

### **Plu 135.**

The land surrounding the completed building is to have a drainage system so that:-

- (a) surface water is diverted clear of structures on site; and
- (b) which will not create any nuisance to adjoining properties.

*Reason: To minimise the potential for detrimental impacts to buildings or neighbouring properties.*

### **Plu 150.**

All new heated water installations shall, at the outlet of all sanitary fixtures used primarily for personal hygiene (shower and hand basins) deliver heated water not exceeding 50° C.

Notes:

1. Temperature control devices require routine maintenance and performance testing. Information on maintenance can be found in AS 4032.2
2. It is the property owner's responsibility to ensure that the routine maintenance is carried out.

*Reason: Temperature limits are required to minimise the risk of scalding.*

**Plu 190.**

A minimum of 10000 litres water storage capacity is to be reserved in the main water storage tank for fire fighting purposes. The main water storage tank is to be fitted with a 65mm Stortz fitting and valve and pump set capable of being connected to the rural fire service equipment.

*Reason: To ensure a sufficient supply of water for fighting purposes.*

**PARKING & TRAFFIC**

**Par 015.**

The off street car parking area is to be constructed of all weather material and maintained so that it is trafficable, free of pot holes, corrugations, erosion and does not interfere with stormwater runoff. Parking spaces are to be clearly marked to comply with AS 2890.1-2004, *Parking Facilities. Part 1. Off-street car parking.*

*Reason: So adequate off street parking is provided for the development and it is maintained in an appropriate manner.*

**Par 030.**

Parking facilities for people with disabilities are to comply with Part D3.5 of Building Code of Australia and the requirements of Australian Standard 2890.1 – *Parking Facilities – Off Street Car Parking.*

*Reason: To enable use of the car space by people with disabilities and to ensure compliance with the requirements of the Building Code of Australia.*

**Par 040.**

All loading and unloading activities relating to the use of the premises are to be carried out wholly within the site.

*Reason: To ensure the amenity of the area is maintained and minimise the potential for interference with traffic flow on public streets.*

**ACCESS ROADS**

**Rds 035.**

Road access to the site shall be from "Three Mile Road".

*Reason – To ensure that road access is provided via a designated route.*

**Rds 036**

If subsequently requested by the General Manager of Walgett Shire Council, the developer shall take such steps that are specified to minimise the generation of dust from the unsealed portion of the access road.

*Reason: Significant traffic movements may generate significant additional dust from the unsealed portion of the road. To reduce the risk of nuisance or health problems, Council may require the developer to take action to address this issue.*

**Rds 037**

The developer is to take all necessary actions during construction to minimise the creation of dust by vehicles accessing the site.

*Reason: To ensure that the effects of dust on the surrounding properties is minimised.*



## ENVIRONMENTAL MANAGEMENT

### Env 005

The developer must keep a legible record of all complaints made to the developer, or any employee or agent of the developer, in relation to dust, noise, light or any activity to which this development consent relates. The record must be kept for a period of 3 years after the complaint was made and be available on demand to authorised officers of Council. Details to be recorded as follows:

- (a) the date and time of the complaint;
- (b) the method by which the complaint was made;
- (c) any personal details of the complainant which were provided by the complainant or, if no such details were provided, a note to that effect;
- (d) the nature of the complaint;
- (e) the action taken by the developer in relation to the complaint, including any follow-up contact with the complainant; and
- (f) if no action was taken by the developer, the reason why no action was taken.

*Reason: To ensure that complaints are recorded, considered and dealt with in an appropriate manner.*

### Env 010.

Run-off and erosion controls must be implemented before construction, and maintained to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land, as follows:

- (a) divert uncontaminated run-off around cleared or disturbed areas,
- (b) erect a silt fence to prevent debris escaping into drainage systems or waterways,
- (c) stock pile topsoil, excavated material, construction and landscaping supplies and debris within the site.

*Reason: To prevent pollution from detrimentally affecting the public or environment.*

### Env 040.

No increase or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any other pollution discharge.

*Reason: To prevent pollution from detrimentally affecting the public or environment.*

### Env 050

Noise from the development (LA10) shall not exceed the background (LA90) by more than 5dB (A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.

*Reason: To prevent the generation of a noise nuisance.*

### Env 065

Photovoltaic systems used on the premises must not cause glare that would have a detrimental impact upon surrounding premises.

*Reason: To ensure protection of amenity of surrounding properties.*

## OPAL MINING DISTURBANCE

### Min 015.

On completion of site excavation works, the developer must:

- (a) engage a suitably qualified and experienced geotechnical engineer to provide an evaluation report which assesses whether there is evidence of significant prior mining activity which may have an impact on the integrity of the walls or foundations of the proposed building.
- (b) Provide a copy of the geotechnical engineer's evaluation report to Walgett Shire Council prior to the issue of a Construction Certificate and commencement of construction of the building.

*Reason: There are no official records of the extent of opal mine workings within the Lightning Ridge area. Voids and backfilled areas resulting from mining activity may have an adverse impact on building stability and public safety. Council accepts that for design reasons the void for the building must be excavated prior to finalisation of the building's structural design.*

**Min 025**

If the geotechnical engineer's evaluation report shows that prior mining activity may have an impact on the integrity of the walls or foundations of the proposed building, then the developer must also:

- (a) Engage a suitably qualified and experienced structural engineer to document how stability issues associated with mining activity will be managed.
- (b) Provide a copy of the structural engineer's documentation to Walgett Shire Council prior to the commencement of construction.

*Reason: Building design must be managed to ensure building stability and public safety.*

**PLAYGROUND**

**Pla 010.**

Any playground equipment incorporated in the building shall comply with 'Australian Standard 4685.1-6 2004 Playground equipment safety requirements'.

*Reason: To ensure that playground equipment is suitable for use by children.*

**PUBLIC ENTERTAINMENT**

**Pub 005.**

If 'public entertainment' is to be conducted in the building or part thereof, then the developer is to ensure that the building complies with the Building Code of Australia. (Note: In particular, NSW Part 101 Places of Public Entertainment other than Temporary Structures and Drive in Theatres).

*Reason: The application documentation indicates that the facility will include a "cinema", which is a place of public entertainment.*

**FOOD PREMISES**

**Foo 010.**

The fit out and operations of the food premises must comply with the requirements of:

- (a) Food Safety Standards.
- (b) Australian Standard 4674-2004 Design Construction and Fit Out of Food Premises.
- (c) The NSW Food Act 2003.

*Reason: To ensure that the building conforms to the relevant performance requirements of the Building Code of Australia and Food Act 2003.*

**Foo 020.**

Plans and specifications showing floor layout and design of all food preparation, food service, food storage, dining area, garbage disposal area, construction and method of installation of all fittings and fixtures, together with floor, wall and ceiling finishes are required prior to Council issuing a Construction Certificate.

*Reason: To comply with AS 4674 and Building Code of Australia.*

**Foo 030.**

Arrangements are to be put in place by the developer for the collection, storage, and removal of garbage from site on a regular basis. All garbage is to be stored in animal proof containers screened from public view and situated so as not to cause a nuisance to the occupants of the building or neighbouring properties.

*Reason: To maintain the amenity of the site and surrounds.*

**Foo 040.**

All commercial kitchens must be provided with a kitchen exhaust hood that complies with the provisions of AS/NZS 1668.1 and AS 1668.2 as applicable.

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

**INSPECTIONS**

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

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

**Critical Stage Inspections – Class 9**

- At the commencement of the building work, and
- On set-out of the works and prior to any excavation.
- Footings after excavation and before pouring of any concrete
- Footings/piers and slab after placement of moisture barrier, reinforcement and prior to pouring of any concrete.
- Underfloor drainage prior to pouring concrete.
- On completion of blockwork/brickwork and prior to core filling.
- On completion of framing prior to covering.
- On completion of plumbing pipe installation (hot & cold water service) prior to covering.
- On completion of waterproofing of wet areas and prior to commencement of wall and floor tiling.
- Prior to covering any sewer or stormwater drainage pipe work and connection points.
- First floor slabs after placement of reinforcement and prior to the pouring of any concrete.
- Installation of sewerage system and effluent lines prior to backfilling.
- All external sewer drainage prior to covering in trenches, clearly visible and under hydrostatic test.
- Final Inspection before use of installed equipment.
- Final Inspection of Fire service installations
- Prior to covering any stormwater drainage connections, and
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

**FIRE SAFETY**

**Fir 060.**

Fire Safety Equipment as per the attached Fire Safety Schedule, shall be installed and maintained on the premises and be the subject of the required annual Fire Safety Statement

**FIRE SAFETY SCHEDULE –**

The following fire safety services are to be installed in the building;

- (a) **Fire Hose Reels** complying with the requirements of Part E1.4 of the building code of Australia and AS 1121 "*Fire Hose Reels*", and AS 2441 "*Fire Hose Reels Installation*".
- (b) **Portable Fire Extinguishers** complying with the requirements of Part E1.6 of the Building Code of Australia and AS 2444 "*Fire Extinguishers Selection*".
- (c) **Exit Signs** complying with the requirements of Part E4.5 of the Building Code of Australia and AS 2293. "*Emergency Evacuation Lighting*". Such lighting to be located at each designated exit from the buildings.
- (d) **Emergency Lighting** complying with the requirements of Part E4.2 of the Building Code of Australia and AS 2293.1 "*Emergency Evacuation Lighting*".
- (e) **Fire Hydrants and On-site Pump Set** complying with Part E1.3 of the Building Code of Australia and AS2419.1 *Fire Hydrant Installations*.
- (f) **Automatic Smoke Detection and Alarm System** complying with the requirements of Specification E2.2a (Clauses 3 or 4 as applicable) of the Building Code of Australia and AS 1670.1 and AS 3786.
- (g) **Fire Sprinkler System** complying with Part E1.5 and Part H1 of the Building Code of Australia and AS 2118.1 *Automatic Fire Sprinkler Systems*.

**On completion of the building and at least once in each period of twelve months following completion, the owner shall cause council to be furnished with Certification that each essential fire service installed in the building is capable of performing to a standard not less than they were originally required to achieve and perform to a standard not less than that determined using the corresponding Part 1.1 Building Code of Australia provisions.**

END.

**CARRIED**

<b>154/08</b>	<b>Alcohol Free Zones</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that Walgett Shire Council resolve to:

Note the written representations received from the Anti-Discrimination Board of NSW, the Walgett Aboriginal Medical Service and the NSW Police on the proposed alcohol free zones.

Establish alcohol free zones in Walgett and Collarenebri over the areas currently covered by Alcohol Free Zones, as shown in the maps included with this report.

Establish an alcohol free zone in Lightning Ridge over the existing area plus an additional area within Onyx Street near the hotel, as shown in the map included with this report.

Write to the Anti-Discrimination Board of NSW and state that:

Council notes the Board's objection to the establishment of alcohol free zones in Walgett, Lightning Ridge and Collarenebri on the basis that it believes that the proposed zones are inconsistent with the Ministerial Guidelines on Alcohol Free Zones issued by the Department of Local Government, 1995.

Council received two other submissions regarding the proposed zones. One from the Walgett Aboriginal Medical Service noted that its directors "endorse the continuation of the zoning of

Alcohol-free areas within the Walgett Shire". Another from the NSW Police supported the existing zones in Walgett and Collarenebri, as well as proposing an extension to the Lightning Ridge zone. Council observes that both the guidelines and the Local Government Act 1993 do not prohibit alcohol free zones over the larger parts of towns. The guidelines only suggest "that it would usually be inappropriate to zone the greater part of a town" "as alcohol-free". The obvious inference is that the guidelines accept that unusual circumstances may require the greater part of a town to be established as an alcohol free zone.

Compared to the majority of towns in NSW, unusual circumstances do exist in Walgett, Lightning Ridge and Collarenebri with regard to the frequency, extent and repercussions of alcohol consumption in public streets and car parks.

It is quite clear that the zones are not inconsistent with the Ministerial Guidelines. In that context Walgett Shire Council resolved to establish alcohol free zones in Walgett and Collarenebri over the areas that it proposed. In Lightning Ridge it resolved to make a slight increase in the area of the zone.

Inform the local Police Patrol Commander, officer in charge of the local police stations, affected liquor licensees and Walgett Aboriginal Medical Service that a resolution has been made to establish the zones.

**CARRIED**

<b>155/08</b>	<b>Development and Complying Development Certificate Applications</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that Walgett Shire Council resolve to note the Development and Complying Development Certificate applications dealt with under delegated authority by the Director Planning and Regulatory Services and General Manager during June 2008.

**CARRIED**

<b>156/08</b>	<b>Pesticide Residue Pit at the Walgett Aerodrome</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that Walgett Shire Council resolve to:

Proceed with a project to excavate the contaminated soil at the Walgett Aerodrome Pesticide Residue Pit and dispose of it at the Walgett Waste Depot, in accordance with the document titled "Final Report – Remediation Action Plan - Former Crop Dusting Washdown Area, Walgett Airport, NSW", dated 18 June 2008, as prepared for Walgett Shire Council by URS.

Note that the budget reallocation proposed for the pesticide pit remediation in the Funds Restriction Report elsewhere in this business paper will be used to fund the pesticide pit excavation and disposal project.

**CARRIED**

<b>157/08</b>	<b>2008-2009 Regional Roads Repair Program</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that Council note that it has been unsuccessful in obtaining REPAIR Program funding in 2008/2009 and that subject to further advice the RR333 Walgett – Carinda Road Reconstruction and Sealing project will be reduced in scope to \$1M in 2008/2009.

**CARRIED**

<b>158/08</b>	<b>Variation of Management Plan – Walgett Landfill License Compliance – Leachate and Water Testing</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator:

That a new budget item be created for Walgett Landfill License Costs (ledger 21.4801);

That funding of \$15,000.00 be transferred from ledger account 21.0401.2601 Kerbside Domestic Waste Management Collections to the new ledger account: and

That funding of \$15,540.00 be transferred from ledger account 21.0401.3883 Community Domestic Waste Management Collections to the new ledger account.

**CARRIED**

<b>159/08</b>	<b>Local Area Traffic Committee</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that Council note and adopts the recommendations of the recent meeting of the Local Area Traffic Committee on 19 June 2008 subject to the confirmation of these minutes by NSW Police

**CARRIED**

<b>160/08</b>	<b>Minutes from the Mungindi – Menindee Advisory Meeting</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that the report of the Mungindi – Menindee Advisory Council be received.

**CARRIED**

<b>161/08</b>	<b>Closed Council Meeting</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that the public be excluded from the meeting pursuant to Section 10A (2) (c) and (g) of the Local Government Act 1993.

*The following resolutions were brought forward from the Closed Council Meeting:-*

<b>162/08</b>	<b>Write off of Sails for Sunshade Debtor Account</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that Council write off the amount of \$891.19 in total on account number 1458.12 Sails for Sunshade, inclusive of legal fees.

**CARRIED**

<b>163/08</b>	<b>Sundry Debts Write Off</b>
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**RESOLUTION:**

It was resolved on the motion of the Administrator that the total amount of \$5,270.46 be written off in respect of the following three debtor accounts:

\$2,293.55 for account 1135.12 – Ontrack Installations  
\$800.00 for account 128.12 – Mr P Jacobs and Ms D Jackson  
\$2,176.91 for account 750.14 – Estate of late A M Terry

**CARRIED**

<b>164/08</b>	<b>Disclosure of Interest in Written Returns</b>
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The General Manager, Ray Kent tabled Returns pursuant to Section 449 (1) of the Local Government Act 1993 for the following staff members: Ian Taylor, Clarence Chape, and Roy White, as well as a return pursuant to Section 449 (3) of the Local Government Act 1993 for Matthew Goodwin.

The meeting closed at 10.15am

To be confirmed by Council at its ordinary meeting to be held on Tuesday, 5<sup>th</sup> August 2008.

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Administrator

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General Manager

**Recommendation**

**That the minutes of the Council meeting held on 15 July 2008 be confirmed**

**8. Reserve Trust Management Committee Reports**

**9. Mayoral Minutes**

**10. Motions of which Notice has been given**

**11. Presentation of Petitions**

**12. Councillor's Questions with Notice**

**13. Reports of Delegates and Representatives**

**14. Reservation of items for Debate**



## 15. Reports of Officers

### 1. *INVESTMENT REPORT AS AT 31 JULY 2008*

**REPORTING SECTION:** Corporate and Community Services  
**AUTHOR:** Amy Taylor – Customer Service Officer (Finance)  
**FILE NUMBER:** 180/02/01/00

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**Summary:**

This report summarises the investments of Walgett Shire Council for the month of July 2008.

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

The investment summary as at 31 July 2008 is enclosed

**Recommendation:**

**That the investment report as at 31 July 2008 be received.**

## INVESTMENTS - CONSOLIDATED

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

<u>Investment Institution</u>	<u>Type of Investment</u>	<u>Term (days)</u>	<u>Rate %</u>	<u>Ref</u>	<u>Reset Date</u>	<u>Maturity Date</u>		
Bankwest	Term Deposit	196	7.36	487/08		05-Aug-08	\$	500,000.00
National Australia Bank	Term Deposit	175	7.40	491/08		12-Aug-08	\$	300,000.00
Savings & Loans Credit Union	Term Deposit	179	8.14	492/08		19-Aug-08	\$	250,000.00
National Australia Bank	Term Deposit	182	7.80	493/08		26-Aug-08	\$	500,000.00
Citibank	Term Deposit	182	8.24	494/08		02-Sep-08	\$	500,000.00
Newcastle Permanent Building Society	Term Deposit	182	8.41	495/08		09-Sep-08	\$	500,000.00
Westpac	Term Deposit	182	7.56	498/08		16-Sep-08	\$	500,000.00
National Australia Bank	Term Deposit	175	7.80	499/08		16-Sep-08	\$	500,000.00
Suncorp	Term Deposit	175	7.97	500/08		23-Sep-08	\$	500,000.00
Bank of Qld	Term Deposit	175	8.20	501/08		30-Sep-08	\$	500,000.00
Local Govt Financial Services	Term Deposit	169	7.95	502/08		07-Oct-08	\$	500,000.00
Westpac	Term Deposit	216	7.60	503/08		08-Dec-08	\$	500,000.00
Suncorp	Term Deposit	154	7.86	504/08		14-Oct-08	\$	500,000.00
Local Govt Financial Services	Term Deposit	154	7.80	505/08		21-Oct-08	\$	500,000.00
Newcastle Permanent Building Society	Term Deposit	154	8.06	506/08		28-Oct-08	\$	500,000.00
Bankwest	Term Deposit	154	8.26	507/08		04-Nov-08	\$	300,000.00
Bank of Qld	Term Deposit	154	8.45	508/08		11-Nov-08	\$	250,000.00
Citibank	Term Deposit	154	7.80	509/08		18-Nov-08	\$	500,000.00
CBA	Term Deposit	92	7.50	510/08	16-Sep-08	16-Dec-10	\$	500,000.00
Royal Bank Canada	Term Deposit	92	7.70	511/08	16-Sep-08	16-Mar-11	\$	500,000.00
Citibank	Term Deposit	154	8.02	512/08		25-Nov-08	\$	300,000.00
Savings & Loans Credit Union (FIIG Securities)	Term Deposit	154	8.52	513/09		02-Dec-08	\$	500,000.00
IMB Ltd	Term Deposit	168	8.28	514/09		16-Dec-08	\$	500,000.00
ACCU (FIIG Securities)	Term Deposit	182	8.50	515/09		06-Jan-09	\$	500,000.00
Comminvest (FIIG Securities)	Term Deposit	182	7.95	516/09		13-Jan-09	\$	500,000.00
Bankwest	Term Deposit	182	8.40	517/09		20-Jan-09	\$	300,000.00
Suncorp	Term Deposit	182	7.95	518/09		27-Jan-09	\$	500,000.00
Grange Securities - Zircon Finance Limited	Floating Rate CDO	92	9.12		22-Sep-08	20-Sep-14	\$	500,000.00
Grange Securities - MAS6-7	Floating Rate CDO	94	9.82		22-Sep-08	20-Jun-15	\$	255,932.50
Grange Securities - Helium	Floating Rate CDO	92	9.14		23-Sep-08	23-Jun-14	\$	203,798.00
Grange Securitiss- Magnolia	Floating Rate CDO	92	9.32		22-Sep-08	20-Mar-12	\$	50,638.00
							\$	<b>13,210,368.50</b>

## **2. OCCUPATIONAL HEALTH & SAFETY**

**REPORTING SECTION:** Director Corporate and Community Services

**AUTHOR:** David Callander – Coordinator OH&S

**FILE NUMBER:** 295/07/00/00

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### **Summary:**

This report outlines the current status of the installation of the security system at 77 Fox St Walgett by Scott Murray Security Services Pty Ltd.

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

The installation of an electronic security system utilising proximity tags and linked to a dedicated computer system which will allow greater control over access to the Walgett Shire Council administration building has commenced.

Scott Murray Security Services Pty Ltd of Moree was awarded the contract to install the system. The installation was programmed to be commenced / completed 23rd - 27th June '08 however due to non availability of some components required, installation will not be completed until week ending 6<sup>th</sup> July '08.

The existing fire panel has been connected to the new security system which is equipped with 'back to base' monitoring providing a higher level of fire protection. The fire panel was previously not monitored.

In addition to the original plans, a proximity entry pad has also been located at the back gate allowing access to the secured carport area, thereby eliminating the need for a key. Keys to the large gates will be placed on the key rings of the pool cars and other cars / bus currently being garaged.

Following completion of the installation, training will be provided to staff explaining how the system works and what is required by staff to access the building, how the system works in the event of an emergency, a blackout and other possible emergency scenarios.

A review will be conducted approximately four weeks after the system is initiated via feedback from staff whereby it is expected that any small hiccups will be raised / resolved. Scott Murray Security Services will provide a 24hr 'help line' if required.

### **Relevant Reference Documents:**

June Council meeting minutes

### **Stakeholders:**

Walgett Shire Council  
Scott Murray Security Services

### **Financial Implications:**

Nil

**Recommendation:**

**That Council receive and note the report on the installation of the security system.**

### **3. *PROGRESS REPORT ON THE RECOMMENDATIONS OF THE WALGETT SHIRE COUNCIL SOCIAL PLAN 2007-2010***

**REPORTING SECTION:** Director - Corporate and Community Services  
**AUTHOR:** Gai Richardson – Manager Community Services  
**FILE NUMBER:** 305/01/00/00

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#### **Summary:**

This report presents to Council the progress on the recommendations of the Walgett Shire Council Social Plan 2007 – 2010.

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

The Plan is in accordance with the Walgett Shire Council Management Plan 2008-2013, whose mission is for Council to be an advocate for social matters on behalf of the community.

The Walgett Shire Council Social Plan was adopted at the 16 October 2007 Council meeting. A list of recommendations and achieved outcomes is attached.

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

Walgett Shire Council Social Plan 2007-2010

#### **Stakeholders:**

Walgett Shire Council  
Walgett Shire Community

#### **Financial Implications:**

Nil

#### **Recommendation:**

**That Council receive and adopt, as tabled, the progress report on the recommendations of the Walgett Shire Council Social Plan.**

#### **Attachments:**

Reviewed recommendations of the Walgett Shire Council Social Plan 2007-2010

ATTACHMENT ONE

**PROGRESS REPORT RECOMMENDATIONS FROM THE WALGETT SHIRE COUNCIL SOCIAL  
PLAN 2007-2010  
As at 23<sup>rd</sup> July, 2008**

**3: CHILDREN**

**3.1.1. Recommendation**

Council continue to ensure that children residing in and visiting the Shire have access to a range of quality care, educational and social facilities and services.

**Outcome**

Council continues to provide extensive youth programs in partnership with other local agencies. Investigation for funding opportunities for the upgrade of Lightning Ridge and Collarenebri Youth Centres is ongoing. Council continues to conduct after school activities in the Walgett, Collarenebri and Lightning Ridge Youth Centres. Council recently took over the auspice of the Walgett Vacation Care Program from the Walgett Aboriginal Medical Centre. Vacation Care Programs continue to be implemented during the school holidays in Walgett, Collarenebri, Grawin and Lightning Ridge.

**3.1.2 Recommendation**

Council support the Family Day Care Service to establish In-Home Care Services. Council continue to seek family day carers, and ensure that information regarding the new carer's grant for assistance in the up costs for family day care is promoted and made available for prospective carers.

**Outcome**

All information is made available and family day care is continually promoted. There is presently one (1) Carer in Collarenebri operational at the time of preparing this report.

In Home Care Services have commenced with four (4) families and 16 children currently receiving In Home Care Service support. It is expected that a further six (6) families with 14 children will be joining the service in the next couple of months.

**3.1.3 Recommendation**

Council prepare a cost analysis and undertake a feasibility study for establishing a centre based child care service at the Family Day Care cottage located in Pitt Street, Walgett.

**Outcome**

An initial request to the Minister for Community Services, to allow the Family Day Care Cottage to be used as a Family Day Care venue for carers was denied. Further investigation is continuing to allow the Family Day Care Cottage to be used as a Centre Based Care facility, primarily for children of Council staff.

#### **3.1.4 Recommendation**

That Council investigate the opportunities for work based placements at the Long Day Care Centre to assist in attracting and retaining skilled staff.

##### **Outcome**

Currently there are no placements available at the Long Day Care Centre

#### **3.1.5 Recommendation**

Council pursue opportunities for available grants and subsidies to improve facilities and further activities at our youth centres.

##### **Outcome**

Applications for funding to provide activities at the Shire youth centres have been successful. Recent successful grant applications include Beyond Blue Mental Health grant of \$2,000, Arts on Tour and Arts grant of \$17,000 and NSW Country Arts Support Programs grant for \$1,800. The Walgett Shire Youth Council are also pro-active in sourcing funding opportunities.

Further applications for funding by the Youth Development Officer and Youth Council are ongoing.

#### **3.1.6 Recommendation**

Council continue to maintain and provide facilities, including playground equipment that meet Australian Standards for all the community.

##### **Outcome**

Council has recently removed all non compliant/high risk playground equipment from parks across the shire. New equipment will be replaced at Lightning Ridge with the gradual replacement of all playground equipment over the next five years.

Council has an allocated budget of \$80,000 p.a. for the next 5 years to replace playground equipment and facilities in the major parks in the towns and villages in the Shire and is currently waiting on results of a grant application submitted to the Department of Local Government for playground equipment for three sites in the Shire

Lightning Ridge and Walgett Libraries both have identified children's areas which are accessed for story time and visits by vacation care, pre-schools and play groups.

### **4. YOUNG PEOPLE**

#### **4.1.1 Recommendation**

Council continue to support services for young people aged 14-24 years

##### **Outcome**

Council Youth Workers support services and organised activities for young people aged 14-24 years. Council have formed an action focused Shire Youth Council with youth representatives from Walgett, Lightning Ridge and Collarenebri.

#### **4.1.2 Recommendation**

Council support programs initiated by Government agencies that address alcohol and substance abuse by young people.

##### **Outcome**

Programs that Council support or work in partnership with include the Community Drug Action Team (CDAT), NSW PCYC, Youth off the Streets (YOTS) and Reconnect.

#### **4.1.3 Recommendation**

Council support the establishment of 'drop in' centres within the Shire for young people where that can available themselves of information, encouragement and support.

##### **Outcome**

A "Chill Out" room at Walgett Youth Centre is fully functional and has recorded a large number of young people utilizing this space. A donation of computers from TAFE will allow computer access for young people as soon as the computers are set up.

#### **4.1.4 Recommendation**

Council, with support of the Department of Education staff, encourage students to participate in School to Work programs

##### **Outcome**

A School to Work Program has commenced with indoor and outdoor Council staff acting as mentors for the students involved. The 2007 program saw five (5) students begin the program with four (4) students undergoing staff appraisals and finishing the program in 2007.

The program re-commenced operation in 2008 with five (5) students from Walgett, two (2) from Lightning Ridge and three (3) from Collarenebri working with Council staff.

#### **4.1.5 Recommendation**

Council promote and implement the 'School to Work' program to all businesses in the Shire, through its Economic Development Officer, Aboriginal Liaison Officer, and the Community Liaison Officer.

##### **Outcome**

The 'School to Work Program' re-commenced in 2008. PCYC management have agreed to accept a student in the 'School to Work' program.



## **5. WOMEN**

### **5.1.1 Recommendation**

Council support initiatives by the Health Services to recruit family and domestic violence Counsellors

#### **Outcome**

Ongoing recruitment occurs by Walgett and Lightning Ridge Health Services, Walgett Aboriginal Medical Service, Walanba Yuna Vhanoo (Women's Legal Services) to recruit family and domestic violence Counsellors. Council supports these initiatives as the Community Services Manager attends meetings with the Interagency, Domestic Violence Committee, Namoi House and Barwon Cottage Committee and other relevant meetings.

### **5.1.2 Recommendation**

Council continue to support proposals to increase the availability of accessible and affordable child care throughout the Shire

#### **Outcome**

Council recently assisted by way of an interest free loan of \$350,000 to "Coolibah Kids" for the opening of a long day care centre in Walgett. This loan is now fully repaid with the centre fully operational.

Council also operates Family Day Care which services the whole Shire. This service is currently undergoing a review by Council.

In Home Care, which must operate within an existing Family Day Care service, has recently commenced in Walgett Shire Family Day Care. In Home Care is an alternate method of accessible and affordable child care and operates throughout the Shire with families assisted with Child Care Benefits by Centrelink.

## **6. OLDER PEOPLE**

### **6.1.1 Recommendation**

Council support initiatives to meet the demand for facilities and services in aged care including housing, personal care, transport and recreational needs.

#### **Outcome**

Lightning Ridge HACC Centre is now complete with the dementia unit project commenced

### **6.1.2 Recommendation**

Council support proposals to increase service provision of programmes aimed at the "well" aged to assist them to remain at home in order that they can continue to self care.

#### **Outcome**

Lightning Ridge HACC Centre now complete with the dementia unit project commenced.

### **6.1.3 Recommendation**

Council support funding submissions by organisations and agencies for Independent Living Unit Accommodation.

#### **Outcome**

Council continues to support submissions when requested.

### **6.1.4 Recommendation**

Council support proposals for increased mental and general health care agencies for ageing people through the State and Commonwealth Government for residents of the Shire.

#### **Outcome**

Council recently supported Dubbo City Council to maintain level of specialised health care in Dubbo via questionnaires provided by Walgett Shire residents.

## **7. PEOPLE WITH DISABILITIES**

### **7.1.1 Recommendation**

Council support agencies seeking funding possibilities that will enable the opportunity to increase health related transport across the Shire.

#### **Outcome**

Council continues to support funding submissions when requested.

### **7.1.2 Recommendation**

Council support organisations and agencies to increase allied health, mental health and therapy service provision across the Shire.

#### **Outcome**

Council recently supported Dubbo City Council to maintain level of specialised health care in Dubbo via questionnaires provided by Walgett Shire residents. Council has also resolved to contribute to CWA Association Scholarship Scheme for medical students.

### **7.1.3 Recommendation**

Council support and give encouragement to people with disabilities so that they are aware of available training opportunities.

#### **Outcome**

Walgett Shire Council is an Equal Employment Opportunity organisation. All training opportunities are offered to all staff.

#### **7.1.4 Recommendation**

Council develop a Disability Action Plan, through a process of consultation with people with disabilities, service providers and the community to enable compliance with planning needs.

#### **Outcome**

To assist with the development of a Disability Action Plan as per 7.1.4, the Community Liaison Officer has contacted the Gilgandra Shire Council and Gosford City Council, who have agreed to forward copies of their Disability Action Plans. On contacting the Coonamble Shire, the Community Liaison Officer was advised Coonamble Shire Council do not have a Disability Action Plan, that as local relevant service providers and the Department of Disability, Ageing and Home Care have their own resources and action plans, Coonamble Shire Council has agreed to work with them for a more cohesive co-ordination of service provision.

#### **7.1.5 Recommendation**

Council provide disabled access to all Council owned buildings.

#### **Outcome**

At present Council's main agencies have disabled access. These are the Council Chambers, the Walgett Library and Visitor Information Centre and the Collarenebri Agency.

### **8. ABORIGINAL PEOPLE.**

#### **8.4.1 Recommendation**

Council continue to support and encourage employment opportunities for Aboriginal people.

#### **Outcome**

Council is an Equal Employment Opportunity organisation and provides employment based on merit. At present there are a large number of aboriginal people employed by Council. Council also supports programs by BEST Employment, Community Development Employment Program and Juvenile Justice by providing positions for unemployed people. Council employed an Aboriginal Liaison Officer in 2007 which has assisted Council in identifying potential employment opportunities for Aboriginal people.

Council will continue the School to Work Program in 2008.

#### **8.4.2 Recommendation**

Council continues its efforts to encourage better understanding of cultural awareness and sharing of differences and communication with the community.

#### **Outcome**

- Council has employed an Aboriginal Liaison Officer who regularly liaises and communicates with members in the Aboriginal community throughout the Shire on Council's behalf.
- Council has developed a draft Aboriginal Community Development and Reconciliation Plan. It is expected that this plan will be presented to the April meeting.

- Council staff attend the Community Working Party and Interagency meetings.
- All Council staff have undertaken cultural awareness training.

#### **8.4.3 Recommendation**

Council support programs initiated by Governments and Aboriginal Organisations to improve accommodation for Aboriginal people.

##### **Outcome**

Council continues to support initiatives when requested.

#### **8.4.4 Recommendation**

Council support programs that allow educational opportunities within the Shire to enhance cultural and diversity.

##### **Outcome**

Council continues to support programs when requested. Council staff underwent cultural awareness training in 2007.

### **9. PEOPLE FROM CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUNDS.**

#### **9.4.1 Recommendation**

Due to the ageing of culturally and linguistically diverse backgrounds(CALD) residents, Walgett Shire Council support service providers seeking to secure additional hostel and nursing home beds, especially for people with dementia.

##### **Outcome**

The dementia unit attached to the HACC Centre in Lightning Ridge has commenced.

#### **9.4.2 Recommendation**

Walgett Shire Council continually review the Local Ethnic Affairs Priority Statement (LEAPS) with the view to the ongoing education of staff when dealing with people from culturally and linguistically diverse backgrounds .

##### **Outcome**

Outcomes achieved for Local Ethnic Affairs Priorities Statement and Action Plan was presented to Council in February 2008. Council staff underwent cultural awareness training in 2007.

#### **9.4.3 Recommendation**

Walgett Shire Council continues staff training sessions for better understanding and compliance with EAPS guidelines.

and

#### **9.4.4 Recommendation**

Walgett Shire Council ensures people from diverse cultural backgrounds have equitable access to services.

- Council has offered staff training sessions for all staff which included the use of the Translator Interpreter Service (TIS).
- Council has placed 'Welcome' language signs and the TIS Language Card in all Council agencies for access for staff to assist people with poor English skills.

### **10. ACCESS AND TRANSPORT**

#### **Recommendations**

**10.1.1** Council support proposals to provide and improve transport services between towns and outlying villages.

**10.1.4** Council provide in kind and support to services providers who are endeavouring to seek funding to improve transport and access to residents within the Shire.

**10.1.2** Council to continue to audit the condition of footpaths in the central business districts of towns and prioritise areas in greatest need of replacement and up grading to allow ease of access for residents.

**10.1.3** Council, through its Engineering department lobby for additional funding to upgrade footways throughout the major towns and outlying villages within the Shire.

#### **Outcomes**

- Council is working with BEST Employment and CDEP to provide Work for the Dole Projects which have upgraded footpaths in Walgett and Collarenebri. These programs will continue depending on the availability of funding for the projects and the availability of human resources and supervisors.
- Council continues to audit footpaths throughout the Shire with the priorities and funding available determining replacement and priority.
- Council continues to support proposals and funding applications for the improvement of transport services.

#### **4. *QUARTERLY MANAGEMENT REVIEW TO 30 JUNE 2008***

**REPORTING SECTION:** Corporate & Community Services  
**AUTHOR:** Myrene Lovegrove – Manager Finance  
**FILE NUMBER:** 180/08/00/00

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##### **Summary:**

This report presents to Council the quarterly financial review for the period ending 30<sup>th</sup> June, 2008.

Report to be tabled at meeting.

## **5. LANDOWNER CONSENT A FOR DEVELOPMENT APPLICATION TO CREATE AN EASEMENT**

**REPORTING SECTION:** Director Planning and Regulatory Services  
**AUTHOR:** Janet Babic – Town Planner  
**FILE NUMBER:** DA 2008/0018

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### **Summary:**

A Development Application has been lodged to create an easement for electricity at the Lightning Ridge Aerodrome. The application requires landowner's consent to be processed under the Environmental Planning and Assessment Act 1979. This report recommends that Walgett Shire Council give landowner's consent.

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

BC Opals Pty Ltd have lodged Development Application 2008018 to create an easement to enable mains electricity connection to its facilities on Lot 12 DP 833122 at the Lightning Ridge Aerodrome. The land on which the easement is located (Lot 162, DP 862540) is owned by Walgett Shire Council and is part of the Lightning Ridge Aerodrome.

The application requires landowner's consent to be processed under the Environmental Planning and Assessment Act 1979. A report on the Development Application is included subsequently in this business paper.

Assessment suggests that the easement will not interfere with airport operations and would facilitate access to mains power for all hangar owners.

In this context it is recommended that Walgett Shire Council give landowner's consent for Development Application 2008018.

### **Relevant Reference Documents:**

Development Application 2008018.  
Report on Development Application 2008018 (included subsequently in the business papers for this Council meeting).

### **Stakeholders:**

Walgett Shire Council - as the landowners  
B.C. Opals Pty Ltd - as the applicant  
Hangar owners at the Lightning Ridge Aerodrome  
Country Energy - as the suppliers of electricity

### **Financial Implications:**

Nil

**Recommendation:**

**That Walgett Shire Council consent to Development Application 2008018 to create an 11 metre wide easement over part of Lot 162 in DP 862540 for the purpose of supplying electricity to the owners of aircraft hangars at the Lightning Ridge Aerodrome.**



## 6. **EASEMENT FOR ELECTRICITY SUPPLY, LIGHTNING RIDGE AERODROME**

**REPORTING SECTION:** Director Planning and Regulatory Services

**AUTHOR:** Janet Babic - Town Planner

**FILE NUMBER:** DA 2008/0018

### Summary:

A Development Application has been lodged to create an easement for the supply of electricity at the Lightning Ridge Aerodrome. It recommended the Walgett Shire Council approve the application.

Discussion (including issues and background):

B.C. Opals Pty Ltd has lodged a Development Application to create a 11 metre wide easement for the purpose of supplying electricity. The easement is proposed to be located on Lot 162 in DP 862540 as shown in Figures 1 and 2 below. The land is owned by Walgett Shire Council. The apparent intention of the applicant is to enable the extension of mains electricity from near the Lightning Ridge Airport terminal building to Lot 12 DP 833122 where the company has a hanger.

Discussions with Country Energy staff suggest that an 11 metre wide easement is typical for an overhead power line. While there is potential for works associated with the new power line to interfere with Council property, (particularly a sealed road located within the easement), such interference is regarded as unlikely in the normal course of events.

There are fifteen privately owned lots that are effectively landlocked to varying degrees by Lot 162 which completely surrounds them. Most of the private lots have hangers, but they cannot access mains electricity without an easement or public road corridor through Lot 162 to enable Country Energy to establish the required infrastructure.

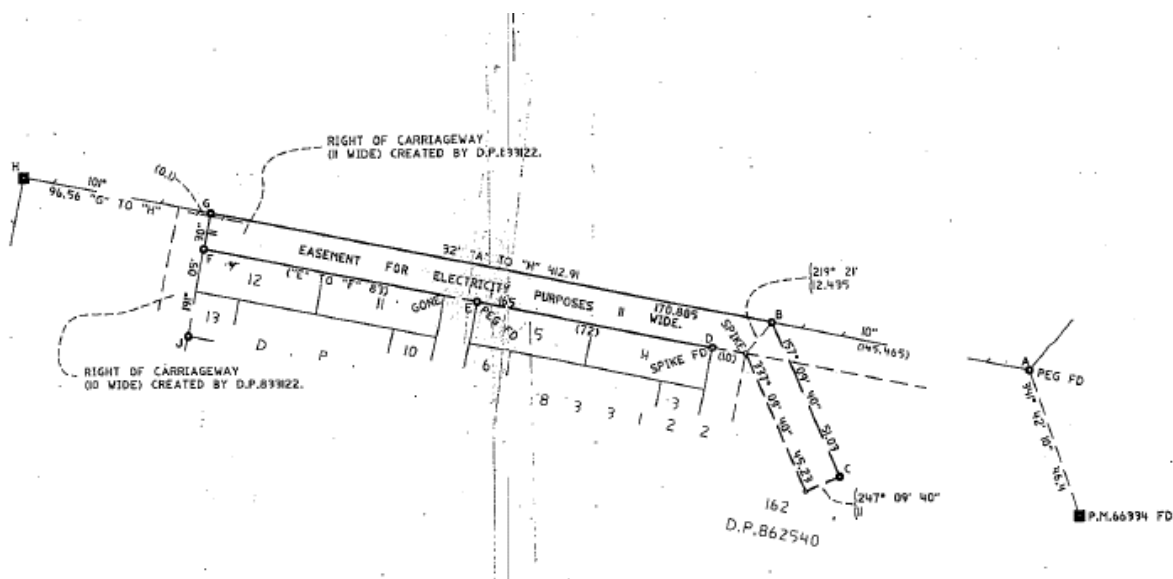


Figure 1 Plan of proposed easement

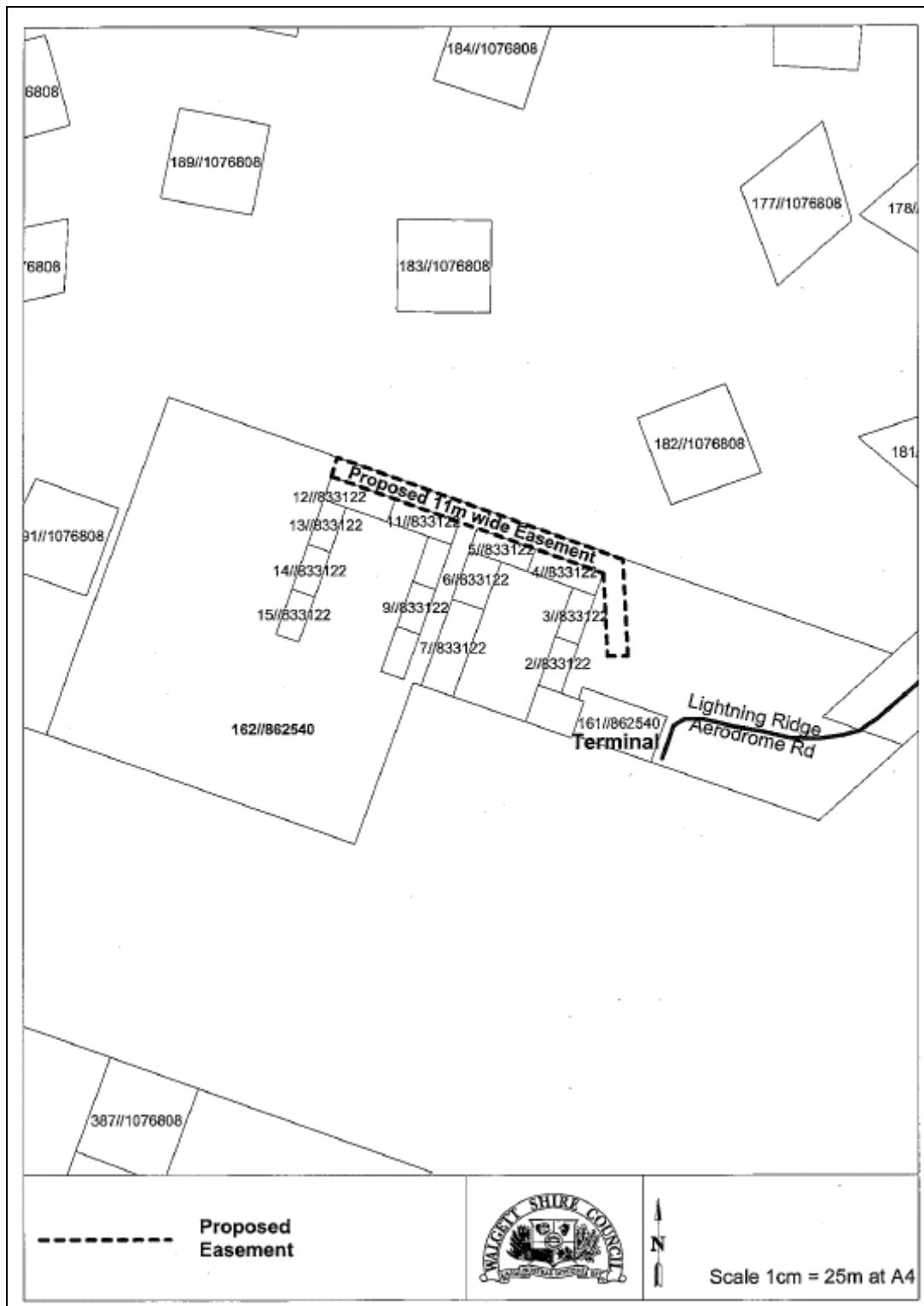


Figure 2 - Location of proposed 11 metre wide easement shown in thick dotted line.

#### STATUTORY MATTERS FOR CONSIDERATION:

##### 79C (1)(a)(i) PROVISIONS OF ANY ENVIRONMENTAL PLANNING INSTRUMENT.

Under the Interim Development Order No. 1 – Shire of Walgett 1968 (IDO) the land is located within “Non-urban 1(a)” zone. Clause 41 of State Environmental Planning Policy (Infrastructure) 2007 does not apply to this development because it is a private development.

79C (1)(a)(ii) PROVISIONS OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT THAT IS OR HAS BEEN PLACED ON PUBLIC EXHIBITION.

Not applicable. There are no relevant draft environmental planning instruments on public display.

79C (1)(a)(iii) ANY DEVELOPMENT CONTROL PLAN.

Not applicable. There are no current Development Control Plans in Walgett Shire

79C(1)(a)(iiia) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 93F, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 93F

Not applicable. No planning agreement has been proposed.

79C(1)(a)(iv) THE REGULATIONS.

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

79C (1)(b) LIKELY IMPACTS OF THE DEVELOPMENT, INCLUDING ENVIRONMENTAL IMPACTS ON BOTH THE NATURAL AND BUILT ENVIRONMENTS, AND SOCIAL AND ECONOMIC IMPACTS IN THE LOCALITY.

Current land use on surrounding land is predominantly opal mining, residences located on mineral claims, Western Lands leases for residential purposes and the Lightning Ridge Airport. The proposal is unlikely to adversely impact on the surrounding land uses.

From a social and economic perspective the proposal has potential to significantly benefit all owners of aircraft hangars at the Lightning Ridge Aerodrome by enabling access to mains electricity (if the easement allows general access). It is recommended that a condition of consent be imposed requiring that the easement be of a nature that allows general access to mains electricity for other lot owners at the aerodrome (instead of solely benefiting the owner of Lot 12).

79C (1)(c) SUITABILITY OF THE SITE FOR THE DEVELOPMENT.

MINING: Opal mining may have taken place on or near the site in the past, but this is not expected to have a significant impact on the suitability of the site for the proposed development.

PUBLIC ROAD ACCESS: The easement will share a boundary with an adjacent hanger access road which would provide access for maintenance.

OVERALL: There are no other known environmental or other factors that make the site unsuitable for the proposed development.

79C (1)(d) SUBMISSIONS MADE IN ACCORDANCE WITH THE ACT OR THE REGULATIONS.

Not applicable. Under the Environmental Planning and Assessment Act 1979 the proposal is local development with no opportunity for submissions under the act or regulations.

79C (1)(e) THE PUBLIC INTEREST.

Adjoining landowners were notified of the Development Application and no objections were received. It would appear to be unreasonable to refuse the Development Application given that this would prevent landowners at the Lightning Ridge aerodrome from accessing mains electricity.

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

92(1)(a) Coastal areas - Not Applicable.

92(1)(b) Demolition - Not applicable, no demolition work is proposed.

93 Fire safety and other considerations - Fire schedule attached to conditions of consent.

94 Consent authority may require buildings to be upgraded - Not applicable.

94A Fire safety and other considerations applying to temporary structures - Not applicable.

95 Deferred commencement consent - Not applicable.

97A Fulfilment of BASIX commitments - Not applicable.

#### CONCLUSION

Approval of the proposed development is appropriate given the potential benefits for all owners of hangers at the Lightning Ridge aerodrome. Nevertheless it would be appropriate to impose a condition of consent requiring that the easement be of a nature that allows access to mains electricity for other lot owners at the aerodrome (instead of solely benefiting the owner of Lot 12).

#### Relevant Reference Documents:

File number DA 2008/0018

#### Stakeholders:

B.C. Opals Pty Ltd

Walgett Shire Council

Other owners of lots at the Lightning Ridge Aerodrome

#### Financial Implications:

None

#### Recommendations:

**That the proposed development be approved subject to the following conditions of development consent:**

#### PRESCRIBED CONDITIONS OF DEVELOPMENT CONSENT

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

#### CONDITIONS IMPOSED BY COUNCIL

The following development consent conditions are imposed by Council.

#### GENERAL

Gen 010.

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

Reason: To avoid breaching the requirements of any covenant.

Gen 011

Any electricity reticulation is to be underground and set back at least 1metre from the existing road and fence.

Reason: To minimise interference with existing and future Council infrastructure on the site.

#### SUBDIVISION

Sub 040.

That an 11 metre wide easement is created over Lot 162, DP 862540 which enables electricity supply to all aircraft hangars at the Lightning Ridge aerodrome.

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

Sub 131

The created easement is to of a nature that allows access to mains electricity for other land owners at the Lightning Ridge aerodrome.

Reason: To ensure that the easement benefits all land owners at the aerodrome.

Sub 120.

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

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

Sub 130.

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

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

APPROVED PLANS

Pln 010.

The development shall be implemented in accordance with:

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

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

NOTE - OPAL MINING DISTURBANCE

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

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



Under Walgett Shire Council's "Consent Authority Conflict Policy" (adopted 15 July 2008) this is a large scale development. The policy establishes certain requirements for such developments, as follows:

Where a development is over \$200,000, or written objections are received, the Development Application will be subject to:

- Consideration for expansion of standard **notification** processes.
- **Assessment** by an appropriately skilled independent party, such as external planning consultants or planners from another Council.
- **Determination** by Council.

Chalmers Paige was engaged to provide an independent assessment of the Development Application. The assessment report is included as Attachment A and was prepared by Barry Cotten, the principal of Chalmers Paige who is a Certified Practising Planner. The conclusion of that assessment states:

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979. It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. Accordingly, the proposal is recommended for approval.

In the above context it is recommended that the Development Application should be approved subject to conditions of Development Consent that are appropriate for the nature and scale of the development.

**Relevant Reference Documents:**

File number DA 2008018

Walgett Shire Council's "Consent Authority Conflict Policy", adopted 15 July 2008.

Interim Development Order No 1 - Shire of Walgett, 1968.

Environmental Planning and Assessment Act 1979.

Environmental Planning and Assessment Regulation 2000.

**Stakeholders:**

Walgett Shire Council, landholders and occupiers adjoining the development site.

**Financial Implications:**

Not applicable.

**Recommendations:**

**That the proposed development be approved subject to the following conditions of development consent:**



## **PRESCRIBED CONDITIONS**

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

### **97A. Fulfilment of BASIX commitments**

- (1) This clause applies:
  - (a) on and from 1 July 2004, to all land within the initial BASIX area, and
  - (b) on and from 1 July 2005, to all land within New South Wales.
- (2) This clause applies to all development:
  - (a) that involves the erection (but not the alteration, enlargement, extension or relocation) of a BASIX affected building, or
  - (b) that involves a change of building use by which a building becomes a BASIX affected building.
- (3) For the purposes of section 80A (11) of the Act, fulfilment of the commitments listed in each relevant BASIX certificate for development to which this clause applies is a prescribed condition of any development consent for the development.

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

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

### **98A. Erection of signs**

- (1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2) and (3) are prescribed as conditions of a development consent for development that involves any building work, subdivision work or demolition work.
- (2) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
  - (a) showing the name, address and telephone number of the principal certifying authority for the work, and
  - (b) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
  - (c) stating that unauthorised entry to the work site is prohibited.
- (3) Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

(4) This clause does not apply in relation to building work, subdivision work or demolition work that is carried out inside an existing building that does not affect the external walls of the building.

(5) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

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

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

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

(1) For the purposes of section 80A (11) of the Act, the requirements of this clause are prescribed as conditions of a development consent for development that involves any residential building work within the meaning of the Home Building Act 1989.

(2) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the following information:

(a) in the case of work for which a principal contractor is required to be appointed:

(i) the name and licence number of the principal contractor, and

(ii) the name of the insurer by which the work is insured under Part 6 of that Act,

(b) in the case of work to be done by an owner-builder:

(i) the name of the owner-builder, and

(ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

(3) If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under subclause (2) becomes out of date, further work must not be carried out unless the principal certifying authority for the development to which the work relates (not being the council) has given the council written notice of the updated information.

(4) This clause does not apply in relation to Crown building work that is certified, in accordance with section 116G of the Act, to comply with the technical provisions of the State's building laws.

**CONDITIONS IMPOSED BY COUNCIL**

The following development consent conditions are imposed by Council.

**GENERAL**

**Gen 020.**

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

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

**Gen 030.**

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

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

**Gen 040.**

Prior to commencing any building works a Construction Certificate must be obtained from Council to authorise construction.

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

**Gen 070.**

Occupancy of the building is not to take place until the Principal Certifying Authority (PCA) has carried out a final inspection and an Occupation Certificate issued. All required trade certifications are to be available to the PCA before the final inspection will be carried out.

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

**APPROVED PLANS**

**Pln 010.**

The development shall be implemented in accordance with:

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

except as amended by the conditions of this development consent.

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

**FENCING AND LANDSCAPING**

**Fen 010.**

All boundary fencing and landscaping works are to be carried out in accordance with the approved plans and specifications.

*Reason: To ensure the appearance of the development is consistent with the existing streetscape.*

**SITING/SETOUT**

**Set 010.**

The owner of the property is to ensure that any building is constructed:

- (a) to meet the setback requirements of the approved plans,
- (b) to be located within the confines of the lot, and;
- (c) so that it does not interfere with any easements or covenants upon the land.

*Reason: To avoid any buildings being erected in a location where it would be inappropriate.*

**CONSTRUCTION**

**Con 010**

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

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

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

**Con 020.**

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

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

**Con 030.**

The builder shall provide a temporary sanitary service to the building site before building operations are commenced.

*Reason: To provide effective sanitation of the site during building construction.*

**Con 040.**

All construction materials, sheds, skip bins, spoil, temporary water closets etc, shall be kept wholly within the property and not placed on public land or in a position that may result in materials/debris being washed onto the roadway or into the stormwater drainage system.

*Reason: To preserve the amenity of the locality and protect stormwater systems.*

**Con 050.**

Temporary kerb and gutter crossings shall be installed to protect existing kerbs, channels and/or laybacks. Such protection shall consist of timber, concrete, steel or the like and shall not cause any diversion or build-up of drainage flow. Materials that could cause interference with council's drainage system shall not be used.

*Reason: To ensure that Council's stormwater system is protected.*

**Con 070.**

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

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

**Con 080.**

All timber framing shall comply with the NSW Timber Framing Manual and the Building Code of Australia.

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

**Con 090.**

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

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

**Con 100.**

Roof trusses are to be designed and certified by the manufacturer for Region A, Category 2.5, 41metres per second. Details of the manufacturers design and certification are to be submitted to Council prior to erection.

*Reason: To ensure compliance with manufacturers specifications and Building Code of Australia.*

**Con 120.**

All glass installation shall comply with the requirements of Australian Standard 1288 and 2047 as applicable. The installer shall provide certification that the glazing complies with the requirements of AS 1288 and AS 2047 immediately following installation.

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

**Con 130.**

All wet areas are to be waterproofed in accordance with Australian Standard 3740.

*Reason: To ensure that the waterproofing of the wet areas comply with the relevant Australian Standards and the Building Code of Australia.*

**Con 151.**

A person access opening at least 450x 600mm is to be provided to afford access to the roof cavity of each residence and electrical wiring over ceiling areas.

*Reason: To permit access to the roof cavity for maintenance purposes.*

**Con 160.**

Party or common walls are required to be carried through to underside of the roof covering with no combustible material crossing such walls.

*Reason: To prevent to spread of fire and to ensure compliance with the Building Code of Australia.*

**Con 200.**

The door to the fully enclosed sanitary compartment must:

- (a) Slide, or
- (b) Open outward, or
- (c) Be readily removable from the outside of the compartment.

NOTE: If lift-off hinges are used adequate space is to be provided between the top of the door and the doorway to allow the door to be removed from the hinges.

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

**Con 210.**

All electrical work must be carried out by a licensed electrician in accordance with Australian Standard 3000 – SAA Wiring Rules and Australian Standard 3002.

*Reason: To ensure compliance with Australian Standards.*

**TERMITE CONTROL**

**Ter 010.**

Treatment against termites is to be carried out in accordance with AS 3660.1. Upon completion of the selected method of treatment:

- (a) a certificate is to be issued to Council by the licensed installer of the system certifying that the system installed is in accordance with the specific requirements of Council and AS3660.1.

- (b) A durable notice must be permanently fixed within the meter box indicating:

The method of protection

The date of installation of the system

Where a chemical barrier is used, it's life expectancy as listed on the National Registration Authority label and

The need to maintain and inspect the system on a regular basis.

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

**VENTILATION**

**Ven 020.**

Kitchen exhaust installation must not be discharged into an enclosed ceiling space.

*Reason: To ensure that kitchen gases are not retained in the ceiling space.*

**WATER, SEWER, AND STORMWATER**

**Plu 010.**

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

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

**Plu 020**

A number of existing water and sewer mains traverse the property boundaries. The developer is to ensure that protection is afforded to these services during construction works.

*Reason: To ensure that public infrastructure is maintained.*

**Plu 080.**

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

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

**Plu 130.**

The land surrounding the completed buildings is to have a drainage system so that:-

- (a) It is graded to divert surface water to the street, and clear of existing and proposed structures and adjoining premises, or
- (b) It is to be collected and drained via a gravity system to a Council stormwater line, or
- (c) Disposed of in a manner, which will not create any additional nuisance to adjoining properties.

*Reason: To minimise the potential for detrimental impacts to buildings or neighbouring properties.*

**Plu 140.**

Where the proposed building works necessitate the cutting-in of new stormwater outlets into the existing street kerb, the Applicant and plumbing/drainage contractor shall ensure that the following procedures are adopted.

- (a) A kerb adaptor suitable for the particular kerb profile and capable of withstanding vehicular loadings is to be utilised,
- (b) Create the opening in the kerb by use of either a saw cut or bored hole only – breaking out the kerb by impact methods is not permitted,
- (c) The kerb adaptor is to be kept flush with the top and outside face of the kerb, and
- (d) The fixing of the kerb adaptor and filling in of side gaps is to be undertaken by the use of an epoxy resin – mortar or concrete is not to be used.

*Reason: Requirement of Council as the Road Authority.*

**Plu 150.**

All new heated water installations shall, at the outlet of all sanitary fixtures used primarily for personal hygiene (bath, shower and hand basins) deliver heated water not exceeding 50° C.

Notes:

Temperature control devices require routine maintenance and performance testing. Information on maintenance can be found in AS 4032.2

It is the property owner's responsibility to ensure that the routine maintenance is carried out.

*Reason: Temperature limits are required to minimise the risk of scalding.*

**Plu 160.**

Roof water is to be disposed of:

- (a) To a rainwater tank and then via the overflow to the street gutter.

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

**Plu 170.**

The applicant shall lodge with Council, for prior approval, the intended method of connection of the town water supply to the rainwater tank/s

*Reason: To ensure that cross contamination of the town water supply does not occur.*

**PUBLIC ROADS**

**Rds 010.**

Any damage caused to kerb, guttering crossovers and/or footpaths during building operations shall be rectified by the building developer.

*Reason: To ensure that public infrastructure is maintained.*

**Rds 050.**

Where works are carried out on Council or public lands (ie public roads) by or on behalf of the applicant, the following conditions shall be satisfied:

- (a) The person or company proposing to carry out the works shall obtain approval from Council prior to works commencing.
- (b) The person or company carrying out the works will be required to carry appropriate public liability insurance to a value of ten million dollars (\$10M) for the full period during which works are being undertaken. Proof of the policy is to be provided to Council prior to work commencing.
- (c) If requested, the person or company carrying out the works shall submit to Council references demonstrating experience in the type of work proposed to be undertaken.

*Reason – To ensure that any works undertaken on public lands are of an adequate standard and appropriate insurance is held by the party undertaking the works.*

**ENVIRONMENTAL MANAGEMENT**

**Env 021.**

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

*Reason: To reduce the potential for surface water to have an adverse impact on structures or neighbouring properties.*

## INSPECTIONS

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

Inspections at the completion of stages as indicated below are required to be carried out by the Principal Certifying Authority. .

### Critical Stage Inspections

- At the commencement of the building work, and
- After excavation for, and prior to the placement of, any footings, and
- Underfloor drainage prior to pouring concrete.
- Footings/piers and slab after placement of moisture barrier, reinforcement and prior to pouring any in-situ reinforced concrete building element, and
- Prior to covering of the framework for any floor, wall, roof or other building element, and
- On completion of plumbing pipe installation (hot & cold water service) prior to covering.
- On completion of waterproofing of wet areas and prior to commencement of wall and floor tiling.
- Prior to covering any sewer or stormwater drainage pipe work and connection points.
- All external sewer drainage prior to covering in trenches, clearly visible and under hydrostatic test.
- Fence post holes prior to concreting.
- After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

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

### Fir 030.

A smoke detection system consisting of hard-wired smoke detectors with battery back up that complies with AS 3786 – 1993 Smoke Alarms and Building Code of Australia Part 3.7.2 (Smoke Alarms), must be installed in the buildings.

*Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and Building Code of Australia.*

END.



## ATTACHMENT A - DEVELOPMENT APPLICATION ASSESSMENT REPORT

**MATTERS FOR CONSIDERATION UNDER SECTION 79C(1)  
ENVIRONMENTAL PLANNING & ASSESSMENT ACT 1979 (EP&A ACT 1979)**

DA No.: 2008 019

Applicant: Walgett Shire Council

Owner: Walgett Shire Council

Site: Lot 31 DP 226373 Gilbert Street Walgett

Proposal: Eight multiple dwellings – Villas

Zone: 2 Village

**1. THE PROPOSAL:**

This application is for Council's consent to the erection of eight single storey dwellings. The dwellings will consist of 6 x 2 bedroom dwellings and 2 x 3 bedroom dwellings. The site is owned by the Council with Ronald Wright being the applicant for the development application submission.

**2. THE SITE :**

The subject site incorporates Lot 31 DP 226373 Gilbert Street Walgett. The subject land has its main frontage to Gilbert Street and secondary frontage to Arthur Street and has an approximate area of 3600 square metres.

The site is bounded on the two remaining sides by residential development predominantly of single storey scaled dwellings on large allotments and landscaped settings. The general area is characterised by the same.

Topographically, the land is relatively flat. There are no visible environmental features on site, with the exception of immature trees to the peripheral of the site.

**3. THE PROVISION OF ANY ENVIRONMENTAL PLANNING INSTRUMENT - s79C(1)(A)(I):**
**3.1. EP&A Act 1979**

The relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, are:

Section 79C 'Matters for Consideration'	Comments
Section 79C (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "IDO1" in this report.
Section 79C (1) (a)(ii) – Provisions of any draft environmental planning instrument	Not Applicable.
Section 79C (1) (a)(iii) – Provisions of any development control plan	Not Applicable.
Section 79C (1) (a)(iia) - Provisions of any Planning Agreement or Draft Planning Agreement	Not Applicable.
Section 79C (1) (a)(iv) - Provisions of the regulations	Clause 7 of the EPA Regulations 2000 requires the consent authority to consider the provisions of the Building Code of Australia.
Section 79C (1) (b) – The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) The environmental impacts of the proposed development on the natural and built environment are addressed in this report. (ii) The proposed development will not have a detrimental social impact in the locality considering the residential character of the proposal. (iii) The proposed development will not have a

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## ATTACHMENT A - DEVELOPMENT APPLICATION ASSESSMENT REPORT

Section 79C 'Matters for Consideration'	Comments
	detrimental economic impact on the locality considering the residential nature of the existing and proposed land use.
Section 79C (1) (c) – The suitability of the site for the development	The site is considered suitable for the proposed development.
Section 79C (1) (d) – Any submissions made in accordance with the EPA Act or EPA Regs	In regards to public submissions refer to the discussion on "Notification & Submissions" within this report.
Section 79C (1) (e) – The public interest	The wider public interest is served by the continued maintenance of the site, and its ability to provide an appropriate landuse within this locality.

### 3.2. State Environmental Planning Policies (SEPP)

#### • SEPP (Building Sustainability Index: BASIX) 2004

State Environmental Planning Policy - Building Sustainability Index: BASIX 2004 (SEPP BSI) is applicable to the subject proposal. In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Report was submitted in support of the application demonstrating that the proposed scheme achieves the minimum water, thermal and energy targets.

In this regard, the subject application is considered to satisfy the provisions of the Regulations and the SEPP BSI.

#### • State Environmental Planning Policy No 55 - Remediation of Land (SEPP 55)

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records suggest that the subject site has been vacant for a significant period of time with no prior land uses known which are likely to have caused contamination.

In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the proposed residential land use.

### 3.3. Regional Environmental Plans (REP)

Not Applicable.

### 3.4. Local Environmental Plan (LEP)

The subject development is permissible with consent under Interim Development Order No. 1 (IDO1) - Shire of Walgett 1968. It is considered that the proposal is consistent with the subdivision patterns and residential character of the area.

## 4. THE PROVISION OF ANY DRAFT ENVIRONMENTAL PLANNING INSTRUMENT - s79C(1)(A)(II):

Not Applicable.

## 5. THE PROVISION OF ANY DEVELOPMENT CONTROL PLAN (DCP) - s79C(1)(A)(III):

Not Applicable. The application has been assessed under Section 79C Matters for Consideration.

## 6. THE PROVISION OF ANY PLANNING AGREEMENT - s79C(1)(A)(IIIA):

Not Applicable.

ATTACHMENT A - DEVELOPMENT APPLICATION ASSESSMENT REPORT

**7. ANY PRESCRIBED MATTERS - s79C(1)(A)(IV):**

*7.1. Demolition*

Not Applicable. There are no built structures to be demolished.

*7.2. Fire safety considerations*

Not Applicable. The subject site is not identified as being within fire prone land.

*7.3. Consent authority may require buildings to be upgraded*

Not Applicable.

*7.4. Deferred commencement consent*

Not Applicable.

*7.5. Imposition of conditions—ancillary aspects of development*

Relevant conditions will be imposed.

*7.6. Modification or surrender of development consent or existing use right*

Not Applicable.

*7.7. Fulfilment of BASIX commitments*

State Environmental Planning Policy - Building Sustainability Index: BASIX 2004 (SEPP BSI) is applicable to the subject proposal. In accordance with Schedule 1 of the Regulations and SEPP 2004 a BASIX Report was submitted in support of the application demonstrating that the proposed scheme achieves the minimum water, thermal and energy targets.

**8. THE LIKELY IMPACTS OF THE DEVELOPMENT - s79C(1)(B):**

*8.1. Context and setting*

The subject site is located in the Walgett township. The area is characterised by dwellings on varying sized allotments with landscape settings. The predominant form of dwellings in the area is of a single storey form. The subject site is currently vacant.

Front building setbacks are consistent with those currently afforded in the streetscape. The proposal achieves the desired streetscape profile through building design outcomes including colour forms, the built form, construction materials and landscaped settings. The buildings address the respective streets and are considered to be sensitive and in context with the landscape setting and the environmental conditions of the locality.

The proposal will see stand alone dwellings 1, 2, 3, 4, 5 & 6 positioned around a central driveway and egressing to Gilbert Street, with attached dwellings A & B egressing to Arthur Street. The dwellings are located a minimum distance of 1.20 metres to 2.10 metres from the respective allotment side boundaries with appropriate separation to neighbouring properties to maintain amenity and privacy.

Furthermore the low scale single form of the dwellings and given that the site runs in a north to south azimuth, ensure that the dwellings will not detrimental impact on overshadowing to the living areas or private open spaces to those adjoining allotments.

## ATTACHMENT A - DEVELOPMENT APPLICATION ASSESSMENT REPORT

Internally the dwellings are provided with a minimum building setback of approximately of 5.250 metres. This distance provides for privacy, noise mitigation and solar penetration to be provided to each individual dwelling.

### *8.2. Access, transport and traffic*

The proposal will see dwellings 1 to 6 located around a central driveway and egressing to Gilbert Street, with attached dwellings A & B egressing to Arthur Street. Each dwelling is provided with a single car locked garage. Given the low scale proposal the development will not detrimental impact upon vehicle movements within the street.

### *8.3. Public domain*

Not Applicable.

### *8.4. Utilities – Water, Sewer/On-Site Waste Management System, Stormwater, Electricity and telecommunications*

Utilities are existing within the street and will extended internally to the site to cater for the development. A sewer line runs through the central core of the site, with dwellings A & B constructed over the sewer line. The internal driveway for the remaining units will also be constructed over the sewer line.

### *8.5. Heritage*

Not Applicable.

### *8.6. Soils and water*

Water collection and reuse has been nominated within the BASX Certificate. Water outlet will be to a pit within Arthur Street directly in front of dwellings A & B.

### *8.7. Air and microclimate*

Not Applicable.

### *8.8. Flora and fauna*

Five (5) immature trees are evident on site and will be removed. Substantial planting will be undertaken at the completion of the development of which will out way the retention of the existing immature trees.

### *8.9. Waste*

It is anticipated that no reuse of building materials will occur, however waste generated from the construction will be disposed of at council's tip. Ongoing waste management will be via the general residential waste system operated by Council.

### *8.10. Energy*

A BASIX Certificate has been issued for each respective dwelling. The energy section of the BASIX Certificate highlights energy saving commitments to be implemented within each dwelling to conserve ongoing energy usage.

### *8.11. Natural hazards*

Not Applicable.

### *8.12. Safety, security and crime prevention*

## ATTACHMENT A - DEVELOPMENT APPLICATION ASSESSMENT REPORT

The proposal is low scale. The orientation of the dwellings to the street, internal driveway and internally layout of the dwellings provide acceptable levels of passive surveillance. The planting of the site provides for low scale plants that do not provide for entrapment or concealment areas.

### *8.13. Social and economic impact in the locality*

The social and economic impacts of the proposal will not be significant to measure.

## **9. THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT - s79C(1)(c):**

The application is a suitable site for the development of eight single storey dwellings. The proposal is consistent with the pattern of subdivisions in the area and will provide a social and economic benefit the Walgett village.

## **10. ANY SUBMISSIONS - s79C(1)(d):**

The application had been notified from 2<sup>nd</sup> July 2008 to 16<sup>th</sup> July 2008, with no submissions received.

## **11. THE PUBLIC INTEREST - s79C(1)(e):**

There are no adverse effects to the public interest. The proposal is of benefit to the economic and social outcomes of the community.

## **12. CONCLUSION**

The site has been inspected and the application assessed having regard to the provisions of Section 79C of the Environmental Planning and Assessment Act, 1979. It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed. Accordingly, the proposal is recommended for approval.

## **8. HERITAGE ADVISOR APPOINTMENT REVIEW**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin - Director Planning & Regulatory Services  
**FILE NUMBER:** 235/06/26/01

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### **Summary:**

Council's Heritage Advisor has requested that the terms of his appointment be reviewed. Given the initial appointment was made more than six years ago, it is recommended that Walgett Shire Council review the situation by seeking expressions of interest from suitably skilled people to be appointed as Council's Heritage Advisor.

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

Walgett Shire Council receives an annual grant from the Heritage Branch of the Department of Planning to assist with costs incurred in having a part time Heritage Advisor. The current budget makes provision for \$8,200 to be spent on heritage advisory services (supported by a \$4,000 grant from the Heritage Branch).

A summary of the role of a Heritage Advisor, as noted by the Heritage Branch, is:

The main objectives of the heritage advisor program are to assist local councils and communities with professional advice to ensure that appropriate measures and management are in place to conserve and present the heritage of the local government area.

A second and important objective is to provide the best possible advice in relation to urban design matters.

Heritage advisors provide regular and ongoing expertise to councils, communities and owners of heritage properties and assist in promoting urban design and heritage in the area.

The outcomes of this program have been very positive. Many successful and ongoing partnerships between local and state governments and communities have been developed. Most local councils across NSW have access to a part-time heritage advisor or employ a full-time heritage officer.

Walgett Shire Council's current (and first) Heritage Advisor, Graham Hall, was initially appointed on 6 February 2002. No provision was made in the original appointment for regular fee revision (for example an annual increase in line with the consumer price index (CPI)). Recently Graham Hall wrote to Walgett Shire Council requesting that it agree to revised fees.

Given that more than six years have passed since the initial appointment of a Heritage Advisor, it is recommended that Council fully review the situation by seeking new expressions of interest from suitably skilled people to be appointed as Council's Heritage Advisor.

A condition of the annual grant from the Heritage Branch is that Council must engage a recognised Heritage Advisor to provide advice on heritage matters.

**Relevant Reference Documents:**

Heritage Information Series - How to Establish a Heritage Advisor Service, published by NSW Heritage Office, Department of Planning, June 2007.

**Stakeholders:**

The public and Walgett Shire Council.

**Financial Implications:**

It seems likely that there will be some increase in the unit costs for advisory services. These costs will be met from the existing budget.

**Recommendations:**

That Walgett Shire Council resolve to:

1. Write to Council's current Heritage Advisor, Graham Hall, indicating:
  - a. That Walgett Shire Council is giving one month's notice that it will be terminating the agreement dated 6 February 2002 whereby it engaged him to act as Council's Heritage Advisor.
  - b. Walgett Shire Council's appreciation for the heritage advisory services provided during the term of the agreement.
  - c. Prior to the termination of the agreement, Walgett Shire Council will be seeking expressions of interest from suitably skilled people to be appointed as Council's Heritage Advisor.
2. In accordance with the guideline titled "How to Establish a Heritage Advisor Service" published by the Department of Planning in June 2007, seek expressions of interest from suitably skilled people to be appointed as Council's Heritage Advisor.

## **9. HERITAGE STRATEGIC PLAN 2009-11**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin - Director Planning & Regulatory Services  
**FILE NUMBER:** 235/06/26/00

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### **Summary:**

This report recommends that Council adopt an amended Heritage Strategic Plan.

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

At a meeting held on 20 May 2008 Walgett Shire Council resolved to endorse and adopt the Walgett Shire Council: Heritage Strategic Plan 2009-11, in the form that it was submitted to Council.

The plan was then submitted to the Heritage Branch of the Department of Planning who responded by indicating that the plan did not comply with their "Recommendations for local government heritage management". Recommendation 9 requires Council to "Promote sustainable development as a tool for heritage conservation".

Walgett Shire Council's Heritage Adviser, Graham Hall, has prepared an amended draft Heritage Strategic Plan which is attached to this report. Variations from the plan adopted by Council on 20 May 2008 are underlined.

The original plan was prepared with consideration for the relevant recommendations of the Heritage Branch (reproduced at the end of this report), as well as for the wide distribution of heritage items, low level of development pressure and current administrative arrangements in Walgett Shire.

Walgett Shire Council receives an annual grant from the Heritage Branch of the Department of Planning to assist with the costs incurred in using a Heritage Adviser. A condition of that grant is that Council must prepare, adopt and implement a Heritage Strategy.

The strategy must be based on the Heritage Branch publication, 'Recommendations for Local Council Heritage Management'.

### **Relevant Reference Documents:**

Recommendations For Local Council Heritage Management, published 2007 by the Heritage Branch of the Department of Planning.

### **Stakeholders:**

Walgett Shire Council, community.

### **Financial Implications:**

Nil.



**Recommendation:**

**That Walgett Shire Council resolve to endorse and adopt the draft amended Walgett Shire Council: Heritage Strategic Plan 2009-11, prepared by Council's Heritage Adviser, Graham Hall in July 2008.**

ATTACHMENT

**WALGETT SHIRE COUNCIL: HERITAGE STRATEGIC PLAN 2009-11**

**VISION:**

That the Shire's heritage be identified, conserved and appreciated.

**STRATEGIES:**

**1. Identify items of local and state significance**

**Actions:**

- List the items identified by the Community-Based Heritage Study in the Local Environmental Plan.
- Commence an Aboriginal Heritage Study in 2008-9.
- Commence a Heritage Study of the Preserved Opal fields in 2008-9.

**2. Promote the appreciation of the Shire's heritage**

**Actions:**

- Refer the possible re-establishment of the Walgett Shire Heritage Committee to the next elected Council.
- Heritage Adviser to brief the next elected Council on heritage and local government.
- Liaise with local press, provide material.
- Liaise with schools.
- Liaise with tourism organisations.
- Consider a plaque program and heritage trails.

**3. Encourage conservation of the Shire's heritage**

**Actions:**

- Inform owners that the Heritage Adviser can provide advice to owners of [potential] items on heritage conservation, and architectural advice on incorporating sustainable and energy-efficient designs into proposals for sympathetic alterations, extensions and adaptive re-use of heritage items
- Use the Local Heritage Fund judiciously to ensure and encourage heritage conservation.
- Assist owners in obtaining other funding that may be available.
- Consider levying concessional rates for properties listed as items of local heritage within a Local Environmental Plan.

**4. Protect the Shire's heritage**

**Actions:**

- Follow and refine recently established procedures for assessing Development Applications with heritage implications.
- Assist applicants submitting Development Application affecting heritage items.
- Liaise with State/Commonwealth agencies about heritage items they control within the Shire.
- Implement appropriate measures to protect Aboriginal, natural and moveable items not best protected through the Local Environmental Plan.

**5. Lead by example in implementing strategies 1-4.**

**Actions:**

- Having identified its own heritage items, Council will plan and undertake appropriate conservation measures.

## **10. WALGETT SHIRE GROWTH MANAGEMENT STUDY & STRATEGY**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Matthew Goodwin - Director Planning & Regulatory Services  
**FILE NUMBER:** 315/01/02/00

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### **Summary:**

This report recommends that Walgett Shire Council endorse an amended Walgett Shire Growth Management Study and Strategy document dated July 2008.

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

The Walgett Shire Growth Management Study and Strategy (GMS) is document that deals with many land use planning related matters, including:

- Providing an overview of existing land use patterns within the Shire.
- Identifying issues arising from existing land use patterns.
- Analysing factors that will influence future land use patterns within the Shire, including legal requirements, demographics, existing land uses, land availability, etc.
- Making recommendations to Council to guide its decisions relating to planning and services for the future development of the Shire.
- Providing a mechanism for community consultation and input into land use planning within the Shire.

Development of the GMS has involved a lengthy consultation process, with the key steps including:

- Community consultation meetings regarding planning issues were held during November 2004 in Walgett, Lightning Ridge and Collarenebri.
- Publication of the GMS – Community Consultation Report in July 2005.
- Publication of the GMS - Issues Paper in July 2005.
- A draft GMS was prepared in 2005 and was the subject of extended discussions between Walgett Shire Council, the Department of Planning and government authorities, especially during April 2006 and March 2007.
- The draft GMS was the subject of public consultation during August and September 2007 after being endorsed for exhibition by the Department of Planning.
- At a meeting held on 19 February 2008 Walgett Shire Council adopted and endorsed the GMS with the amendments proposed by Edge Land Planning in the documents titled "Analysis of Submissions", dated November 2007, and "Additional Considerations" dated 11 February 2008.
- In February 2008 amendment of the GMS was requested by the regional office of the Department of Planning.
- At a meeting held on 15 April 2008 Walgett Shire Council adopted and endorsed the April 2008 version of the GMS which included amendments prepared by Ian Sinclair of Edge Land Planning to address the issues raised by the Department of Planning in the document titled "Comments on Walgett Growth Management Study, dated Feb 08.

On 20 June 2008 the Dubbo regional office of the Department of Planning indicated that endorsement was imminent, but dependent upon further refinement of the GMS. The Department has stated that it must endorse the GMS before it will be prepared to issue a Section 65 certificate under the Environmental Planning and Assessment Act 1979 that will enable Council to publicly exhibit a comprehensive draft Local Environmental Plan.

The requested refinements were made by Ian Sinclair of Edge land Planning during July 2008, the most significant of which were:

- Addressing several referencing errors.
- Addressing issues arising from inconsistencies in statistics sourced from the Australian Bureau of Statistics.
- Adding references to the State Environmental Planning Policy (Rural Lands) 2008 [gazetted in May 2008].
- Refining section 2.2.6 - Salinity.
- Refining section 2.2.7 - Flooding.
- Refining section 2.2.11 - Water and sewerage infrastructure.
- Refining section 2.2.12 - Domestic waste disposal.
- Refining figure 3.1 - Administrative processes associated with opal mining and prospecting.
- Refining section 7.2.7 - Flood prone land.
- Refining section 7.2.9 - Contaminated land.
- Refining section 7.3.9 - Domestic effluent management.
- Refining section 7.3.12 - Infrastructure.
- Refining section 8.3 - Settlement expansion.
- Refining section 8.3.1 - Walgett.
- Revising section 8.3.2 - Lightning Ridge. This section now refers to the ecological survey undertaken by Ozark Environmental Heritage Management in June 2008 in areas proposed for rezoning from rural to urban land uses.
- Refining maps 8.12, 8.15 and 8.17.
- Revising section 8.4.3 - Issues related to opal mining. This section was rewritten to take account of the requirements of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.
- Revising section 8.4.5 - Deleting opal mining related recommendations that have been rendered irrelevant by the provisions of State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007.

Walgett Shire Council's Director Planning and Regulatory Services, Matthew Goodwin, has assisted Ian Sinclair with the refinements and believes that the changes requested by the Department of Planning have generally improved the GMS.

**Relevant Reference Documents:**

- Council file 315-01-02-00 – Local Environmental Plan
- Walgett Shire Growth Management Study and Strategy prepared by Edge Land Planning, dated April 2008.
- Walgett Shire Growth Management Study and Strategy prepared by Edge Land Planning, dated July 2008.
- Standard Instrument (Local Environmental Plans) Order 2006.
- Environmental Planning and Assessment Act 1979.
- Environmental Planning and Assessment Regulation 2000.

**Stakeholders:**

The community, Walgett Shire Council and State government.

**Financial Implications:**

Fees associated with consultancy services provided by Edge Land Planning are being met from the existing budget for Local Environmental Plan development.

**Recommendations:**

**That Walgett Shire Council resolve to:**

- 1. Adopt and endorse the Walgett Shire Growth Management Study and Strategy document dated July 2008, as amended by Edge Land Planning to address issues raised by the Department of Planning in June 2008.**
- 2. Forward the Walgett Shire Council Growth Management Study and Strategy document, dated July 2008, to the Department of Planning for formal endorsement.**
- 3. Continue with the preparation of a Local Environmental Plan for the whole of the Walgett Shire Local Government Area in accordance with:**
  - (a) The Standard Instrument (Local Environmental Plans) Order 2006; and**
  - (b) The recommendations contained in the Walgett Shire Growth Management Study and Strategy, as prepared by Edge Land Planning.**

## **16. Reports of Committees**

## **17. Questions without Notice from Councillors**

## **18. Confidential Reports/Closed Council Meeting**



## **19. Close of Meeting**