



WALGETT SHIRE COUNCIL

AGENDA

29 SEPTEMBER 2009

**RAY KENT**  
*General Manager*



22<sup>nd</sup> September 2009

Walgett Shire Council  
PO Box 31  
WALGETT NSW 2832

**NOTICE IS HEREBY GIVEN** that the Ordinary Meeting of Walgett Shire Council will be held in the Carinda Hall commencing at 10.00am.

## **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**

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**14. Reservation of items for Debate**

**15. Reports of Officers**

**GENERAL MANAGER**

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**DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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13. Proposal to Dedicate Crown Land as Public Road ..... 81
14. Camping at Burren Junction Bore Baths ..... 86

**DIRECTOR URBAN INFRASTRUCTURE SERVICES**

15. Doctors Surgery Status Report ..... 93
16. Water and Sewerage Program for Aboriginal Communities..... 95
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**DIRECTOR RURAL INFRASTRUCTURE AND SUPPORT SERVICES**

18. Burren Junction Rescue Squad (VRA) - Request for Assistance..... 126

**16. Reports of Committees**

**17. Questions without notice from Councillors**

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

Walgett Community Festival Report

**19. Close of Meeting**

**3. Apologies**

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

**7. Confirmation of Minutes**



**WALGETT SHIRE COUNCIL**

**25<sup>th</sup> AUGUST 2009**

**MINUTES**

**RAY KENT**  
*General Manager*

WALGETT SHIRE COUNCIL MINUTES

**MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD AT THE WALGETT COUNCIL CHAMBERS ON TUESDAY 25 AUGUST 2009 COMMENCING AT 10:15am**

**PRESENT**

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

**Apologies**

An apology had been received from Clr Keir at a previous meeting and Council had resolved to grant leave of absence.

**Public Forum Presentations**

Yvonne Muller

- Expressed her concern at the delay in getting the building started for the Dementia Day Care Centre at Lightning Ridge.
- Expressed concern regarding losing possible funding opportunities if the building is not completed.

Kathy Barber - Far Western Academy of Sport – item 4

- Presentation received from Far Western Academy of Sport on the programs they offer in our Shire.

**Declaration of Pecuniary/Non Pecuniary Interests**

Clr Greenaway declared a pecuniary interest in item 26 – Tenders Plant Hire

Director Planning & Regulatory Services, Matthew Goodwin declared a personal interest– item 17 – Proposed Mains Electricity Connections on Preserved Opal Fields

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

<b>251/09</b>	<b>Confirmation of Minutes</b>
<b>Resolution:</b>	
1. That the minutes of the Council Meeting held 28 July 2009 be confirmed.	
<b>Moved:</b>	Clr Lane
<b>Seconded:</b>	Clr Walford
<b>CARRIED</b>	

<b>252/09</b>	<b>Application for Financial Assistance for the Walgett Showground to undertake Electrical Repairs</b>
<b>Resolution:</b>	
1. Council accept a grant of \$6,000 and loan of \$14,000 from the Public Reserves Management Fund to upgrade the electrical system at the Walgett Showground.	
2. Provision be made in the General Fund financial estimates for 2010-2011, and the following 6 years, for the repayment of the \$14,000 loan.	
<b>Moved:</b>	Clr Murray
<b>Seconded:</b>	Clr Colless
<b>CARRIED</b>	

<b>253/09</b>	<b>Mayoral Minute - Nomination of the Western Division Group of the Shires Association to the Western Lands Advisory Council</b>
<b>Resolution:</b>	
1. That Council's preferences for the Western Division Group of Council's nominee to the Western Lands Advisory Council be as follows: 1. Councillor Murray 2. Councillor Lewis 3. Councillor Mengler.	
<b>Moved:</b>	Clr Greenaway
<b>Seconded:</b>	Clr Lane
<b>CARRIED</b>	

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

Nil

### 11. Presentation of Petitions

Nil

## 12. Councillors Questions with Notice

### Councillor Greenaway

1. Could Council be informed of the break-up of how the \$52,000 was spent, that was Burren Junction's allocation in the first round of the Federal Governments Infrastructure Funding?

#### Response:

The Director Corporate and Community Services advised that Burren Junction funds are not totally expended at the present time because the project is not complete but current commitments are: shading in two areas with seats within the baths enclosure; additional showers and maintenance to path between baths and showers; new basin external to toilets.

2. Is it correct that there could be a grant of \$250,000 available for beautification of the main street of Collarenebri?

#### Response:

The Director Corporate and Community Services advised that no specific main street funding appears to be available at the moment. Council currently has an application for funding submitted for \$2.1 million which includes a component of approximately \$88,000 for work on Collarenebri Main Street. Still waiting to see if the application is successful.

### 254/09 Lightning Ridge Mining Board Draft Minutes

#### Resolution:

That Walgett Shire Council:

1. Note the draft minutes of the Lightning Ridge Mining Board meeting held on 28 May 2009.

Moved: Clr Greenaway  
Seconded: Clr Walford

CARRIED

## 14. Reservation of items for Debate

Nil

WALGETT SHIRE COUNCIL AGENDA

WALGETT SHIRE COUNCIL MINUTES

255/09	Comparative Information on NSW Councils 2007/2008
<p>Resolution:</p> <p>1. That the report be received.</p> <p>Moved: Clr Murray Seconded: Clr Greenaway</p> <p>CARRIED</p>	
256/09	Far Western Academy of Sport
<p>Resolution:</p> <p>1. That the report be received.</p> <p>Moved: Clr Greenaway Seconded: Clr Walford</p> <p>CARRIED</p>	
257/09	Contractual Conditions of Senior Staff
<p>Resolution:</p> <p>1. That the report be received.</p> <p>Moved: Clr Lane Seconded: Clr Smith</p> <p>CARRIED</p>	



# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

258/09	Walgett Community Capability Fund Financial review as at 30 June 2009
<p><b>Resolution:</b></p> <p>That:</p> <ol style="list-style-type: none"><li>1. Council notes the external restricted income balance for the Walgett Community Capability Fund of \$286,090.00 as at 30 June 2009.</li><li>2. Council notes the reduction in the expenditure in the 2008/2009 Walgett Shire Council Operational Budget of \$286,090.00.</li><li>3. Council approve the expenditure of \$286,090.00 in the 2009/2010 Walgett Shire Council Operational Budget in line with the funding arrangement.</li></ol> <p><b>Moved:</b> Clr Lane <b>Seconded:</b> Clr Walford</p> <p>CARRIED</p>	

259/09	Regional and Local Community Infrastructure Program Financial review as at 30 June 2009
<p><b>Resolution:</b></p> <p>That:</p> <ol style="list-style-type: none"><li>1. Council notes the external restricted income balance for the Regional and Local Community Infrastructure Program of \$472,840.00 as at 30 June 2009.</li><li>2. Council notes the reduction in the expenditure in the 2008/2009 Walgett Shire Council Capital Budget of \$472,840.00.</li><li>3. Council approve the expenditure of \$472,840.00 in the 2009/2010 Walgett Shire Council Capital Budget in line with the funding arrangement.</li></ol> <p><b>Moved:</b> Clr Martinez <b>Seconded:</b> Clr Smith</p> <p>CARRIED</p>	

## WALGETT SHIRE COUNCIL MINUTES

260/09 Community Assistance Scheme Donations – 2009/2010 Budget						
<b>Motion:</b>						
1. That Council applies funds for financial assistance under section 356 of the Local Government Act 1993 for the first round of 2009/2010 as recommended below:-						
<b>Moved:</b> Clr Greenaway						
<b>Seconded:</b> Clr Colless						
Community Assistance Scheme - Round 1 - July 2009						
	Organisation	Project	Request	Cost of Project / Activity	Recommendation	Stakeholders
1	Collarenebr Jockey Club	Annual Race Meeting - assist with cost of compulsory ambulance attendance	\$500.00	\$40,000.00 (Total Race Meeting)	\$500.00	Community
2	Goodooga CWA * (based in Lightning Ridge but called "Goodooga" for historical purposes)	Annual Wool Day lunch held in Sep/Oct 09 (major annual fundraiser)	\$2,000.00	\$3,000.00	\$500.00	Community - especially children and women & medical scholarship
3	Walgett Jockey Club	Annual Race Meeting - assist with cost of compulsory ambulance attendance	\$500.00	\$1,300 (Ambulance only costs)	\$500.00	Community
4	Lightning Ridge Police Bush Safari	Transportation costs for television crew & equipment in the Oct09 Bush Safari	Not specified	Not specified	\$500.00	Community/Shire promotion over Australia-wide television (Imparja)
5	Carinda & District Race Club Meeting	Donations to the club, Sponsorship and/or Prizes for the Race Club meeting on 25 July 2009	Not specified	Not specified	\$250.00	Carinda Community
6	Outback Air Race	RFDS Outback Air Race	\$100.00	Not specified	\$100.00	Community - donation to charity event supporting Flying Doctors
7	Women's Legal Services	Use of the Collarenebr Community Hall -Supper Room for a domestic violence workshop on 13 Aug 09	\$15.00 (excluding cleaning and Bond)	\$15.00	\$15.00	Community - women
8	Rowena Progress Association **	Rowena progress association Xmas in July (July 4 2009)	\$500.00	Not specified	\$250.00	Rowena public school children
9	St Joseph's Catholic School Parents & Friends Association	Music camps in Baradine for 20 students (students have passed an audition in order to gain entry)	\$1,000.00	\$10,000.00	\$750.00	Walgett School children (from St Joseph's school choir)
10	Rowena CWA	To cover the cost of hiring Rowena Hall for meetings and functions for 2009/2010	\$100 (approx)	\$100 (approx)	\$100.00	CWA Members and (indirectly) the Community they support
11	Lightning Ridge Rural Fire Service	Cost of kitchen	\$500.00	\$2000 - \$3000	\$nil (Council already pay contributions to the RFS)	RFS Firefighters and (indirectly) the Community they support
12	Lightning Ridge Pistol Club	Construction of "eyebrow" baffles (which prevent accidental shots from being fired over the back mound). This is a requirement of new OH&S guidelines being introduced	\$3,400.00	\$20,000.00	\$nil (suggest the Pistol Club contact NSW Police for a contribution)	Pistol club members (56), visitors, competition shooters, police officer training
13	BAC Rugby League Walgett	Participation in annual Aboriginal Rugby League Knockout in Armidale (nomination fees, uniforms, accommodation, travel, and medical supplies)	\$2,000.00	\$20,000.00	\$500.00	Community - Aboriginal men

## WALGETT SHIRE COUNCIL MINUTES

**AMENDMENT:**

- Moved: Clr Martinez  
Seconded: Clr Lane

## CARRIED AND BECAME MOTION

CARRIED

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

<b>261/09</b>	<b>Quarterly Budget Review as at 30 June 2009</b>
<p><b>Resolution:</b></p> <p>1. That Council note the quarterly budget review for the period to 30 June 2009 and adopt the attached changes.</p> <p><b>Moved:</b> Clr Lane <b>Seconded:</b> Clr Murray</p> <p><b>CARRIED</b></p>	
<b>262/09</b>	<b>Carried Forward Projects as at 30 June 2009</b>
<p><b>Resolution:</b></p> <p>1. That Council approve the completion of the works in progress as at 30 June 2009.</p> <p>2. That Council carry forward the unexpended budget for these projects into the 2009/2010 financial year.</p> <p><b>Moved:</b> Clr Greenaway <b>Seconded:</b> Clr Lane</p> <p><b>CARRIED</b></p>	
<b>263/09</b>	<b>Debt Recovery Progress Report</b>
<p><b>Resolution:</b></p> <p>1. That council note the Debt Recovery Report and the Summary Report Information Comparison Graph.</p> <p><b>Moved:</b> Clr Walford <b>Seconded:</b> Clr Smith</p> <p><b>CARRIED</b></p>	
<b>264/09</b>	<b>Cash on Hand and Investment Report as at 31 July 2009</b>
<p><b>Resolution:</b></p> <p>1. That the cash on hand and investment report as at 31 July 2009 be received.</p> <p><b>Moved:</b> Clr Lane <b>Seconded:</b> Clr Smith</p> <p><b>CARRIED</b></p>	

WALGETT SHIRE COUNCIL MINUTES

265/09	Budget Review as at 31 July 2009
<p>Resolution:</p> <ol style="list-style-type: none"><li>1. Council reduce the general purpose component of the Financial Assistance Grant revenue by \$674,230.00 to \$2,042,161.00 in the 2009/2010 budget.</li><li>2. Council reduce the roads component of the Financial Assistance Grant revenue by \$413,216.00 to \$1,239,306.00 in the 2009/2010 budget.</li></ol> <p>Moved: Clr Lane Seconded: Clr Greenaway</p> <p>CARRIED</p>	
266/09	Request for Donation
<p>Resolution:</p> <ol style="list-style-type: none"><li>1. That Council writes to Ms Smith informing her that Council generally provides financial assistance for community organisations only and not to individuals.</li></ol> <p>Moved: Clr Greenaway Seconded: Clr Smith</p> <p>CARRIED</p>	
267/09	Report on Youth Development and Services – May 2009 to August 2009
<p>Resolution:</p> <ol style="list-style-type: none"><li>1. That the report on Youth Development and Services for the period February 2009 – May 2009 be noted.</li></ol> <p>Moved: Clr Walford Seconded: Clr Martinez</p> <p>CARRIED</p>	



## WALGETT SHIRE COUNCIL MINUTES

268/09	Policy regarding Mains Electricity on Preserved Opal Fields
<p><b>Resolution:</b></p> <ol style="list-style-type: none"> <li>1. Replace point 10 of its existing policy titled "P &amp; R Opal Mining Related Policies", adopted 15 July 2008, which deals with mains electricity connections on the preserved opal fields as follows:               <ol style="list-style-type: none"> <li>(a) Walgett Shire Council will not agree to any easement over Council owned or occupied land to enable a mining camp on a Western Lands Lease to be connected to mains electricity because of the adverse impacts that will arise for the primary land use of opal mining and prospecting. Those impacts will include:                   <p style="margin-left: 40px;">Sterilisation of land that is potentially opal bearing. Creation of an unnecessary safety hazard for opal mining and prospecting activities.</p> </li> <li>(b) In circumstances where an easement is not required and Walgett Shire Council's comments are sought, it will respond by indicating to the determining authority that it regards opal mining and prospecting as the dominant land use on the preserved opal fields. Furthermore that the authority should take action to avoid or, where this is not possible, mitigate:                   <p style="margin-left: 40px;">Unnecessary sterilisation of land that is potentially opal bearing. The establishment of safety hazards for opal mining or prospecting.</p> </li> <li>(c) Walgett Shire Council may agree to an easement over Council owned or occupied land for an established mining purpose, such as powering agitators or a mining equipment workshop, that is located on a Mining Purposes Lease or a Mining Lease for mining purposes if it is satisfied that there is:                   <p style="margin-left: 40px;">No significant adverse impact on Council's current or planned use of the land, and; No potentially opal bearing land involved.</p> </li> <li>(d) Walgett Shire Council may agree to an easement over Council owned or occupied land to enable the establishment of mains electricity for a public purpose if it is satisfied that:                   <p style="margin-left: 40px;">The route for the proposed power line has been selected to minimise potential adverse impacts on opal mining and prospecting. Any benefits arising for the public substantially and clearly outweigh any potential adverse impacts on opal mining and prospecting.</p> </li> </ol> </li> <li>2. Amend the Walgett Shire Growth Management Study and Strategy with regard to Walgett Shire Council's updated policy regarding mains electricity on the preserved opal fields, as contained within this resolution.</li> </ol> <p><b>Moved:</b> Clr Lane <b>Seconded:</b> Clr Smith</p> <p><b>CARRIED</b></p>	

WALGETT SHIRE COUNCIL MINUTES

269/09	Proposed Mains Electricity Connections on Preserved Opal Fields
<p><b>Resolution:</b></p> <p>That Walgett Shire Council resolve to:</p> <ol style="list-style-type: none"><li>1. Respond to the request from Noel Hodges for Walgett Shire Council's support to enable the connection of mains electricity to mining camps located on Western Lands Leases 14880, 14856, 14679, 14678, 14715, 14961 and 14865, by stating that it has no objection, provided no easement or infrastructure is required on any Council occupied land.</li><li>2. Respond to the request from Michael Cooke for Walgett Shire Council's support to enable the connection of mains electricity to Mining Purposes Lease 269, by stating that it has no objection, provided:<ol style="list-style-type: none"><li>(a) No easement or infrastructure is required on any Council occupied land, or;</li><li>(b) All easements and infrastructure are located on flood plain, hence the land is unlikely to be opal bearing.</li></ol></li></ol> <p>Moved: Clr Smith Seconded: Clr Lane</p> <p>CARRIED</p>	
270/09	Consent Authority Conflict of Interest Policy
<p><b>Resolution:</b></p> <p>That Walgett Shire Council resolve to:</p> <ol style="list-style-type: none"><li>1. Adopt a revised policy titled "P&amp;R – Consent Authority Conflict of Interest Policy" for dealing with Development Applications where Council may have a conflict of interest as the consent authority (included as attachment B).</li></ol> <p>Moved: Clr Lane Seconded: Clr Walford</p> <p>CARRIED</p>	

WALGETT SHIRE COUNCIL MINUTES

271//09	Aboriginal Heritage Study Grant
<p><b>Resolution:</b></p> <p>That Walgett Shire Council resolve to:</p> <ol style="list-style-type: none"> <li>1. Increase budgeted expenditure for the Aboriginal Heritage Study from \$25,000 to \$30,000.</li> <li>2. Create a new budget line item for income of \$15,000 for a grant from the Department of Planning for the Walgett Shire Aboriginal heritage study.</li> <li>3. Invite expressions of interest from the parties listed in Attachment D, recognised by the Heritage Branch of the Department of Planning, to undertake an Aboriginal Heritage Study in accordance with the Walgett Shire Council - Aboriginal Heritage Study Consultant's Brief.</li> </ol> <p><b>Moved:</b> Clr Walford  <b>Seconded:</b> Clr Colless</p> <p>CARRIED</p>	

272/09	Development and Complying Development Certificate Applications
<p><b>Resolution:</b></p> <p>That Walgett Shire Council resolve to:</p> <ol style="list-style-type: none"> <li>1. Note the Development and Complying Development Certificate applications dealt with under delegated authority by the Director Planning and Regulatory Services and General Manager during July 2009.</li> </ol> <p><b>Moved:</b> Clr Greenaway  <b>Seconded:</b> Clr Lane</p> <p>CARRIED</p>	

- 12:21pm Clr Murray and Clr Greenaway left the meeting.
- 12:22pm Clr Murray and Clr Greenaway returned to the meeting
- 12:23pm Clr Lane and the Mayor left the meeting
- 12:24pm Clr Lane and the Mayor returned to the meeting



## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

273/09	Water Meter Policy
<b>Resolution:</b>	
1. That Council approves 'Pay for use' water charging being implemented from 1 July 2010.	
<b>Moved:</b>	Clr Murray
<b>Seconded:</b>	Clr Lane
<b>CARRIED</b>	

12:49pm Clr Walford left the meeting

274/09	Management of Walgett Swimming Pool
<b>Resolution:</b>	
1. That Walgett Shire Council delegate authority to the General Manager and Mayor to determine the Walgett swimming pool tender.	
<b>Moved:</b>	Clr Smith
<b>Seconded:</b>	Clr Walford
<b>CARRIED</b>	

12:56pm Clr Walford returned to the meeting

275/09	Lightning Ridge Automated Water Standpipe
<b>Resolution:</b>	
1. That Council approve the relocation of two standpipes in Lightning Ridge.	
2. That Council approve the allocation of \$ 70,000.00 for the relocation of standpipes from the restricted reserves held by the Lightning Ridge Water Fund.	
<b>Moved:</b>	Clr Lane
<b>Seconded:</b>	Clr Smith
<b>CARRIED</b>	

WALGETT SHIRE COUNCIL AGENDA

WALGETT SHIRE COUNCIL MINUTES

276/09	Roads & Traffic Authority – Block Grant Agreement
<p><b>Resolution:</b></p> <p>That:</p> <ol style="list-style-type: none"><li>1. Council note the 2009/10 Block Grant Agreement</li><li>2. Council increase its budget item for revenue Regional Roads Block Grant to \$1,815,000 and expenditure Regional Roads Rural Heavy Patching to \$118,000</li></ol> <p><b>Moved:</b> Clr Lane <b>Seconded:</b> Clr Murray</p> <p>CARRIED</p>	

277/09	Roads & Traffic Authority – Regional Consultative Committee
<p><b>Resolution:</b></p> <ol style="list-style-type: none"><li>1. That Council note the Roads and Traffic Authority of NSW Regional Consultative Meeting scheduled for 3 September 2009 and appoints Councillor Colless to attend.</li></ol> <p><b>Moved:</b> Clr Lane <b>Seconded:</b> Clr Walford</p> <p>CARRIED</p>	

1:10pm Clr Greenaway left the meeting

278/09	Tenders – Plant Hire
<p><b>Resolution:</b></p> <ol style="list-style-type: none"><li>1. That Council accept tenders from the following businesses for E08007 Request for Standing Offers:  Casual Plant Hire Walgett Shire NSW Hunters Agricultural Services Pty Ltd</li></ol> <p><b>Moved:</b> Clr Lane <b>Seconded:</b> Clr Walford</p> <p>CARRIED</p>	

1:11pm Clr Greenaway returned to the meeting

WALGETT SHIRE COUNCIL MINUTES

279/09	Higher Mass Limits on Local Roads
<b>Resolution:</b>	
1.	Approval be granted for Higher Mass Limits on Bugilbone Road for a distance of 200 metres from the intersection with the Kamilaroi Highway;
2.	Approval not be granted for Higher Mass Limits on Beanbri Road.
<b>Moved:</b>	Clr Lane
<b>Seconded:</b>	Clr Greenaway
<b>CARRIED</b>	

1:17pm Adjourned for lunch  
1:58pm Returned from Lunch

DRAFT

## 17. Councillors Questions without Notice

### Clr Greenaway

#### **Question 1:**

When will we be getting our group certificates?

#### **Response:**

The General Manager advised that they will not be getting group certificates as such but will receive statements of Councillor, Mayoral and Deputy Mayoral payments. He further advised that they should be available by the end of the week.

#### **Question 2:**

There is a rumour that a person will be employed in the Finance Section, is this a fact?

#### **Response:**

The Director Corporate and Community Services advised that there is currently a staff member on maternity leave and this maternity relief position will be advertised shortly.

#### **Question 3:**

At a previous meeting, it was raised about the sign at Clarks Lane. Do we know what has happened to this sign?

#### **Response:**

The Director Rural Infrastructure and Support Services indicated he has looked into the matter and his conclusion is that the sign has been stolen.

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### Question 4:

In regards to Yvonne Muller's talk this morning are we going to take some action in respect of the grant for the Dementia Unit?

#### Response:

The General Manager advised that he will give it a couple of weeks to allow the two Departments time to resolve issues at the State Government level. If nothing eventuates he will write a letter seeking formal resolution.

#### Question 5

I haven't attended a meeting at all this year for the Moree Regional Library and I would like to resign from this committee. I don't feel that I have been able to fulfil the duties properly. There is a meeting tomorrow, can we send someone else in as a representative on this committee?

#### Response:

The General Manager advised that at the September Council meeting there will be an election of Mayor and Deputy Mayor as well as appointment of delegates. He further advised that at this meeting we can then elect a new representative for the Regional Library Committee.

279/09	Nomination on Moree Regional Library Committee
<b>Resolution:</b>	
1. That Councillor Keir be nominated as Council's representative on the Moree Regional Library Committee.	
<b>Moved:</b>	Clr Greenaway
<b>Seconded:</b>	Clr Murray
<b>CARRIED</b>	

Clr Murray volunteered to attend the meeting on the 26<sup>th</sup> August in place of Clr Keir.

#### Clr Murray

#### Question 1:

At a previous meeting it was resolved that water restrictions would be lifted until the end of August and then a report was to be prepared for that Council meeting?

#### Response:

The General Manager advised that due to the Director Urban Infrastructure Services being on leave he has been unable to address this issue. He further advised that the report will be brought to the September Council Meeting.

#### Question 2:

I thought there was a report on the categories of irrigable and non-irrigable farm land reverting to one category to be brought to this meeting?

#### Response:

The Director Corporate and Community Services advised that Council had previously resolved to close the gap over the next three year period.

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

#### Question 3:

The Skatepark, has it opened itself? Some children have helmets on and some don't. Are we meant to have signs policing this?

#### Response:

The Director Corporate and Community Services advised that we have got signs just like Coonamble Skatepark advising of the need for helmets and knee pads. The Director further advised that the park has not been officially opened, but has heard that parents have assisted the children with removing the gate so the children could use the park.

The Director further advised that there are still things that need to be completed on this project such as seating, shading and rubbish bins.

#### Question 4:

Can the kids be policed to have helmets on at the park? Is there a way to give verbal warnings?

#### Response:

The Director Corporate and Community Services advised that police have a bike safety officer and there are plans to bring that person over to conduct presentations in our area.

#### Question 5:

Advertising – there does not seem to be much advertising of events in the Shire? We had the Walgett Festival on and there did not seem to be much in the way of advertising?

#### Response:

The Director Corporate and Community Services advised that the Walgett Festival was advertised in local papers and in school newsletters. The Director also indicated that she will take these comments on board and try to extend notifications.

#### Question 6:

Why could Council not have receipted invoices (Council created invoices)?

#### Response:

The Director Rural Infrastructure and Support Services advised that Council is not permitted to do so under the Local Government Financial Regulations. He further advised that Council's contractors have the same problem and have previously inquired about it.

#### Question 7:

At the Showground for the Rodeo, there did not seem to be enough garbage containers?

#### Response:

The Director Urban Infrastructure Services advised that there is a checklist that needs to be completed prior to events happening at the Showground and everything was ok. He advised that he will look further into this matter.

#### Question 8:

Are the police going to come to the next meeting?

#### Response:

The General Manager advised that the next police precinct committee meeting is scheduled to be held on the 16<sup>th</sup> September at the Police Station. He further advised that Councillors had been sent the agenda.



WALGETT SHIRE COUNCIL MINUTES

Clr Colless

**Question 1:**

The toilet was overloading from the Rodeo on the weekend. The man turned up on the Sunday afternoon to pump the Septic tank. Can this be looked into for future events?

**Response:**

The Director Urban Infrastructure Services advised that he will attend to this matter.

**Question 2:**

Invoicing for the Saleyards – have we got the booklets ready

**Response:**

The General Manager advised that the form for the use of the Saleyard had been completed and copies will be provided to the Councillor.

**Question 3:**

If the pound keeper drives past and sees cattle that should not be at the Saleyard, does he have any authority to check their legitimacy for use of the yards?

**Response:**

The Director Planning & Regulatory Services advised that he will look into incorporating it into the Ranger's duties.

**Question 4:**

Is the pound keeper able to pull up at the skatepark and look at the littering and police the helmets and knee pad use?

**Response:**

The Director Planning & Regulatory Services advised that the Ranger can enforce a sign but it may be difficult.

**Question 5:**

Portable grandstand – we are always short of two. Council don't own any of the grandstands other than the tow around one. The rodeo and rugby committee own them. Council will need to get two portable ones.

**Response:**

The General Manager advised that it can be looked into in the context of the next quarterly budget review in October.

Clr Martinez

**Question 1:**

Can Council put an honesty box at the Burren Junction Bore Baths?

**Response:**

The Director Urban Infrastructure Services advised that he has had previous talks with Brett Stevens regarding placing something in his Service Station. He further advised that there are some issues regarding manning an honesty box on site.

The Director Planning & Regulatory Services advised that there is a related issue because the site does not have approval to operate as a caravan park or camping area and there may be legalities that Council may need to look into before going ahead with an honesty box.

WALGETT SHIRE COUNCIL MINUTES

**Question 2:**

With regard to rates notices for camps on claims, we were under the impression that these were going to be rated under two separate categories. Some claims that are side by side have different amounts for rates and are significantly different in amounts even though they have the same land value. Why is this?

**Response:**

The General Manager advised that there are currently 111 Assessments that have been placed in the wrong category and this is likely to explain the issue.

**Clr Greenaway**

**Question 1:**

Who made the mistake, the consultant or the staff?

**Response:**

The Director Corporate and Community Services advised that the error had been made quite some time ago and had been picked up by the Finance Officer.

**Clr Lane**

**Question 1:**

At our workshop I thought we discussed the base rate for preserved opal field as \$118.87, why has it been changed to \$115.00?

**Response:**

The Director Corporate and Community Services advised that at a previous Council meeting it was resolved to amend the amount to \$115.00 as the base rate.

**Question 2:**

Some residents who had a Pension rebate last year have lost their pension rebate this year. Do they have to apply every year?

**Response:**

The Director Corporate and Community Services advised that the residents will need to contact the rates staff. She further advised that she understood that the rebate is required to be applied for each year.

**Question 3:**

With regard to the Police Community Consultative Committee, who is the Lightning Ridge representative?

**Response:**

The General Manager advised that at meetings held in Walgett in 2008, representatives of groups such as the Miners Association attended. It appeared that they were no longer being invited but this needed to be checked.

**Question 4:**

There has been no police in the Lightning Ridge Police Station for the past four days. The station was closed. Can council express to the Police that it is not good enough to have the station closed?

**Response:**

The Mayor advised that there have been two sergeants appointed to the Lightning Ridge Police Station but they have not taken up their posts at the present time.

WALGETT SHIRE COUNCIL MINUTES

Clr Smith

**Question 1:**

In relation to the BEST employment scheme is it still working in Walgett and is there any further talking with the man from Inverell? He was hoping that Wali could be cleaned up though he was aware it was not public land.

**Response:**

The Director Urban Infrastructure Services advised that it is still working in Walgett. He further advised that he contacted the gentleman from Inverell once but has had no further contact.

The General Manager also advised that 6 months ago, Council along with the Lands Council applied for grant funding to clean up the three reserves in our Shire. The application was unsuccessful but is to be lodged again.

**Question 2:**

Is the Primitive Caravan Park for Walgett going to cost \$84,500?

**Response:**

The Director Corporate and Community Services advised that the Primitive Caravan Park will cost significantly less. She further advised that there are a number of other projects that have gone over budget and that the savings on one project will be used to fund over expenditure on others.

Clr Walford

**Question 1:**

Do we have shire staff working on weekends? The oval toilets need cleaning during major events.

**Response:**

The Director Urban Infrastructure Services advised that most staff work 5 days a week. He further advised that we have staff on call that can respond to any emergencies. He also advised that he will look into ensuring toilets are cleaned on weekends.

Clr Murray

**Question 1:**

In relation to those 111 rates, with the 31 August deadline for the discount, is there something that is going to be done to help them?

**Response:**

The Director Corporate and Community Services advised she will take the question on notice and investigate the matter.

Adjourned at 2:48pm to hear a presentation from a consultant regarding the Walgett Main Street upgrade.

3.34pm Council meeting re-convened.

3.34pm Clr Colless left the meeting



WALGETT SHIRE COUNCIL MINUTES

**280/09 Closed Session**

**Resolution:**

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

- (a) personnel matters concerning particular individuals

**Moved:** Clr Murray

**Seconded:** Clr Greenaway

**CARRIED**

3.36pm Clr Colless returned to the meeting

**281/09 Naming of New Park in Collarenebri**

**Resolution:**

**That:**

1. The new park in Walgett Street Collarenebri be named "Denyer Park"
2. Appropriate signage be developed for the Park
3. An official opening and naming ceremony be conducted at a time which would allow the principal members of the Denyer family to attend

**Moved:** Clr Greenaway

**Seconded:** Clr Lane

**CARRIED**

**Clr Greenaway**

**Question 1:**

With regard to rates that are owed in Collarenebri by Mrs Gallagher. Are we taking action?

**Response:**

The Director Corporate and Community Services advised that legal action is proceeding.

**Question 2:**

Are there rates owing on the abattoir – Lot 44 DP 752673?

**Response:**

The Director Corporate and Community Services advised she will take the question on notice.

**Question 3:**

Are there rates owing on Bruce's Garage – Lot 1 DP 1860997 and the vacant land next door Lot 4 DP 1098080?

**Response:**

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

The Director Corporate and Community Services advised she would take the question on notice.

#### Question 4:

I took offense to the radio interview in which the General Manager called Walgett an Aboriginal town?

#### Response:

The General Manager advised Council that he had received a letter from a member of the public stating the same thing and explained how the comment had been taken out of context.

4:09pm Clr Martinez left the meeting

4:12pm Clr Martinez returned to the meeting

4:26pm Clr Lane left the meeting

4:28pm Clr Lane returned to the meeting

#### Extraordinary Meeting of Council

The Mayor and Councillors concurred with the General Manager's proposal to call an Extraordinary meeting of Council for 5.00pm on Monday 31<sup>st</sup> August at the Lightning Ridge Bowling Club to address matters related to the Lightning Ridge Caravan Park in respect of which Council is the Reserve Trust Manager.

#### 282/09 Performance Review of General Manager

##### Resolution:

1. That the key priorities for the General Manager in 2009/10 be as outlined in the report.
2. That the General Manager's Contract be extended to December 2011, rather than December 2012, as it is considered that it is more appropriate for a standing Council to negotiate on Contract matters prior to an election rather than have a newly elected Council negotiate 3 months after an election.

Moved: Clr Walford

Seconded: Clr Greenaway

CARRIED

#### 283/09 Open Session

##### Resolution:

1. That Council return to Open Session.

Moved: Clr Murray

Seconded: Clr Greenaway

CARRIED

## WALGETT SHIRE COUNCIL AGENDA

### WALGETT SHIRE COUNCIL MINUTES

The meeting closed 4:36pm

To be confirmed at the meeting of Council to be held on Tuesday 29<sup>th</sup> September 2009

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Mayor

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General Manager

DRAFT

**Recommendation:**

1. That the minutes of the Council Meeting held on 25<sup>th</sup> August 2009 be confirmed.



**WALGETT SHIRE COUNCIL  
EXTRAORDINARY COUNCIL MEETING**

**31 AUGUST 2009**

**MINUTES**

**RAY KENT**  
*General Manager*

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

**MINUTES OF THE EXTRAORDINARY MEETING OF THE WALGETT SHIRE COUNCIL HELD  
AT THE LIGHTNING RIDGE BOWLING CLUB ON MONDAY 31 AUGUST 2009 COMMENCING  
AT 5:24PM**

### **PRESENT**

Clr I Woodcock (Mayor)  
Clr Martinez  
Clr Colless  
Clr L Walford  
Clr G Murray  
Clr D Lane  
Mr R Kent (General Manager)  
Ms C Medcalf (Director, Corporate and Community Services)

### **Apologies**

Clr Keir  
Clr R Greenaway  
Clr K Smith

DRAFT

### **Public Forum Presentations**

Nil

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

Nil

5.33pm

284/09	Exclude the Public from the meeting
<b>Resolution:</b>	
1.	That the meeting be closed to the public pursuant to Section 10A(2) (g) of the Local Government Act 1993 as the matter to be addressed involves advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege
<b>Moved:</b>	Clr Lane
<b>Seconded:</b>	Clr Walford
<b>CARRIED</b>	

WALGETT SHIRE COUNCIL MINUTES

285/09	Conclusion of the lease of the Lightning Ridge Caravan Park and related matters
<p><b>Resolution:</b></p>	
1.	<p>The Land and Property Management Authority be advised that Council:</p> <ol style="list-style-type: none"> <li>Accepts responsibility for addressing the issues currently associated with the Caravan Park Reserve to the extent that they arise from Council's past management of the Reserve.</li> <li>Will remain as Trust Manager for a period of two (2) years or until the Authority determines an Expression of Interest for the Reserve, whichever comes first.</li> <li>Understands that it can continue to utilise Reserve Trust funds for Reserve Trust purposes but will seek the concurrence of the Authority for any significant expenditure.</li> <li>Will employ a Caretaker for the Reserve, who is not a current resident of the Caravan Park, and the costs of the Caretaker will be reimbursed from Reserve Trust funds.</li> <li>If the Lessee refuses to depart, accepts that it will be Council's responsibility to address the issue and that any costs related to this matter, including any legal expenses or compensation payable, will be met by Council and will not be met out of Reserve Trust funds.</li> <li>Understands that the Authority will move expeditiously to prepare an Expression of Interest for the development of the Reserve for similar and related uses to those currently applicable to the Caravan Park and that the Authority will manage the Expression of Interest process.</li> </ol>
2.	<p>The General Manager be authorised to engage a person or persons to undertake caretaker functions for the Caravan Park and that such persons be either temporary or casual employees.</p>
3.	<p>The Director, Planning and Regulatory Services organise forthwith for an audit of the Caravan Park to identify any breaches of relevant legislation or of approvals relevant to the operation of the Caravan Park.</p>
4.	<p>The Mayor and the General Manager, or any persons acting in those positions, be authorised to make any decisions or commit any resources to resolving Caravan Park issues provided that the decisions or commitments are not inconsistent with Resolution 1. above and that Council is advised of any actions in this regard as soon as practicable.</p>
5.	<p>The General Manager arrange a meeting with the Lessee as soon as possible to brief him on appropriate Council resolutions and to facilitate an orderly transfer of responsibilities.</p>
<p><b>Moved:</b> Clr Martinz <b>Seconded:</b> Clr Murray</p>	
<p><b>CARRIED</b></p>	

# WALGETT SHIRE COUNCIL AGENDA

## WALGETT SHIRE COUNCIL MINUTES

5:58pm

286/09	Open Session
<b>Resolution:</b>  1. That Council return to Open Session.  <b>Moved:</b> Clr Colless <b>Seconded:</b> Clr Walford  <b>CARRIED</b>	

The meeting closed 6:00pm

To be confirmed at the meeting of Council to be held on Tuesday 29<sup>th</sup> September 2009

DRAFT

\_\_\_\_\_  
Mayor

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

### Recommendation:

1. That the minutes of the Council Extraordinary Meeting held on 31<sup>st</sup> August 2009 be confirmed.

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

## **9. Mayoral Minutes**

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

## **11. Presentation of Petitions**

## **12. Councillors Questions with Notice**

Clr Greenaway:

### **Question 1:**

What are the rules regarding vehicles parking in front of the Council Chambers (on the lawn or concrete area) in Fox Street?

### **Response:**

There are no formal rules regarding parking on the lawn or concrete area at the front of the Council Chambers. Occasionally trades people park on the lawn when it facilitates their work on the Council building. Adjoining the disabled access ramp there is a brick and concrete area which is used periodically by disabled people for parking vehicles. This facilitates access, especially for people in wheel chairs, to the access ramp. At the present time there are no markings indicating that this is a disabled car park.

### **Question 2:**

Could Councillors be given the following information:-

- (a) List of Consultants working for the Council
- (b) What work is each Consultant carrying out for Council
- (c) Total cost of each Consultant for each project since 1/7/09

### **Response:**

The following consultants have worked for Walgett Shire Council for the period 01/07/2009 to 17/09/2009:



Name		Cost exl GST
Strategic Consulting Solutions	HR	\$14,660
GHD Pty Limited	Bridge Design	\$24,524
M Ryan & Associates	Engineering	\$ 6,900
Ingle & Associates	Rates/System Analysis/IT	\$17,830
Brian Vaughan	Health & Building	\$ 459
Hunter Council Regional Procurement	Purchasing	\$ 4,800

## 13. Reports of Delegates and Representatives

### 1. CAMPS ON CLAIMS WORKING GROUP MINUTES

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

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#### Summary:

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

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

The draft minutes of the Camps on Claims Working Group meeting held on 19 August 2009 are attached.

#### Relevant Reference Documents:

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

#### Stakeholders:

Walgett Shire Council, public.

#### Financial Implications:

Nil.

**Recommendation:**

**That Walgett Shire Council resolve to:**

- 1. Note the draft minutes of the Camps on Claims Working Group meeting held on 19 August 2009.**

**Attachments**

A – Draft minutes of the camps on Claims Working Group Meeting 19 August 2009

Attachment A – Draft minutes of the camps on Claims Working Group Meeting 19 August 2009

**Camps on Claims Working Group  
Minutes of meeting 19 August 2009**

**Present**

Industry & Investment NSW - Janet Town, James Hereford-Ashley  
WSC - Janet Babic, Matthew Goodwin, David Lane  
Land and Property Management Authority - Andrew Bell, Peter Smith,  
Shaun Barker  
DoP Peter Downes

1. Welcome, Apologies and Agenda  
Peter Downes welcomed members.  
There were no apologies.  
Members agreed with the agenda.
2. Minutes of previous meeting  
Members agreed with the minutes.  
Actions. Peter D reported that he had written to Walgett Shire Council urging it to budget to buy the Fantasia Street town extension which would help keep residential pressure off the preserved fields. He received no response.
- 3.1 Granting leases on the Per Occ  
Andrew tabled his department's summary of progress, which is attached. This showed that applications lodged on the Per Occ averaged 96%, up 2% from the May report. 81% of camps have had WLLs gazetted, but 21 people on the Per Occ have not applied.  
On the Crutchfield land, applications were 85%, up 5%, gazetted 62%, with 28 people yet to lodge an application.  
New areas included in the summary were Newtown Field and Potch Point. Here take-up was low, but encouraging given the short time that they had been offered.  
Overall, applications received were 89%, gazetted 75%, with 110 invitations outstanding.

The working group discussed what to do about the small number of people who have not applied for WLLs. James promised that DPI would take photographs of the camps, so that the working group can assess the situation. ACTION James.

The idea of a lifetime tenancy was again raised for these camps and also for camps outside the main groupings, where it is unlikely that the underlying grazing lease will be bought.

Peter Smith said that he had inspected two sites which had RMLs but where there was no camp or house. Andrew noted that he had refused a similar application for a WLL. Janet said that the original RML should not have been granted. James emphasised that the idea of the scheme was to legitimate existing residences, not to let people profit from a WLL. Andrew added that a WLL needs a use or an intended use for it to be granted.

The group agreed that Janet would flag to Jody if an RML had no residence on it. ACTION Janet.

Andrew noted that the scheme to give WLLs to camps on the preserved fields is resource-intensive for his team. It is a large percentage of the total leases and work, and has added an additional 20% to leases in the Western Division.

Native Title areas. These are now included in the summary list.

Members discussed the problem of the tension between trying to clean up untidy and littered camps, and retaining items of heritage. They agreed that there was a sensible middle course rather than resorting to extremes. Both issues are important.

Re-surveying inaccurately-surveyed lots. Jody will update Peter D on this. ACTION Jody.

### 3.2 Funds, Purchases and Trusts

James reported that the amount in the camps residential fund is currently \$324 989.98. Out of this will need to come funds for the Newton land purchase: \$260 000 + GST + transfer costs. RE-surveying will be another small cost.

Land purchase from Adrian Newton

Andrew explained that the survey was done by a plan of compilation rather than a plan of survey, which saved money, costing only \$1000. Adrian Newton has applied for this subdivision. It appears that the department will have to pay GST on the purchase, but it might be possible to claim that back afterwards.

The group discussed the roads and access situation on the land, concluding that it was no different to other situations on the preserved fields.

Offering leases on the GGSMA land is still held up by the Aboriginal Land Claim under the NSW Act. This needs a Minister's decision to refuse the claim.

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

David pointed out that the roads fund would reduce as WLLs were taken up. Andrew proposed that compensation could be paid to a trust in future. Members suggested using the Council's compensation money for future land purchases and works.

### 3.3 Planning Issues

Matthew reported that the Strategy and the Draft LEP await DoP agreement. The council wants to include some new lifestyle lots near Walgett, Lightning Ridge and Collarenebri.

Matthew also reported that the council's did not vote to fund the Fantasia Street town extension. David will try to reverse this in next year's budget.

3.4 Electricity

There have been two requests to connect electricity to lots along Aerodrome Road. Matthew will report to the next meeting on these. Janet noted that Country Energy have been made aware of possible subsidence dangers, following the incident where a water tanker dropped into mine workings.

4 New business

Future of camps outside the five main properties, on the preserved field and outside them.

The scheme's aim is to purchase all land with camps on it, within the preserved fields: camps outside the preserved fields are not part of the scheme. The problem is that the camps fund has run out of money with one major property still to buy, and without considering camps outside the five main properties.

This issue had arisen from Doug Lehman's property. James said that his department was working on Mr Lehman's issues which seemed to be camps on new fields, plus issues of compliance with existing mining leases. Andrew thought that a solution for this property could be to issue a licence over part of the grazing lease, with the owner's consent, to cover the area with camps. The camps are together in a single area.

David asked about future priorities. The group agreed that the first priority was to buy Gordon Kelly's land containing camps. Andrew thought that if the Working Group had to ask the Government for extra money, it could do this based on the successful and speedy implementation of the scheme to date.

5 Actions

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

Janet to flag to Jody where RMLs have no camp on them.

Jody to update Peter D on re-surveying inaccurately-surveyed lots.

Andrew to progress the Per Occ Trust.

7 Next meeting – 25 November 2009

**Camps on Claims Working Group Meeting – 19/8/09****1) Bevan's Cactus Block T1 (as of 12/8/09)**

107	Invitations Sent
4	<u>RMC's Expired/Cancelled</u>
103	Possible WLLs
1	<u>Outstanding Invitation</u>
102	Applications Lodged
90	Granted
8	Provisional Approval given
4	Awaiting more info from applicant

99% take up                      87% gazetted (Increase of 3% since last report)

**2) Nebia Hill Block T4**

100	Invitations Sent
4	<u>RMC's Expired/Cancelled</u>
96	Possible WLLs
2	<u>Outstanding Invitations</u>
94	Applications Lodged
89	Granted
4	Provisional Approval given
1	Awaiting more info from applicant

98% take up                      93% gazetted (Increase of 1% since last report)

**3) Hawks Nest Block T5**

171	Invitations Sent
5	<u>RMC's Expired/Cancelled</u>
166	Possible WLLs
4	<u>Outstanding Invitations</u>
162	Applications Lodged
146	Granted
8	Provisional Approval given
8	Awaiting more info from applicant

98% take up                      88% gazetted (Increase of 4% since last report)

**4) Airport Block T6**

418	Invitations Sent
4	<u>RMC's Expired/Cancelled</u>
414	Possible WLLs
14	Outstanding Invitations
2	<u>Cases requiring Survey</u>
398	Applications Lodged
337	Granted
34	Provisional Approval given
27	Awaiting more info from applicant

96% take up                      81% gazetted (Increase of 3% since last report)

**Camps on Claims Working Group Meeting – 19/8/09****5) Crutchfields T7**

183	Invitations Sent
1	Lot without owner details
1	<u>RMC's Expired/Cancelled</u>
181	Possible WLLs
28	<u>Outstanding Invitations</u>
153	Applications Lodged
112	Granted
26	Provisional Approval given
15	Awaiting more info from applicant

85% take up                  62% gazetted (Increase of 11% since last report)

**6) Newtown Field T8**

7	Invitations Sent
0	<u>RMC's Expired/Cancelled</u>
7	Possible WLLs
4	<u>Outstanding Invitations</u>
3	Applications Lodged
0	Granted
1	Provisional Approval given
2	Awaiting more info from applicant

43% take up                  0% gazetted

**7) Potch Point T3**

74	Invitations Sent
2	<u>RMC's Expired/Cancelled</u>
72	Possible WLLs
55	<u>Outstanding Invitations</u>
17	Applications Lodged
2	Granted
12	Provisional Approval given
3	Awaiting more info from applicant

24% take up                  3% gazetted

**Total:**

1060	Invitations Sent
21	<u>Cancelled/No details etc</u>
1039	Possible WLLs
110	<u>Outstanding Invitations/Survey etc</u>
929	Applications Lodged
776	Granted
93	Provisional Approval given
60	Awaiting more info from applicant

89% take up                  75% gazetted  
Fall in percentages due to increased number of invitations.

**Camps on Claims Working Group Meeting – 19/8/09**

**CANFELLS' – ANGLEDPOOL :** INVITATIONS HAVE ARE NOW BEING SENT  
FOR BLOCKS FROM DP 1063047

FOR MEETINGS IN THE FUTURE THE INFORMATION ON THE PREVIOUS TWO  
PAGES WILL BE PRESENTED IN THIS FORMAT IF EVERYONE IS AGREEABLE :

FIELD NAME	INVITATIONS SENT	CANCELLED/EXPIRED ETC	POSSIBLE WLL'S	OUTSTANDING INVITATIONS	APPLICATIONS LODGED	GAZETTED	PROVISIONAL APPROVAL	MORE INFORMATION	% TAKE UP	% GAZETTED	% INCREASE SINCE LAST REPT
BEVANS CACTUS	107	4	103	1	102	90	8	4	99	87	3
NEBIA HILL	100	4	96	2	94	89	4	1	98	93	1
HAWKS NEST	171	5	166	4	162	146	8	8	98	88	4
AIRPORT	418	4	414	16	398	337	34	27	96	81	3
CRUTCHFIELD'S	183	2	181	28	153	112	26	15	85	62	11
NEWTOWN	7	0	7	4	3	0	1	2	43	0	
POTCH POINT	74	2	72	55	17	2	12	3	24	3	
TOTAL	1060	21	1039	110	929	776	93	60	89	75	

*Native Title*

*WDM 6000 leases  
1700 grazing leases*



## 2. NORTH WEST WEIGHT OF LOADS COMMITTEE

**REPORTING SECTION:** Director Rural Infrastructure & Support Services  
**AUTHOR:** Ian Taylor - Director Rural Infrastructure & Support Services  
**FILE NUMBER:** 09/65

### Summary:

Council is a member of the North West Weight of Loads Group. This report informs Council of the recent expenditure incurred as a result of this commitment and provides the minutes of their June 2009 committee meeting.

### Discussion (including issues and background):

Council is a member of the North West Weight of Loads Group (NWWOLG). NWWOLG provides an enforcement capability to Council to police the compliance of heavy vehicle operators with statutory vehicle mass limits. The Group works in cooperation with RTA compliance officers, however their operations are not limited to State Highways.

Moree Plains Shire Council administers the Group and all financial transactions occur through their accounts. Walgett is invoiced quarterly when it is not in credit.

Council income and expenditure for 2008/2009 has been as follows:

Income		
Ordinance Fines Received	-54,894	
Share of RTA Funding	-45,223	
<b>TOTAL INCOME</b>		<b>-100,117</b>
Expenditure		
Policing Classified Roads	48,699	
Policing Shire Roads	41,361	
Legal Costs	6,354	
Administration Costs	9,074	
<b>TOTAL EXPENDITURE</b>		<b>105,488</b>
<b>BALANCE – Total Cost of Program:</b>		<b>5,371</b>

### Relevant Reference Documents:

Minutes of NWWOLG 15 June 2009

### Stakeholders:

All Heavy Vehicle Operators in Walgett Shire

### Financial Implications:

Nil

**Recommendation:**

1. That Council note the minutes of the North West Weight of Loads Group and Council's 2008/2009 expenditure.

**Attachments**

North West Weight of Loads Group Minutes:

## WALGETT SHIRE COUNCIL AGENDA

### REPORT & RECOMMENDATIONS OF THE NORTH WEST WEIGHT OF LOADS QUARTERLY MEMBER MEETING HELD IN THE WALGETT SHIRE COUNCIL CHAMBERS ON MONDAY 15<sup>TH</sup> JUNE @ 10.35AM.

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START: 10:35AM

PRESENT: Mr. Greg Kable (Warrumbungle), Mr. Walter Davey (RTA Parkes), Clr Robyn Faber (Narrabri), Clr Anglea Doering (Gwydir), Clr Ron Fernance (Moree), Mrs. Della Barnes (Moree), Clr Dennis Todd (Warrumbungle), Mr. David Coulton (Gwydir), Clr Tim Wannan (Moree), Mr. Ian Taylor (Walgett), Mr. David Wolfenden (Moree), Mr. Geoff Girard (Moree), Mr. David Carter (Moree), Mr. George Warne (Narrabri), Mr. Bruce Schwartz (NSW Farmers Moree),

Chairperson Clr Wannan welcomed Mr. Walter Davey from the Roads & Traffic Authority in Parkes.

**i. APOLOGIES:**

Mr. Greg Moran (Inverell), Ms Vanessa Menzie (Glen Severn), Mr. Murray Erbs (Moree), Clr Robert Tremain (Gwydir), Mr. Leonard Hattenfels (Moree), Mr. Greg May (Moree), Clr Geoffrey Colless (Walgett), Mr. Alan Kerr (Gwydir)

*RECOMMENDATION:* That the apologies from Mr. Greg Moran (Inverell), Ms Vanessa Menzie (Glen Severn), Mr. Murray Erbs (Moree), Clr Robert Tremain (Gwydir), Mr. Leonard Hattenfels (Moree), Mr. Greg May (Moree), Clr Geoffrey Colless (Walgett), Mr. Alan Kerr (Gwydir) be accepted.

*RESOLVED :-* (Todd/Schwartz)

**ii. CONFIRMATION OF MINUTES OF MEETING HELD MONDAY 2<sup>nd</sup> March 2009**

*RECOMMENDATION:* That the minutes of the meeting held on 2<sup>nd</sup> March 2009 be accepted as a true record of proceedings.

*RESOLVED: -* (Todd/Doering)

**iii. MATTERS ARISING FROM MINUTES OF MEETING HELD MONDAY 2<sup>nd</sup> March 2009**

Nil

**iv. Presentation- "High Productivity Vehicles" (presented by David Wolfenden)**

The above presentation incorporated information about pavement life, pavement design, renewal costs and funding gaps. High Productivity Vehicles (HPV's) tend to extend the life of the road because basically, the more tyres spread across the truck, the less ESA (Equivalent Standard Axle) pressure on the pavement. Other benefits of HPV's include improved efficiency, reduced greenhouse gases, decreased driver time and increased public safety.

Following the presentation there was a Q & A session.

**v. REPORTS**

REPORT TITLE: 1. INSPECTORS VERBAL REPORT

REPORT FROM: NWWOL INSPECTOR

FILE NUMBER: 94-3404

LETTER NO:

**INTRODUCTION:**

This report is to update the committee on the operations carried out by the inspectors over the past quarter.

**REPORT:**

Inspector 015 gave a verbal report on behalf of the WOL Inspectors.

Inspector 015 mentioned that it has been a little quieter this quarter due to the recent bouts of wet weather which reduces activity on the roads. Breaches are generally spread across the board.

**RECOMMENDATION:** That the Inspectors Verbal Report be received for information.

**RESOLVED:** (Todd/Faber)

REPORT TITLE: 2. FINANCIAL REPORT

REPORT FROM: ASSET MANAGER

FILE NUMBER: 94-3404

LETTER NO:

**INTRODUCTION:**

This report is to outline the 2008/2009 third quarter financial reports with the breakdown of expenditure for each member council. A draft copy of the financial reports was included in the business paper.

**BACKGROUND:**

Revenue received from the State Debt Recovery Office for the 2008/2009 third quarter is as follows:

January 2009: \$20,142.00

February 2009: \$ 5,374.00

March 2009: \$ 6,129.00

**Total \$31,645.00**

The above amounts have been apportioned to the appropriate councils.

**RECOMMENDATION:** That the draft third quarter financial reports for 2008/2009 be received for information.

**RESOLVED:** (Faber/Todd)

## WALGETT SHIRE COUNCIL AGENDA

REPORT TITLE:	3.	STATISTICAL REPORT
REPORT FROM:	ASSET MANAGER	
FILE NUMBER:	94-3404	LETTER NO:

### INTRODUCTION

The draft fourth quarter statistical graphs were tabled on the day and colour copies were emailed to those members with valid email addresses.

The statistical information details the vehicles stopped and breaches issued by the WOL Inspectors.

**RECOMMENDATION:** That the report titled Statistics be received for information.

**RESOLVED:** (Doering/Schwartz)

### vi. GENERAL BUSINESS

#### Clarification on Business Paper Cover Sheet

It was noted that this current business paper did not have the venue and time on the cover sheet, just the date. This will be rectified on the next business paper.

### vii. NEXT MEETING

Date: Monday 7<sup>th</sup> September 2009

Location: Moree Plains Shire Chambers- The Max Centre

Time: 10.30am.

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CONCLUSION: There being no further business the meeting closed at 11:33am.

### ACTION LIST PERTINENT TO NWWOL GROUP OPERATIONS

TASK	RESPONSIBLE BODY	COMPLETION DATE
The NWWOL administrative body write to each member council recommending they make a time to view a presentation on the effects of overloading on road assets.	Moree Plains Shire Council	As at 19.06.09- the following councils had received the presentation: Narrabri Gwydir Glen Severn, Warrumbungle Walgett Gunnedah due: 16 <sup>th</sup> Sept 2009

## 14. Reservation of items for Debate

## 15. Reports of Officers

### **3. *DELEGATES AND REPRESENTATIVES TO, AND MEMBERS OF, EXTERNAL BODIES***

**REPORTING SECTION:** General Manager  
**AUTHOR:** Ray Kent – General Manager  
**FILE NUMBER:** 09/1454

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#### **Summary:**

The term of appointment of many Council representatives and delegates is one year, terminating in September.

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

Attached is a schedule identifying Councillors and staff who are currently involved in external bodies on behalf of Council. It should be noted that Councillors Woodcock and Greenaway have been elected to the Castlereagh Macquarie County Council for a term of four years.

It should be further noted that: the Barwon Darling Alliance is no longer operational; the Lightning Ridge/Goodooga Reference Group and the Walgett/Collarenebri Reference Group no longer exist; the Walgett Community College Board constitution now only makes provision for a Councillor member.

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

Nil

#### **Stakeholders:**

Councillors and members of the Executive Team

#### **Financial Implications:**

Nil

**Recommendation:**

- 1. That members, representatives and delegates be as outlined in the attached schedule with the following amendments:**
  - a) Councillor Murray be Council's sole member of the Walgett Community College Board**
  - b) No appointments are made to: the Lightning Ridge/Goodooga Reference Group or the Walgett/Collarenebri Reference Group**
  - c) Councillor Keir replace Councillor Greenaway as one of two Council members of the Northern Regional Library**

**Attachments:**

Schedule of representatives and delegates



# WALGETT SHIRE COUNCIL AGENDA

COMMITTEE	OFFICER	COUNCILLOR.
Australian Airports Association	Director Urban Infrastructure Services	<b>Not Required</b>
Barwon Darling Alliance	General Manager	Mayor and Cllr Murray
Bushfire Management Committee	Director Rural Infrastructure and Support Services	Cllr Murray
Camps on Claims Working Group	Director Planning and Regulatory Services	Cllr Lane
Castlereagh Macquarie County Council		Mayor and Cllr Greenaway
Community Working party	General Manager, Director, Corporate and Community Services	Cllr Walford
Floodplain Management Authorities Group	Director Urban Infrastructure Services	Mayor and Cllr Keir
Kamilaroi Highway Group	Tourism Development Officer	<b>Not Required</b>
Lightning Ridge/Goodooga Reference Group	General Manager	Cllr Martinez
Lightning Ridge Mining Board		Delegate Cllr Lane Alternate Cllr Murray
Lightning Ridge Tourism Board	Director Corporate and Community Services	Cllr Martinez
Local Emergency Management Committee	Director Rural Infrastructure and Support Services	Mayor
Local Government Group of the Namoi Catchment Management Authority	Director Urban Infrastructure Services	Cllr Keir
Namoi peel Catchment Customer Service Committee	Director Urban Infrastructure Services	Cllr Keir
Mungindi Menindee Advisory Council		Cllr Greenaway and Cllr Murray
Netwaste	Director Urban Infrastructure Services	<b>Not Required</b>
Northern Regional Library	Director Corporate and Community Services	Cllr Smith and Cllr Greenaway
Orana Area Consultative Committee	Director, Corporate and Community Services	Cllr Lane
Orana Regional Organisations of Council	General Manager	Mayor and Cllr Colless
Outback Arts Incorporated	Director, Corporate and Community Services	Cllr Keir
Outback Regional tourism Organisation	Tourism Development Officer	Cllr Martinez
Regional Procurement Initiative	Director Rural Infrastructure and Support Services	Not Required
Rural Bush Fire Group Management	Director Rural Infrastructure and Support Services	Cllr Murray
Community Safety Precinct Committee	General Manager	Mayor and Cllr Colless
Saleyards Advisory Committee	Director Urban Infrastructure Services	Cllr Colless
Shire's Association of NSW C Division	General Manager	Mayor and Cllr Colless
Western Division of the Shire's Association	General Manager	Mayor and Cllr Colless
Local Traffic Committee	Director Rural Infrastructure and Support Services	Cllr Colless and Cllr Martinez
Walgett and District Tourism Association	Tourism Development Officer	Cllr Keir
Walgett and Collarenebri Reference Group	General Manager	Cllr Smith
Walgett Community College Board	Director, Corporate and Community Services and Aboriginal Liaison Officer	Cllr Murray
Walgett Shire Interagency Group	General Manager	Cllr Keir
Weight of Loads Committee	Director Rural Infrastructure and Support Services	Cllr Colless and Cllr Martinez

*Delegates to Committees*

#### **4. CLOSEDOWN OF ADMINISTRATION OVER FESTIVE SEASON**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Ray Kent – General Manager  
**FILE NUMBER:** 09/1455

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**Summary:**

It is efficient for the majority of Council's operations to close down for the work days between Xmas and New Years Day. It also suits the needs of the majority of staff to plan holidays during the Festive Season.

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

This year the Boxing Day public holiday falls on Monday 28<sup>th</sup> December and New Years Day is the following Friday. It is proposed that Council operations close down for the three intervening days of Tuesday 29<sup>th</sup> to Thursday 31<sup>st</sup> inclusive.

For the three days of the closedown staff are required to take leave and/or to utilise accumulated flexi-time.

During the closedown essential service staff remain on duty in the garbage and water/sewer service areas and emergency service staff are rostered to be on call in other areas of Council operations.

**Relevant Reference Documents:**

Nil

**Stakeholders:**

Council staff and residents

**Financial Implications:**

Nil

**Recommendations:**

**That:**

- 1. Council operations close for the three days 29th to 31st December 2009 and the General Manager make satisfactory arrangements for the maintenance of essential services and provision of emergency call out services**
- 2. The closedown be effectively notified to residents along with details of essential service and emergency call out arrangements**

## **5. ELECTION OF MAYOR AND DEPUTY MAYOR**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Ray Kent – General Manager  
**FILE NUMBER:** 09/1456

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### **Summary:**

The terms of the Mayor and Deputy Mayor terminate at the September Council meeting.

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

The role of the Mayor includes: to exercise urgent policy and decision making functions of the Council between meetings of the Council; to exercise such other functions of the Council as the Council determines; to preside at meetings of Council; to carry out the civic and ceremonial functions of the Mayoral office. The Deputy Mayor exercises the roles of the Mayor during absences of the Mayor.

Nominations for each position are to be made in writing by two or more Councillors and the nominee must indicate in writing the acceptance of the nomination.

Nominations are to be handed to the General Manager, who will act as Returning Officer, at the meeting and the General Manager will announce the names of nominees.

If only one Councillor is nominated, that Councillor is elected.

If more than one Councillor is nominated than Council needs to determine whether the election is to proceed by Ordinary (secret) Ballot, Open Voting (a show of hands) or by Preferential Ballot.

If it is determined to proceed by Ordinary or Preferential Ballot the Returning Officer determines how Ballot Papers are to be marked.

If there are two candidates, the candidate with the higher number of votes is elected. Under Ordinary Ballot, if there are three or more candidates, the one with the lowest number of votes is excluded and a new vote taken. If there is an equality of votes between two remaining candidates, the one elected is chosen by lot.

If Preferential Ballot is chosen the names of all candidates are placed on a Ballot Paper and Councillors must indicate an order of preference for all candidates starting with 1. If a candidate has an absolute majority of first preference votes, that candidate is elected. If not, the candidate with the lowest number of first preference votes is excluded and the votes on the exhausted ballot papers counted to him or her are transferred to the candidates with second preferences on those ballot papers.

### **Relevant Reference Documents:**

Schedule 7 "Election of Mayor by Councillors" of the Local Government (General) Regulations 2005.

**Stakeholders:**

Councillors

**Financial Implications:**

Nil

**Attachments:**

Nil

**Recommendation:**

1. That if there are two or more candidates for the position of Mayor or Deputy Mayor than the election proceed by Ordinary (secret) Ballot.

## **6. ORDINARY COUNCIL MEETINGS – DATES AND VENUES FOR 2010**

**REPORTING SECTION:** General Manager  
**AUTHOR:** Ray Kent – General Manager  
**FILE NUMBER:** 09/1455

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### **Summary:**

To facilitate forward planning, it is desirable that Council determine its meeting schedule for 2010.

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

Council has previously determined that Ordinary Meetings of Council should generally be held on the fourth Tuesday of each month and that “in any calendar year one Ordinary Meeting of Council be held in each of Lightning Ridge, Collarenebri, Rowena, Burren Junction and Carinda”.

The following schedule provides for Meetings in 2010 to be held on the fourth Tuesday of the month other than in December, when it is proposed to be held on the third Tuesday (21<sup>st</sup> December). The locations are in the same sequence as for 2009. No meeting is scheduled for January.

23<sup>rd</sup> February – Walgett  
23<sup>rd</sup> March – Lightning Ridge  
27<sup>th</sup> April – Collarenebri  
25<sup>th</sup> May – Walgett  
22<sup>nd</sup> June – Walgett  
27<sup>th</sup> July – Rowena  
24<sup>th</sup> August – Walgett  
28<sup>th</sup> September – Carinda  
26<sup>th</sup> October – Walgett  
23<sup>rd</sup> November – Burren Junction  
21<sup>st</sup> December - Walgett

### **Relevant Reference Documents:**

Nil

### **Stakeholders:**

Councillors and staff

### **Financial Implications:**

Nil

### **Attachments:**

Nil

**Recommendation:**

- 1. That the schedule of Ordinary Council Meetings for 2010 be as outlined in the report.**

## 7. COUNTRY AND REGIONAL LIVING EXPO REPORT

**REPORTING SECTION:** Corporate & Community Services  
**AUTHOR:** Lianne Tasker –Manager Community Development & Tourism  
**FILE NUMBER:** 09/1457

### Summary:

The Country & Regional Living Expo 2009 took place 7- 9<sup>th</sup> August at Rose Hill. This report provides a summary of the event and its outcomes.

### Discussion (including issues and background):

The Country and Regional Living Expo is an economic development opportunity for local government to address declining populations, skills shortages and business development. Two Council representatives attended the 2009 Expo, as part of the Go West Regional Development Group.

The Go West Regional Development Group represents Councils in the Orana Region. Walgett Shire Council exhibited as part of the Go West Stand. By taking a collective marketing approach *Go West* were able to secure a large exhibition site with impressive visual accessories. As a result the *Go West* stand won the prestigious title of Best Exhibitor display and was certainly one of the most visited.

Although Council staff participated in the Go West stand their focus involved promoting Walgett Shire and specifically;

1. Promote Shire investment & business opportunities
2. Advertise “hard to fill” employment opportunities Shire wide
3. Promote Walgett Shire as a great lifestyle choice for people seeking a tree-change
4. Create a contact list of potential leads and opportunities

Approximately 8,000 people visited the Expo over the three day period.

### Outcomes

Aim	Outcome	Level of public interest
1. Promote Shire investment & business opportunities	Information was collected from local real estate agents and presented in folders at the stand. Information was posted on large information boards at the entrance of the building.	A high level of interest regarding urban residential property investment. Enquiries related to rental demographic and financial returns. When the participant data base is available these people will be directly marketed with future opportunities.



## WALGETT SHIRE COUNCIL AGENDA

2. Advertise hard to fill employment opportunities shire wide	Vacancies were sourced from local employers and presented in folder format at the stand as well as on the information board.	A high level of interest in employment, with this being a primary decision motivator for people. Labour market interest mainly involved; information technology, business managers and human resources. Two people engaged in lengthy conversations regarding the human resource position available at Council.
3. Promote Walgett Shire as a great lifestyle choice	Information packages that outlined services, education and lifestyle opportunities were handed out to participants.	People were interested in the area generally and particularly interested in examples of people who have made a successful “tree-change”. Specifically, people questioned – <ul style="list-style-type: none"> <li>• How welcoming is the community?</li> <li>• What difficulties would be associated with a Walgett tree-change?</li> <li>• What opportunities are there for leisure and recreation?</li> </ul>
5. Create a contact list of potential leads and opportunities	A collective data base will be available to Council and Go West expect this to be available by the end of September.	Approximately 25% of people who engaged in conversation elected to share their contact details.

In summary, people showed great interest in the Go West stand and having Council Shire staff present enabled focussed marketing of the Shire. Staff were engaged with people for the entire time on the stand, often with other members of the public waiting in line to speak. Generally, enquiries began with possible employment opportunities and moved into lifestyle and educational options. Council staff were able to speak about their own recent moves to the Shire, acting as Walgett Shire “tree-change” ambassadors.

### **Relevant Reference Documents:**

Photographs Go West Exhibition – Country & Regional Living Expo 2009.

### **Stakeholders:**

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

### **Financial Implications:**

Nil

### **Recommendations:**

1. That the Country & Regional Living Expo report be accepted.
2. That Council support a similar attendance at the 2010 Country & Regional Living Expo.

### **Attachments:**

Go West display photographs

## Go West Exhibition – Country & Regional Living Expo 2009



## **8. WALGETT LIBRARY BUILDING EXTENSION**

**REPORTING SECTION:** Corporate & Community Services  
**AUTHOR:** Lianne Tasker –Manager Community Development & Tourism  
**FILE NUMBER:** 09/1458

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### **Summary:**

An application to the State Library has been prepared for a Library Development Grant for an extension to the Walgett Library.

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

#### Background

Previous reports have raised the need to extend the Walgett Library premises. This grant will fund such an extension.

The current Walgett Library building offers one small space for people to read, study or engage in activity. The extension will significantly improve library services and benefit the public as follows;

1. Provide multi purpose spaces for community.

The library currently provides a number of activities but has limited physical space. For example, each weekday afternoon school aged children engage in art/craft activities. These activities occupy all of the library space, leaving no space for other patrons or diversity in activity.

2. Provide a "social hub" for diverse and innovative library usage.

It is widely recognised that contemporary libraries offer opportunities for development of social capital. Library users extend beyond traditional borrowers and the library, as a safe community space, is an important community asset. Extending the floor space will encourage social connection and allow innovative use.

3. Attract a wider range of users by providing appropriate areas for quiet and active use.

The expanded space will allow simultaneous quiet and active use.

4. Respond to expressed community need for accessible and appropriate civic space.

During community consultations (May – August 2009) the need for a safe civic space, that is not connected to licensed premises, was repeatedly raised.

#### Grant funding

The Library Development Grant will seek funding to demolish one existing library wall and construct an extension of 62.55 square metres to the front of the building.

At the completion of this project the following will be achieved:

1. Expand the floor space of the library to 156 square metres to reflect both service and population benchmarks set by the State Library NSW.
2. Enable the library to offer quiet space for research, relaxation and study as well as active spaces for adults and children.
3. Enable appropriate space for access to information technology.

4. Enable the library to operate as a community hub in response to expressed and emerging community need.

Identification of need

During consultations with Walgett community members (May - August 2009) the following expressed needs were identified:

(a) the creation of civic space where people can gather and engage in a variety of cultural interests (b) opportunities for community connections, other than those offered by licensed premises (ie: aside from recreational activities held at local club) (c) the creation of civic space offering inter-generational, leisure and cultural exchange opportunities.

2. Results of the Walgett Shire Community Survey (2008) revealed that library services are rated highly important by the community.
3. Standardised need, according to the NSW State Library People & Places benchmarks, indicates that the current library floor space is inadequate.
4. The library is currently running an early literacy outreach project which aims to (a) improve early literacy skills of Indigenous pre-school children and (b) create a "bridge" between the Indigenous community and the library. Program evaluation to date indicates:
  - i. An increase in Indigenous library users
  - ii. New Indigenous library users engaging in diverse activities
  - iii. Significant increase in community awareness amongst the Indigenous population.

Link to strategic planning

- Link to Walgett Shire Council Social Plan :  
Action 3.1.1 - Expand partnerships with community groups/agencies and Walgett/Lighting Ridge Libraries with a focus on diverse projects including literacy / early intervention projects.
- Link to Walgett Shire Council Management Plan:  
Page 23 of the Management Plan 2009 - 2014 evidences the commitment to the Library by identifying a critical Action in 2008/2009 as "Library opening hours in Walgett were increased".
- Link to NSW State Plan: Priority R4- Building Harmonious Communities- increase participation in volunteering, sports, cultural and artistic activity especially for people from low income, non-English speaking and Aboriginal communities

**Relevant Reference Documents:**

Walgett Shire Council Community Survey - 2008

**Stakeholders:**

Walgett community members, organisations, agencies and visitors.

**Financial Implications:**

Grant funding will be sought for the amount of \$200,000.00

**Recommendation:**

- 1. That a Library Development Grant funding application to the State Library NSW be lodged for an extension to the Walgett Library.**

## 9. COMMUNITY CONSULTATION SUMMARY REPORT

**REPORTING SECTION:** Corporate & Community Services  
**AUTHOR:** Lianne Tasker –Manager Community Development & Tourism  
**FILE NUMBER:** 09/1398

### Summary:

Community consultations were conducted throughout the Shire, between May – August 2009. Data has been collated and a summary of common, Shire wide, issues is provided below. The data will be used to develop the draft Walgett Shire Community Plan 2011 – 2014.

### Discussion (including issues and background):

During May – August 2009 consultations were conducted using a focus group format as follows:

Public forums -	Lightning Ridge, Walgett, Collarenebri, Burren Junction, Grawin, Carinda and Rowena.
Open agency and service provider forums	Walgett and Lightning Ridge
Agency and community group visits	Walgett Legal and Domestic Violence Prevention Women's Group Walgett Aboriginal Medical Service Dharriwaa Elders Group Collarenebri Rotary Club Nova Employment/Café 64 Collarenebri Working Party Collarenebri Yarn Up Lightning Ridge Transcultural Council Lightning Ridge Neighbourhood Centre Walgett Interagency Group Lightning Ridge Interagency Group HomeCare Walgett (DADHC)
Children and young People	Walgett St Joseph's Primary School students Collarenebri Pre School Lightning Ridge Pre School Walgett Shire Youth Council

### Summary of focus groups-

While towns and villages expressed different issues, reflecting their individual lifestyles, there are common themes across the Shire as follows-

#### Community space

- Community pride is a prominent theme in all towns and villages with residents placing high importance on the maintenance and cleanliness of facilities.
- High importance is placed on community buildings and the existence of space that is easily accessible and provides opportunities for social connections.

- Residents raised the need for additional outdoor spaces that are family friendly, diverse and offer opportunity for healthy activity.
- Each of the larger towns emphasised the importance of public seating and places to interact with each other within the CBD area. Seating and shade are seen as important community infrastructure.

#### Young people

- Employment and educational opportunities are a common theme with people expressing the desire for local and meaningful work available for the Shire's young people.
- Recreational and cultural opportunities for after school, weekends and evenings are viewed as critical to building responsible and proud young people.

#### Community Safety

- A desire for increased Police presence.
- Upgraded access into shops and footpath repair.
- Road and driveway maintenance and repair.
- Access to Youth refuges.
- Increase of drug and alcohol programs and associated health care.
- Lighting upgrade in CBD and residential areas.

#### Health

- Access to fresh fruit and vegetables were raised in each community along with the desire for associated healthy living programs.
- Limited access to general medical services and need for increased mental health and sexual health services are seen as important.
- Transport issues related to health services in Dubbo/Moree were raised as causing significant stress to community members.

#### Recreation & Leisure

- The link between recreation and alcohol/gambling was raised as a concern with the desire to participate in opportunities outside of licensed premises.
- Cultural opportunities, not related to sport, were raised as important to offer diversity to all age groups.
- The recognition that cultural and leisure activities can provide alternatives to anti-social behaviour, as well as increase general mental and physical health was raised across the Shire.

#### Housing

- Housing across the Shire is seen as inadequate in terms of access and affordability.



- Community members raised the need for youth housing, aged housing, crisis accommodation and housing for visiting professionals/casual/temporary workers.

Employment & Training

- Across the Shire people raised the need for meaningful work that reflects the local labour market skill set. The community recognises that employment contributes to strong social cohesion and sustainability of the Shire. Sustainable job creation projects are seen as essential, with an emphasis on local social business ventures.
- On going literacy training and innovative learning programs are also seen as important.

**Relevant Reference Documents:**

Nil

**Stakeholders:**

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

**Financial Implications:**

Nil

**Recommendations:**

1. That the Community Consultation Summary Report be accepted.
2. That the draft Walgett Shire Community Plan 2011-2014 be presented at the next Council meeting.

## **10. ANNUAL FINANCIAL STATEMENTS 2008-2009**

**REPORTING SECTION:** Corporate and Community Services  
**AUTHOR:** Myrene Lovegrove - Finance Manager  
**FILE NUMBER:** 09/1459

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### **Summary:**

This report recommends the Draft Annual Financial Statements and Draft Special Purpose Financial Statements for the year ending 30 June 2009, be referred to audit. The Statements will be tabled at the Council Meeting in September 2009.

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

Section 413, 415 and 416 of the Local Government Act 1993 requires the Council's General Purpose and Special Purpose Annual Financial Reports for the year ending 30 June 2009 to be prepared, referred to audit and audited by 31 October 2009.

Council is required to authorise the referral of the Annual Financial Reports consisting of the General Purpose Report and Special Purpose Report to Council's Auditor.

Section 413 of the Local Government Act 1993, also requires that the Financial Reports must be accompanied by a Statement by Council and Management made pursuant to section 413 (2)(c) of the Local Government Act 1993 and made pursuant to a resolution of Council.

Section 418 (2) of the Local Government Act 1993, states that as soon as practicable but not more than 5 weeks after the Audit Report is received, Council must give notice that a Meeting will be held to present the Financial Reports and the Auditor's Report to the public. Such public notice must include a summary of the Financial Reports. The Financial Reports and Auditors Reports will be presented at the Council meeting held in November 2009.

### **Relevant Reference Documents:**

Draft Annual Financial Statements and Special Purpose Financial Statements 2008/2009

### **Stakeholders:**

Walgett Shire Council  
Spencer Steer Chartered Accountants  
Walgett Shire Ratepayers

### **Financial Implications:**

Cost of Audit is provided for in the 2009/2010 Budget.

**Recommendations:**

**That:**

- 1. The Draft Annual Financial Reports for 2008/2009 be referred to Council's Auditor.**
- 2. The Mayor, General Manager and Finance Manager be authorised to sign the necessary Financial Statements.**
- 3. On receipt of the Audited Report, a copy be forwarded to the Department of Local Government and the Australian Bureau of Statistics.**
- 4. Council delegate to the General Manager the authority to set the date at which the Auditors report and the Financial Statements be presented to the public.**
- 5. Public notice be given of the meeting date for formal presentation of the audited Annual Financial Reports for 2008/2009**

## 11. **CASH ON HAND AND INVESTMENT REPORT AS AT 31 AUGUST 2009**

**REPORTING SECTION:** Corporate and Community Services  
**AUTHOR:** Myrene Lovegrove – Finance Manager  
**FILE NUMBER:** 09/1460

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### **Summary:**

This report summarises the cash on hand and investments held by Walgett Shire Council as at 31 August 2009.

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

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

As at 31 August 2009 the operational bank account's balance was \$2,551,132.66. The reconciliation of this balance is:

<b>Opening Ledger Account Balance as at 1 August 2009</b>	<b>1,717,756.77</b>
Add: Receipts	3,327,338.28
Add: Recalled Investments	1,500,000.00
Less: New Investments	500,000.00
Less: Payments	3,493,962.39
<b>Closing Ledger Balance as at 31 August 2009</b>	<b>2,551,132.66</b>
<b>Balance as per Bank Statement as at 31 August 2009</b>	<b>2,442,968.57</b>
Add: Receipts not banked	127,844.67
Less: Payments not presented	19,680.58
<b>Closing Balance of Bank Account</b>	<b>2,551,132.66</b>

As at 31 August 2009 Walgett Shire Council's investment register's balance was \$7,399,360.80. The balance as per the attached investment report comprised:

Term Deposits	\$7,350,000.00
Callable Range Accrual Notes	\$1,000,000.00
Floating Rate Collateralized Debt Obligation (CDO)	\$ 49,360.80

The market values disclosed for the Floating Rate Collateralized Debt Obligation (CDO) are market values as at 30 June 2009 and were supplied by the ANZ Group. The valuation report is attached. Discussions with Council's auditors Spencer Steer have determined these values were considered non-material for disclosure purposes and no additional valuations are required. The

necessary adjustments have been completed and a loss on investment of \$332,884.20 will be disclosed in note 6 of the General Purpose Financial Report for the year ending 30 June 2009.

A Floating Rate Collateralized Debt Obligations (CDO) has 2 components; fair market value and income stream. As disclosed above the current market value of the portfolio is \$49,360.80, however the interest payments are still based on the original face value totalling \$1,000,000.00. The table below shows the market value and current income stream from these products.

<b>Product</b>	<b>Market Value</b>	<b>Face Value</b>	<b>June Quarter interest</b>	<b>Annualised Interest</b>
Zircon Finance Limited	0.00	500,000	-	-
Managed Aces SP	12,165.59	250,000	3,257.81	13,031.24
Helium Capital	2,193.12	200,000	2,181.13	8,724.52
Magnolia Finance	35,002.09	50,000	580.74	2,322.96
	<b>49,360.80</b>	<b>1,000,000.00</b>	<b>6,019.68</b>	<b>24,078.72</b>

The CDO's have maturity dates ranging from March 2012 to June 2015. If the three products currently paying interest coupons continue to pay interest for the balance of the investment terms Walgett Shire Council may earn an addition interest income of approximately \$93,000.00 on products with a market value of approximately \$49,000.00

As at 31 August 2009 Walgett Shire Council's total available cash and invested funds were \$9,950,493.46 represented by:

Working Account Balance	\$2,551,132.66
Investments	\$7,399,360.80

**Recommendation:**

- 1. That the cash on hand and investment report as at 31 August 2009 be received.**

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

<u>Investment Institution</u>	<u>Type of Investment</u>	<u>Term (days)</u>	<u>Rate %</u>	<u>Ref</u>	<u>Reset Date</u>	<u>Maturity Date</u>		
<b>Term Deposits</b>								
Savings & Loans Credit Union	Term Deposit	91	3.90	575/09		01-Sep-09	\$	500,000.00
Bank of Western Australia	Term Deposit	97	4.00	576/09		08-Sep-09	\$	300,000.00
Bank of Queensland	Term Deposit	88	4.25	579/09		22-Sep-09	\$	500,000.00
Maquarie Bank	Term Deposit	90	4.45	580/09		28-Sep-09	\$	500,000.00
Maquarie Bank	Term Deposit	91	4.35	581/10		06-Oct-09	\$	500,000.00
Westpac	Term Deposit	91	4.30	582/10		06-Oct-09	\$	500,000.00
Local Government Financial Services	Term Deposit	91	4.10	583/10		06-Oct-09	\$	500,000.00
AMP Banking	Term Deposit	119	4.25	584/10		10-Nov-09	\$	500,000.00
IMB Ltd Financial Services	Term Deposit	90	4.20	585/10		12-Oct-09	\$	500,000.00
Savings & Loans Credit Union	Term Deposit	90	4.00	586/10		13-Oct-09	\$	250,000.00
Citibank	Term Deposit	92	4.17	587/10		21-Jul-09	\$	500,000.00
National Australia Bank	Term Deposit	91	4.00	588/10		03-Nov-09	\$	300,000.00
Westpac	Term Deposit	91	4.58	589/10		16-Nov-09	\$	500,000.00
Suncorp Metway	Term Deposit	91	4.25	590/10		17-Nov-09	\$	500,000.00
<b>Callable Range Accrual Notes (CRAN)</b>								
Commonwealth Bank of Australia bond	Term Deposit	92	7.50	577/09	16-Sep-09	16-Dec-10	\$	500,000.00
Royal Bank Canada bond	Term Deposit	92	7.70	578/09	16-Sep-09	16-Mar-11	\$	500,000.00
<b>Floating Rates Collateralized Debt Obligations (CDO)</b>								
Zircon Finance Limited	Floating Rate CDO		0.00			20-Sep-14	\$	0.00
Managed Aces SP	Floating Rate CDO	94	5.03			20-Jun-15	\$	12,165.59
Helium Capital	Floating Rate CDO	92	5.04			23-Jun-14	\$	2,193.12
Magnolia Finance	Floating Rate CDO	94	4.75			20-Mar-12	\$	35,002.09
							<b>\$</b>	<b>7,399,360.80</b>

**Investment Report as at 31 August 2009**



**Report for  
WALGETT SHIRE COUNCIL portfolio  
As at 30.06.2009**





## Disclaimer

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## Market Commentary for the period

### Month-end Credit Market Review

#### June 2009

##### Highlights:

- June saw the return of concerns about the economic recovery and a retracing of gains in several markets as consumer price data out of the US, China and Japan was weaker than expected.
- Reserve Bank of Australia left official rates on hold at 3.00% at the June meeting.
- Euro-zone unemployment rose to 9.5% and retail sales fell more than expected in May. However, business conditions surveys in both Europe and the UK recorded rises in June.
- The Australian equity market continued its strength and volatility with the ASX 200 increasing 3.5% during June.
- The Australian dollar traded within a US 2 cent range during most of June, closing the month at USD 0.8056.
- Australian iTraxx credit index remained largely unchanged, tightening 1bp to 201bps.
- The CDX credit index tightened 7.5bps to 131.5bps.

US equities posted gains throughout the month of June with the benchmark S&P 500 registering an increase of 3% during the month before retracing to close almost unchanged.

Australian economic data was generally below expectations. New homes sales and building approvals fell and private credit contracted slightly in May. The slump in building approvals was driven by a 44% fall in apartment approvals.

Trade data pushed further into deficit in May, with lower bulk commodity prices impacting exports along with lower gold exports, consistent with net exports detracting from gross domestic product growth in the June quarter.

The 90 day Bank Bill Swap Rate (BBSW) closed at 3.19%.

Market expectations on interest rates are for the RBA board to keep rates on hold at 3.00% for at the July meeting.

##### Credit Events:

General Motors Corporation  
Six Flags Theme Parks Inc

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## Portfolio Valuation - Market Value Components

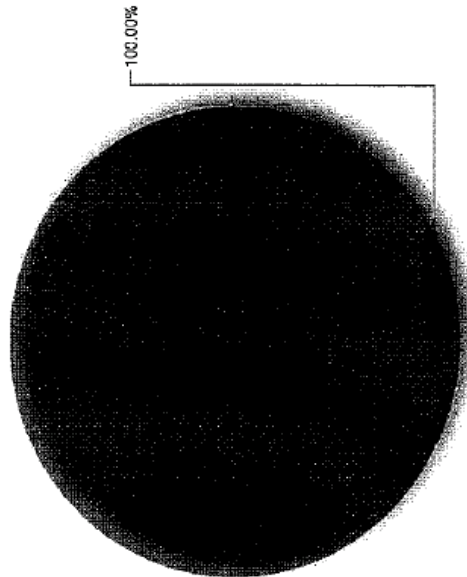
ISIN	Security	Maturity / Credit Call Rating	Face Value	Current Coupon	Yield to Maturity	Capital Price	Capital Value	Accrued Interest	Market Value
<b>Structured Credit</b>									
AU300HCA027	HELIUM CAPITAL LTD (23JUN14 Q+180)	23/6/2014 COC-	200,000	5.0350	187.706%	1.000	2,000.00	193.12	2,193.12
AU300MSMA020	MORGAN STANLEY ACES (2A 20JUN15 Q+205)	20/6/2015 NR	250,000	5.3033	71.632%	4.750	11,875.00	290.59	12,165.59
AU3FN0002085	ZIRCON FINANCE LTD (CLS A 20SEP14 Q+130)	20/9/2014 NR	500,000	N/A	N/A %	N/A	N/A	0.00	N/A
XS0210401930	MAGNOLIA FIN GBL LTD (20MAR12 Q+0)	20/3/2012 NR	50,000	4.7533	19.183%	68.900	34,950.00	52.09	35,002.09
<b>TOTAL: Structured Credit</b>			1,000,000				48,825.00	535.81	49,360.81
<b>Portfolio Total</b>			1,000,000				48,825.00	535.81	49,360.81

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## Portfolio Valuation By Class Chart

- Floating Structured Credit



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## Portfolio Exposure by Credit Rating

ISIN	Security	Rating	Maturity/ Call	Face Value	Market Value	% of Total
<b>Credit Rating: CCC-</b>						
AU300HCA027	HELIUM CAPITAL LTD (23JUN14 Q+180)	CCC-	23/6/2014	200,000	2,193.12	4.10%
<b>Summary: CCC-</b>				200,000	2,193.12	4.10%
<b>Credit Rating: NR</b>						
AU300MSMA020	MORGAN STANLEY ACES (2A 20JUN15 Q+205)	NR	20/6/2015	250,000	12,165.59	24.32%
XS0210401930	MAGNOLIA FIN GBL LTD (20MAR12 Q+0)	NR	20/3/2012	50,000	35,002.09	71.58%
AU3FN0002085	ZIRCON FINANCE LTD (CLS A 20SEP14 Q+130)	NR	20/9/2014	500,000	0.00	0.00%
<b>Summary: NR</b>				800,000	47,167.68	95.90%
<b>Portfolio Total</b>				1,000,000	49,360.81	100.00%

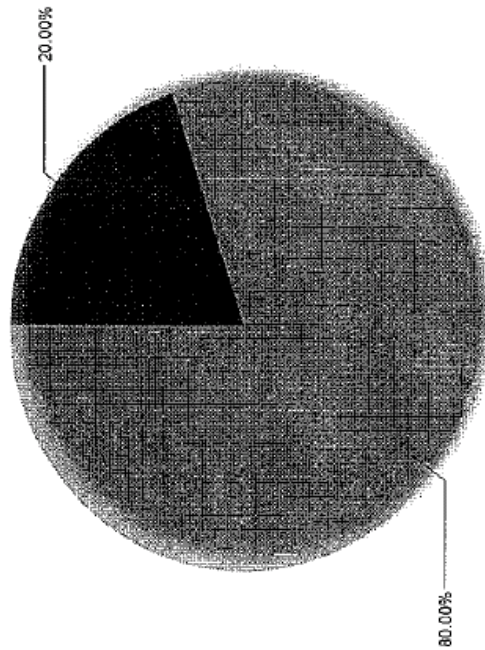
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WALGETT SHIRE COUNCIL as at 30.06.2009

### Portfolio Exposure By Rating Chart

● CCC-  
○ NR



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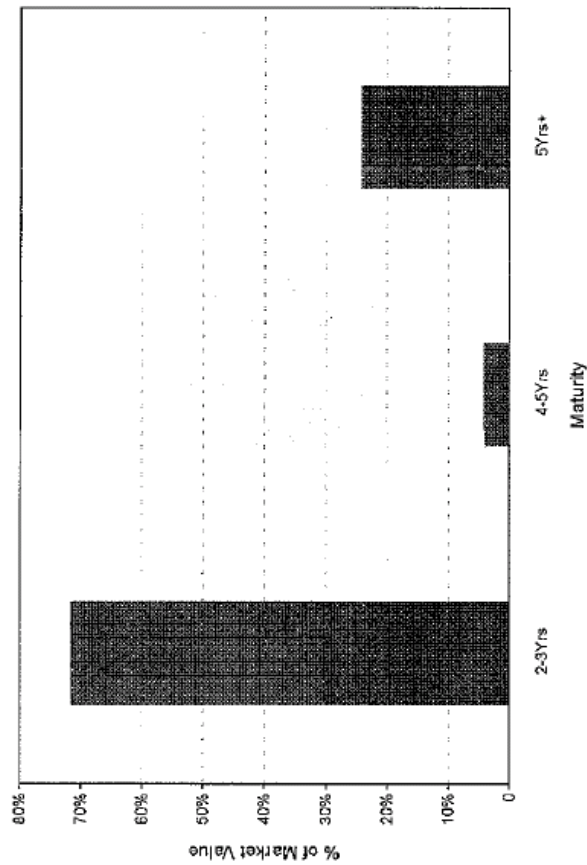
## Maturity Profile

ISIN	Security	Maturity / Call	Face Value	Market Value	% of Portfolio
<b>2-3Yrs</b>					
XS0210401930	MAGNOLIA FIN GBL LTD (20MAR12 Q+0)	20/3/2012	50,000.00	35,002.09	5.00%
<b>TOTAL: 2-3Yrs</b>			<b>50,000.00</b>	<b>35,002.09</b>	<b>5.00%</b>
<b>4-5Yrs</b>					
AU300HCAP027	HELIUM CAPITAL LTD (23JUN14 Q+180)	23/6/2014	200,000.00	2,193.12	20.00%
<b>TOTAL: 4-5Yrs</b>			<b>200,000.00</b>	<b>2,193.12</b>	<b>20.00%</b>
<b>5Yrs+</b>					
AU3FN0002085	ZIRCON FINANCE LTD (CLS A 20SEP14 Q+130)	20/9/2014	500,000.00	0.00	50.00%
AU300MSMA020	MORGAN STANLEY ACES (2A 20JUN15 Q+205)	20/6/2015	250,000.00	12,165.59	25.00%
<b>TOTAL: 5Yrs+</b>			<b>750,000.00</b>	<b>12,165.59</b>	<b>75.00%</b>
<b>Portfolio Total</b>			<b>1,000,000.00</b>	<b>49,360.81</b>	<b>1.00</b>

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# Maturity Profile Chart



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WALGETT SHIRE COUNCIL as at 30.06.2009

**Contact Information**

**Investor Services Group**

VIC, TAS, SA 03 9095 0143

NSW, ACT, QLD 02 9226 6905

WA 08 9323 8354

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

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

---

### **Summary:**

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

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

The table following this report provides details of Development Applications (DA) and Complying Development Certificate (CDC) applications dealt with under delegated authority by the Director Planning and Regulatory Services and General Manager during August 2009.

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

### **Relevant Reference Documents:**

Files for the respective Development and Complying Development Certificate applications.

### **Stakeholders:**

Public and applicants.

### **Financial Implications:**

Nil.

### **Recommendation:**

#### **That Walgett Shire Council:**

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

### **Attachment**

Report on DAs and CDCs issued August 2009

## AUTHORITY

## Determined Applications



09/03/2009	Parameters:	Date Range: Y Start Date: 1/08/2009 End Date: 31/08/2009 As At Date:	Document Type: Officer: ALL Number of Days: 0 Stop The Clock: Yes	Page: 1	
Document	Applicant Name / Address	Development Type Property Address Title Owner	Determination	Determined	Received
Document Type: 20					
Stop the Clock					
Total Elapsed Calendar Days: 17					
Calendar Stop Days: 0					
Adjusted Calendar Days: 17					
020/2009/000000021/001	160 Subdivision/Consolidation		Approved - Staff Delegation	27/08/2009	11/08/2009
LOT: 105 DP: 714205					
Mr K O & Mrs M G Hardy					
There are Multiple Parcels on this application					
Officer: Ms J R Babic	Average Elapsed Calendar Days: 17.00		Total Elapsed Calendar Days: 17.00		
Number of Applications: 1	Average Calendar Stop Days: 0.00		Total Calendar Stop Days: 0.00		
	Average Adjusted Calendar Days: 17.00		Total Adjusted Calendar Days: 17.00		
Document	Applicant Name / Address	Development Type Property Address Title Owner	Determination	Determined	Received
Document Type: 24					
Stop the Clock					
Total Elapsed Calendar Days: 59					
Calendar Stop Days: 58					
Adjusted Calendar Days: 1					
024/2009/000000007/001	142 Class 10a - Shed		Approved - Staff Delegation	19/08/2009	22/06/2009
Mining LIGHTNING RIDGE					
MC: 51569 MC: 51569R					
Mr D Angeleski					
AUTHORITY					

AUTHORITY

## Determined Applications



09/03/2009      Parameters:      Date Range: Y      Document Type:      Page: 2  
 Start Date: 1/08/2009      Officer: ALL  
 End Date: 31/08/2009      Number of Days: 0  
 As At Date:      Stop The Clock: Yes

Document	Applicant Name / Address	Development Type Property Address Title      Owner	Determination	Determined	Received
<b>Document Type: 24</b>					
<b>Stop the Clock</b>					
Total Elapsed Calendar Days: 6 Calendar Stop Days: 0 Adjusted Calendar Days: 6					
024/2009/00000010/001		144      Class 10a - Verandah Fox ST WALGETT LOT: 37 DP: 595705 Miss M A Balderson	Approved - Staff Delegation	12/08/2009	07/08/2009
<b>Stop the Clock</b>					
Total Elapsed Calendar Days: 2 Calendar Stop Days: 0 Adjusted Calendar Days: 2					
024/2009/00000011/001		142      Class 10a - Shed 79 Arthur ST WALGETT LOT: 5 ALT: PRT: SEC: 30 DP: 759036 Mr N V Schiller	Approved - Staff Delegation	18/08/2009	17/08/2009
<b>Stop the Clock</b>					
Total Elapsed Calendar Days: 5 Calendar Stop Days: 0 Adjusted Calendar Days: 5					
024/2009/00000012/001		144      Class 10a - Verandah 28 Cedar ST WALGETT LOT: 39 DP: 594385 Ms K A Burke	Approved - Staff Delegation	24/08/2009	20/08/2009
<b>Officer: Mr L J Smyth</b> <b>Number of Applications: 4</b> <b>Average Elapsed Calendar Days: 3.50</b> <b>Average Calendar Stop Days: 14.50</b> <b>Average Adjusted Calendar Days: 3.50</b> <b>Total Elapsed Calendar Days: 72.00</b> <b>Total Calendar Stop Days: 58.00</b> <b>Total Adjusted Calendar Days: 14.00</b>					

AUTHORITY

### **13. PROPOSAL TO DEDICATE CROWN LAND AS PUBLIC ROAD**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Director Planning and Regulatory Services, Matthew Goodwin  
**FILE NUMBER:** 09/1309

---

#### **Summary:**

The Land and Property Management Authority has written to Walgett Shire Council to ask whether it has any objection to its proposal to dedicate an area of Crown Land adjoining the Wooloroo Rd at Lightning Ridge as a public road. It is recommended that Council respond by indicating that it has no objection in defined circumstances.

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

In a letter dated 24 Aug 2009 the Land and Property Management Authority (LPMA) queried whether Walgett Shire Council had any objection to its proposal to dedicate a 450 square metre area between the Wooloroo Road and Western Lands Lease (WLL) 13301 (Lot 57, DP 705026) as a public road under section 12 of the Roads Act 1993. The area adjoins the Wooloroo Road and contains a driveway and culvert leading to the WLL which is held by Heather and Lindsay Matson. The WLL has a house, business premises known as Dig In (place of public entertainment) and the Spectrum (tourist) Mine.

The letter indicates that "Native Title is not considered extinguished over this parcel of land", hence the Authority would need to lodge a non-claimant application with the Federal Court before giving any further consideration to granting a Western Lands Lease over the 450 square metre area (see Attachment A).

Previously, at a meeting held on 28 October 2008, Walgett Shire Council had considered a proposal to add the 450 square metre area to the Matson's Western Lands Lease 13301, and resolved as follows:

That Walgett Shire Council write to the Department of Lands and state that it has no objection to the application by Lindsay and Heather Matson to add 450 square metres to Western Lands Lease 13301 at Lightning Ridge.

Key issues that need to be considered in connection with this proposal include;

- The area only contains a driveway and culvert which benefits WLL 13301.
- If Walgett Shire Council accepted dedication of the area as a public road, it becomes responsible for the overall management of the area.
- Culverts on access roads to rural properties and driveways within urban areas are commonly located within public road corridors.
- The area is currently zoned "2. Village or township" under Interim development Order No 1 – Shire of Walgett.
- The area is relatively small.
- All information available to the author suggests that no significant opal mining has occurred in the immediate vicinity of the 450m<sup>2</sup> area.

**Relevant Reference Documents:**

Council Policy titled P & R Opal Mining Related Policies, as amended 25 August 2009.

**Stakeholders:**

Walgett Shire Council, Department of Lands, public.

**Financial Implications:**

Nil.

**Recommendation:**

**That Walgett Shire Council resolve to:**

- 1. Note the Land and Property Management Authority's letter dated 24 August 2009 regarding its proposal to dedicate a 450 square metre area between the Wooloroo Road and Western Lands Lease (WLL) 13301 (Lot 57, DP 705026) as a public road under section 12 of the Roads Act 1993.**
- 2. Respond by stating that Council has no objection to the dedication of the area as a public road, provided that:**
  - (a) The holder of Western Lands Lease 13301 accepts responsibility for maintaining the driveway and associated culvert located within the area.**
  - (b) No cost is incurred by Council in converting the area to a public road.**

**Attachments**

A - Letter dated 10<sup>th</sup> June 2009 the Department of Lands

Attachment A - Letter dated 24<sup>th</sup> August 2009 from the Land & Property Management Authority

RECEIVED 31 AUG 2009



Land and Property  
Management Authority

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

45 Wingewarra Street, Dubbo NSW 2830  
PO Box 1840, Dubbo NSW 2830  
Phone (02) 6883 5400  
Fax (02) 6884 2067  
[www.lpma.nsw.gov.au](http://www.lpma.nsw.gov.au)

Ref: WLL 13301

Attention Matt Goodwin

#### **APPLICATION FOR ADDITION TO WESTERN LANDS LEASE 13301**

I refer to our telephone conversation of the 24 August 2009 regarding the proposed addition of part Permissive Occupancy 1985/19 for Occupation to Western Lands Lease 13301 for "Business Purposes (Underground Retail Opal Shop and Restaurant)" held by Lindsay and Heather Matson.

The addition is to provide access to WLL 13301 from Woolaroo Road (proposed public road shown as Part Lot 1006 DP 1117849 in a plan of acquisition registered on the 20 November 2007). Apparently Walgett Shire Council had undertaken to provide Mr and Mrs Matson access when it surveyed the access road but failed to direct the surveyor to define it on the plan of survey.

Native title is not considered extinguished over this parcel of land and the Land and Property Management Authority will have to prepare and lodge a non-claimant application with the Federal Court on Mr and Mrs Matson's behalf. Before a non claimant application can be lodged however, the area to be added has to be surveyed at the expense of the applicant.

Following assessment and acceptance by the Federal Court, a non-claimant application is advertised over a two month period to enable any indigenous people to assert their rights by lodging a claimant application. If a claimant application is lodged during this period then the addition cannot proceed and all survey and non-claimant application costs paid by Mr and Mrs Matson will be forfeited.

There is however, an alternate course of action available if Walgett Shire Council concurs. Once the 450 square metres has been defined on a plan of survey this Authority could dedicate the land as a public road under section 12 of the *Roads Act 1993*. The dedication could proceed under the future act provisions of the *Native Title Act 1993*.



Could you please advise if Walgett Shire Council has any objections to the dedication of the Crown land, shown red on the attached diagram, as a public road under section 12 of the *Roads Act 1993*?

If you have any queries regarding this correspondence please contact Amanda Beetson on (02) 6883 5402.

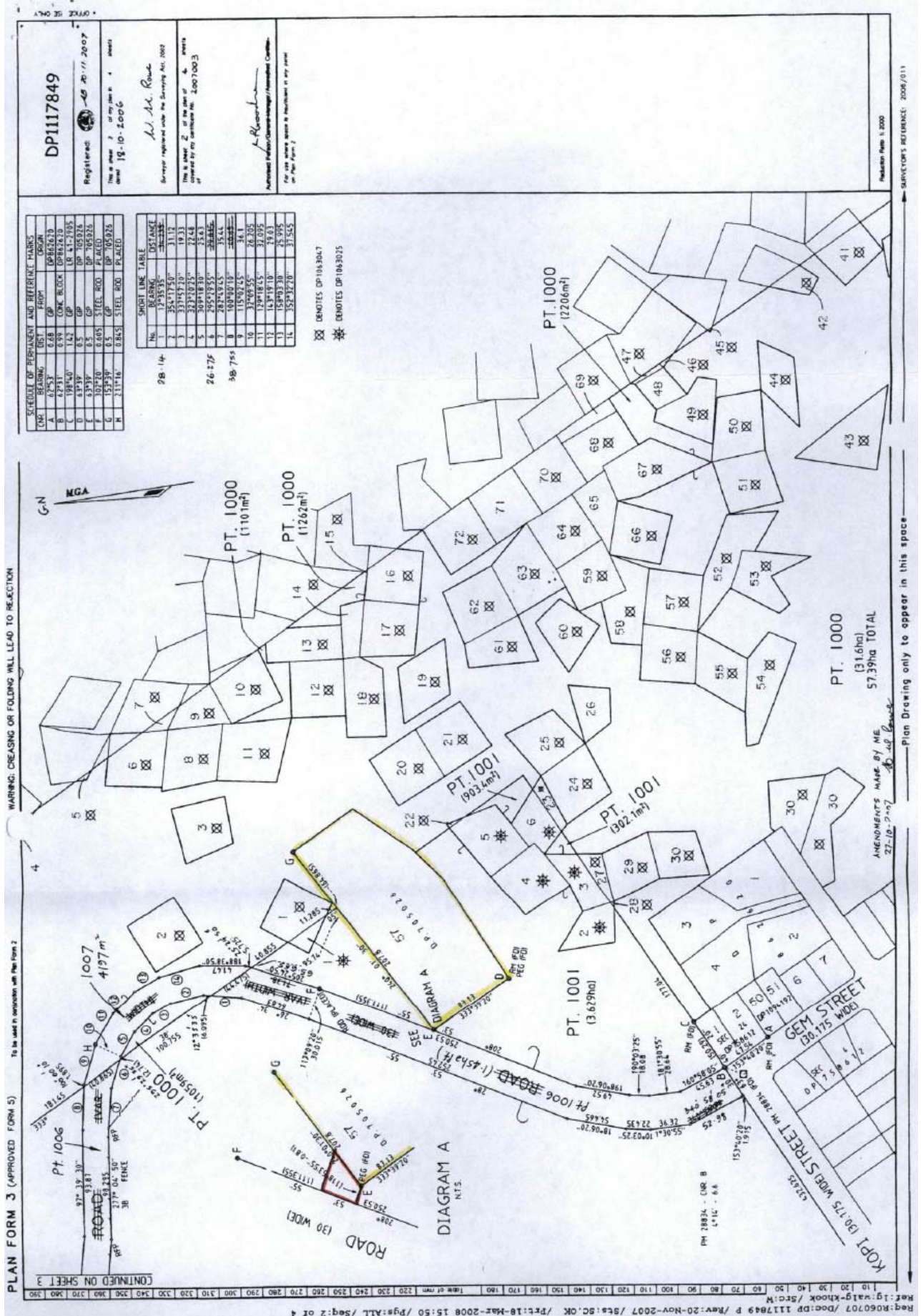
Yours faithfully



24 AUG 2009

Amanda Beetson  
**Team Leader - Disposals**  
**Western Region**





## **14. CAMPING AT BURREN JUNCTION BORE BATHS**

**REPORTING SECTION:** Planning and Regulatory Services  
**AUTHOR:** Director Planning and Regulatory Services, Matthew Goodwin  
**FILE NUMBER:** 09/1366

---

### **Summary:**

A review of Council records indicates that no formal approvals have been issued for the use of the Burren Junction bore baths as a camping ground. This report recommends that Council take action to address the situation.

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

For many years there have been significant numbers of people camping at the Burren Junction bore baths. Various types of campers use the site including those with tents, buses, motor homes, caravans, house boats and vans. The length of stay ranges from one night to several weeks.

On 4 September 2009 the Director of Planning & Regulatory Services observed 36 distinct camps on the site. About 10 of them appeared to be potentially 'self contained' with their own toilet and shower facilities.

In a related matter, the Burren Junction Bore Baths were closed on 12 September 2009 due to the evaporation ponds being full. The ponds are used to contain tail water which contains pathogens and elevated salinity as flows out of the bore baths.

A search of Council records has not located:

- Any 'development consent' under the Environmental Planning and Assessment Act 1979 which enables the use of the site as a caravan park or primitive camping ground.
- Any current 'activity approval' under Section 68 of the Local Government Act 1993 for a caravan park or primitive camping ground.

There are certain exemptions for small scale caravan use within the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 (for example clause 77 & 78). However the relatively large scale camping use of the Burren Junction bore baths is effectively illegal in the absence of any development consent or activity approval.

Options for resolving the current situation are detailed in the table below. More detailed cost estimates are included as Attachment C.

# WALGETT SHIRE COUNCIL AGENDA

OPTION	ACTIONS REQUIRED	COST ESTIMATE
Prohibit camping	<ol style="list-style-type: none"> <li>1. Erect signs prohibiting camping.</li> <li>2. Publicise that camping is prohibited.</li> <li>3. Periodic regulatory inspections to promote compliance with prohibition.</li> </ol>	Signs would cost about \$500.
Caravan park & camping ground approval	<ol style="list-style-type: none"> <li>1. Develop concept plans, including: <ul style="list-style-type: none"> <li>• Determining maximum number &amp; types of sites (camping, caravans).</li> <li>• Specifications for appropriate amenities block.</li> <li>• Specifications for appropriate laundry block.</li> <li>• Stormwater &amp; sewer drainage.</li> <li>• Water connection to sites</li> <li>• Fire hydrants &amp; fire hose reels.</li> <li>• Garbage removal.</li> <li>• Site mark out and buffers.</li> <li>• Signage &amp; register.</li> </ul> </li> <li>2. Seek agreement for proposal from Land &amp; Property Management Authority.</li> <li>3. Lodge Development Application &amp; Activity Application.</li> <li>4. If applications approved, commence construction.</li> </ol>	<p>30 sites, \$1,585,000 to \$1,915,000</p> <p>60 sites, \$2,095,000 to \$2,450,000</p>
Primitive camping ground approval (Note legal restriction to a maximum of 2 sites per hectare)	<ol style="list-style-type: none"> <li>1. Develop concept plans, including: <ul style="list-style-type: none"> <li>• Determining area to be used.</li> <li>• Site mark out and buffers.</li> <li>• Garbage removal.</li> <li>• Signage.</li> </ul> </li> <li>2. Seek agreement for proposal from Land &amp; Property Management Authority.</li> <li>3. Lodge Development Application &amp; Activity Application.</li> <li>4. If applications approved, commence construction.</li> </ol>	Maximum of 32 sites \$86,000 to \$151,000

The requirements for establishing and maintaining a caravan park and/or camping ground are quite prescriptive (See clauses 83 to 131 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005). An example is the number of showers and toilets that must be provided under clause 107 (see attachment B).

Primitive camping ground requirements are far less onerous, but clause 132 of the regulation imposes a maximum of 2 camp sites per hectare of available area. A preliminary assessment suggests that up to 15.88 hectares may be available (including evaporation ponds) if the travelling stock route (TSR) reserve 5679 (lot 7009 DP 1058776) and TSR & camping reserve 60917 (lot 1 DP 181329) is able to be used. In that context a maximum of 32 primitive camping ground sites may be able to be established.

It is important to note that anecdotal evidence indicates that during winter there have been up to 60 or more camp sites established at the bore baths. If Council pursues the primitive camping ground option, there is a legal and ethical obligation to ensure that the maximum number of camping sites is not exceeded.

**Relevant Reference Documents:**

- Environmental Planning & Assessment Act 1979.
- Local Government Act 1993.
- Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005.

**Stakeholders:**

Users of the Burren Junction bore baths, Burren Junction business operators and employees.

**Financial Implications:**

No budget has been allocated to finance any of the options detailed in the report. The option of prohibiting camping could be funded from the existing urban infrastructure budgets, while the other options would require Council to allocate additional funds.

**Recommendations:**

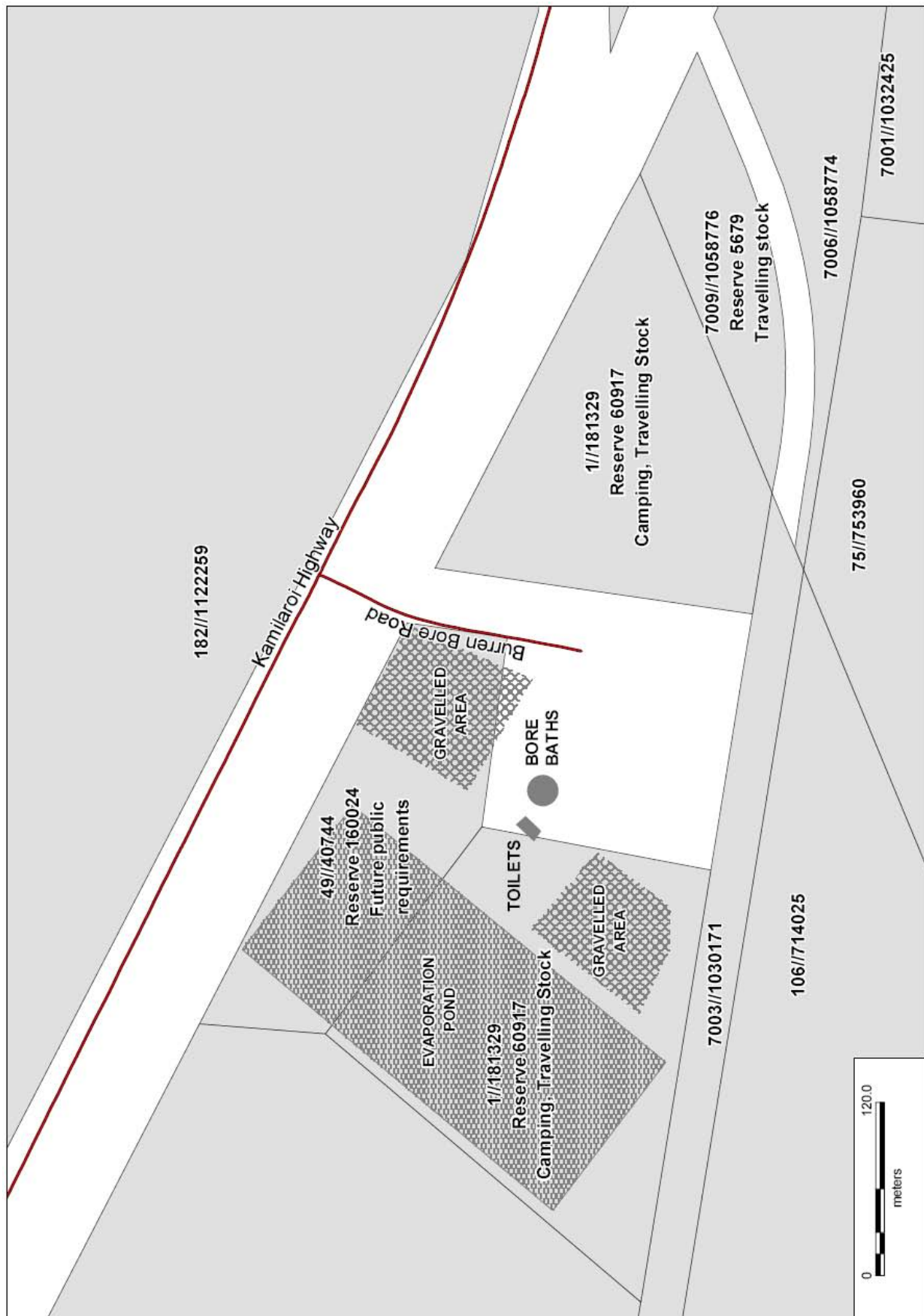
**That Walgett Shire Council resolve to:**

1. **Note that the Burren Junction Bore Baths has been closed since 12 September 2009, pending the resolution of issues associated with the evaporation ponds being full.**
2. **Proceed to develop a concept plan and detailed cost estimates for a primitive camping ground at the Burren Junction Bore Baths with up to 32 sites.**
2. **Seek agreement from the Land & Property Management Authority for the concept plan for a primitive camping ground at the Burren Junction bore baths.**
3. **Lodge a Development Application and Activity Application to formalise the use of the Burren Junction bore baths as a primitive camping ground.**
4. **Consider cost estimates for a primitive camping ground at the Burren Junction bore baths as part of the 2009-2010 budget preparation process.**

**Attachments**

- A – Site plan & cadastral details
- B – Showers & toilets required
- C – Cost estimates

ATTACHMENT A – Site plan & cadastral details



ATTACHMENT B – Showers & toilets required



# Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005

Current version for 1 May 2006 to date (accessed 7 September 2009 at 11:21)

[Part 3](#) » [Division 3](#) » [Subdivision 5](#) » [Clause 107](#)

<< page >>

## 107 Number of showers and toilets to be provided

- (1) A caravan park or camping ground with fewer than 200 dwelling sites must be provided with facilities specified in the Table to this clause according to the number of dwelling sites in the caravan park or camping ground.
- (2) A caravan park or camping ground with 200 dwelling sites or more must be provided with those facilities as specified in the approval for the caravan park or camping ground.
- (3) In considering the facilities to be provided in accordance with subclause (2), the council must have regard to the rate of increment of quantities set out in the Table to this clause.
- (4) For the purposes of this clause:
  - (a) a requirement for a shower may be met by the provision of a bathtub, and
  - (b) a requirement for a urinal may be met by the provision of an individual unit or by each 600 millimetre width of a larger facility.

**Table**

Sites	Water closets		Urinals	Showers		Handbasins	
	Female	Male		Female	Male	Female	Male
1-25	3	2	1	2	2	2	2
26-50	5	3	2	3	3	3	3
51-75	6	4	2	4	4	3	3
76-100	7	4	2	5	5	4	4
101-125	8	5	3	6	6	4	4
126-150	9	6	3	7	7	5	5
151-175	10	6	4	8	8	5	5
176-199	11	7	4	9	9	6	6

## ATTACHMENT C – Cost estimates

Walgett Shire Council's Senior Health and Building Surveyor, Len Smyth, has prepared the following cost estimates for formalising camping at the Burren Junction Bore Baths.

Please note:

- The estimates are **minimum** figures for basic facilities.
- No provision is included for ongoing costs or maintenance.
- Mandatory requirements are derived from the Local Government (Manufactured Home Estates, Caravan Parks and Camping Grounds and Moveable Dwellings) Regulation 2005.

## CARAVAN PARK AND CAMPING GROUND

30 sites in accordance with regulations.

ITEM	ESTIMATE	
Ablutions and Laundry facilities (cater for 26 to 50 sites)	\$400,000	Mandatory
Office and storage facilities	\$30,000	Mandatory
Power upgrade to site	\$200,000	Mandatory
Roads, water reticulation, sewer, power reticulation, fire services	\$900,000	Mandatory
Miscellaneous items inc. garbage collection	\$15,000	Mandatory
Development application, construction certificate & activity application documentation	\$20,000	Required
Managers Accommodation (2 to 3 bedroom)	\$280,000	Optional
Landscaping	\$50,000	Optional
MANDATORY ITEMS TOTAL	<b>\$1,585,000</b>	
OPTIONAL ITEMS TOTAL	<b>\$330,000</b>	
GRAND TOTAL	<b>\$1,915,000</b>	

## CARAVAN PARK AND CAMPING GROUND

60 sites in accordance with regulations.

ITEM	ESTIMATE	
Ablutions and laundry facilities (cater for 51 to 75 sites)	\$600,000	Mandatory
Office and storage facilities	\$40,000	Mandatory
Power upgrade to site	\$200,000	Mandatory
Roads, water reticulation, sewer, power reticulation, fire services	\$1,200,000	Mandatory
Miscellaneous items inc. garbage collection	\$30,000	Mandatory
Development application, construction certificate & activity application documentation	\$25,000	Required
Managers accommodation (2 to 3 bedroom)	\$280,000	Optional
Landscaping	\$75,000	Optional
MANDATORY ITEMS TOTAL	<b>\$2,095,000</b>	
OPTIONAL ITEMS TOTAL	<b>\$355,000</b>	
GRAND TOTAL	<b>\$2,450,000</b>	

## PRIMITIVE CAMPING GROUND

32 sites in accordance with regulations.

ITEM	ESTIMATE	
Effluent & ablution block upgrade	\$75,000	Mandatory
Development application & activity application documentation	\$1,000	Required
Site mark out & signs	\$10,000	Mandatory
Sewer upgrade including dump point	\$25,000	Optional
General/miscellaneous items inc. garbage collection	\$20,000	Optional
Landscaping	\$10,000	Optional
MANDATORY ITEMS TOTAL	<b>\$86,000</b>	
OPTIONAL ITEMS TOTAL	<b>\$65,000</b>	
GRAND TOTAL	<b>\$151,000</b>	

Note: Effluent and ablutions upgrade mandatory to comply with guidelines for On-site Sewerage Management issued by the Department of Local Government & NSW Health. Site conditions (black soil dominated by clay) require special design considerations for effluent disposal (eg. transpiration bed will not function when soil damp).



## **15. DOCTORS SURGERY STATUS REPORT**

**REPORTING SECTION:** Urban Infrastructure Services  
**AUTHOR:** Siegfredo Coralde – Director of Urban Infrastructure Services  
**FILE NUMBER:** 09/867

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### **Summary:**

This report seeks to inform Council of relevant issues relating to the future occupancy of the Doctors Surgery building in Wee Waa Street Walgett. The Doctors Medical Surgery has a current valuation of \$360,000.

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

On 28 April 2009, Council approved the permanent de-commissioning of Walgett Medical Surgery on 20 June 2009. Council has also authorised the General Manager to sell this building 'as is where is' and that it will not be demolished. Council also approved in principle to undertake a feasibility study if a new building was constructed on the same location and the community will be economically benefited in the future.

Council advised RARMS headed by Dr Vlad Matic regarding Council's decision. RARMS vacated the building early this month and moved to its new location at Walgett Hospital.

The Plan. Council can sell the building in 'as is where is' condition if so desired or rehabilitate it to meet safe building occupancy requirements. These two options are both feasible rather than constructing a new building at the same location but this requires further financial investigation.

The Main Street Beautification Plan. Council is currently in the process of improving Fox Street into truly urbanised outback style. Improvements will include streets, buildings and amenities closely situated to this main street.

Walgett Doctors Surgery has a separate toilet building and is approximately 100 meters from the Fox Street intersection. The building is surrounded by vacant land in the north, a service road in the east and Wee Waa Street in the south. This location of this building is quite strategic and Council can provide enough expansion opportunities around the area.

### **Relevant Reference Documents:**

Council Approved Resolution – 28 April 2009  
Walgett Main Street Beautification Plan

### **Stakeholders:**

Walgett Shire Council  
Walgett Shire Business Community  
Walgett Shire Constituents

### **Social and Community Implications**

A great opportunity exists for business and recreational environs should this building be included in the current Main Street Beautification plan. Foot traffic around this area may increase, encouraging growth of more businesses and to potentially attract tourists.

### **Financial Implications**

Potential income of \$266.80 per week ceased this month.

### **Recommendation:**

- 1. That Council make no decision regarding the future of the Walgett Doctors Surgery building until a Main Street Beautification master plan is in place.**

### **Attachments**

Nil

## **16. WATER AND SEWERAGE PROGRAM FOR ABORIGINAL COMMUNITIES**

**REPORTING SECTION:** Urban Infrastructure Services  
**AUTHOR:** Siegfredo Coralde – Director of Urban Infrastructure Services  
**FILE NUMBER:** 09/1455

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### **Summary:**

This report recommends Council proceed in negotiations with the New South Wales Government through the Department of Water and Energy in the finalisation of Service Agreement for the benefit of Walgett aboriginal community reserves.

The negotiation is translated into a Partnership Program involving Walgett Shire Council, NSW Aboriginal Land Council and the Department of Water and Energy to improve the water supply and sewerage services in selected aboriginal communities in Walgett.

### **Background**

Council and leaders of the Walgett Aboriginal Land Council were invited by the Department of Water and Energy for a site meeting late last year regarding the \$200 million investment over the next 25 years on maintenance, operation and repairs in approximately 60 aboriginal communities across New South Wales. The first meeting took place at the Aboriginal Land Council Building in Fox Street and was chaired by Mr John Bourke, Aboriginal Water Supply and Sewerage Program Manager of the Department of Water and Energy, Newcastle. In this meeting, the NSW Department of Water and Energy identified relevant issues to develop a plan for operations, maintenance and repairs of existing water and sewerage systems. A standard Service Agreement document template is then developed and made available to all Local Aboriginal Land Councils and participating NSW local water utilities (Attachment 1).

Two local aboriginal communities of Gingie and Namoi are to be included in the program.

### **Discussion (including issues)**

A standard Service Agreement has been prepared by the NSW Department of Water and Energy which is still in a draft form at this stage. Roles of participating Local Water Utilities and LALCs are yet to be fine-tuned and the DWE is still collating comments from all parties involved.

It is to be noted that Schedules 1, 2 and 3 of the agreement will stipulate details of engagement as follows:

Operation and maintenance: involves full servicing of water supply and sewerage systems

Emergency repairs: involves fixing pumps, lines and other equipment if they break down

Improvements: involves improvement to supply and demand of water quality and sewerage services

Regular inspection: involves inspection and maintenance of pumping stations and treatment plants.

Regular maintenance: involves maintenance and cleaning of sewer pumps and mains.

Regular testing: involves collection, testing and reporting of water quality.

Management Plans: involves developing a plan on how to protect the water and sewerage systems.

**Relevant Reference Documents:**

NSW Aboriginal Community Program for Water and Sewerage  
Best Practice Management of Water Supply and Sewerage Guidelines

**Stakeholders:**

Walgett Shire Council  
Walgett Aboriginal Communities  
Walgett Shire Business Community

**Social and Community Implications**

The program may improve the living conditions of Gingie and Namoi aboriginal communities because of improved water supply and sewerage services.

**Financial Implications**

Increase in Council's capital as well as operational budget in water services over the years. There is also an opportunity to employ staff as a result of increased operational works.

**Recommendations:**

1. That Council approve participation in the Aboriginal Water and Sewerage Program.
2. That Council authorise the General Manager to continue negotiations with the NSW Aboriginal Land Council and NSW Department of Water and Energy regarding the Aboriginal Water and Sewerage Program in Walgett.

**Attachments**

Draft Aboriginal Communities Water and Sewerage Program Document

# **ABORIGINAL COMMUNITIES WATER AND SEWERAGE PROGRAM**

## **Service Agreement**

Between

.....

and

.....

and

**DEPARTMENT OF WATER AND ENERGY**

Draft Service Agreement for Aboriginal Communities Water and Sewerage Program Version 3 7 July 2009

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## SERVICE AGREEMENT

THIS AGREEMENT is made on the .....day of .....20....

### BETWEEN

#### DEPARTMENT OF WATER AND ENERGY

(ABN 58 132 718 272)

of 227 Elizabeth St, Sydney

acting for and on behalf of the Crown in right of the State of New South  
Wales ("DWE")

### AND

.....  
(insert name of the Local Aboriginal Land Council)

(ABN/CAN/ARBN.....)

(insert ABN/CAN/ARBN number)

of .....

(insert address)

("the LALC");

### AND

.....  
(insert name of the Local Water Utility)

(ABN/CAN/ARBN.....)

(insert ABN/CAN/ARBN number)

of .....

(insert address)

("the LWU");

### RECITALS

- A The New South Wales Government and the New South Wales Aboriginal Land Council have agreed to fund in equal shares an operation and maintenance program to deliver improved water and sewerage services to discrete Aboriginal Communities in New South Wales known as the Aboriginal Communities Water and Sewerage Program.
- B The primary aim of the Program is to raise the level of water supply and sewerage services in the Aboriginal Community to the level expected in the wider community and to support the operation, maintenance and monitoring of these services, having regard to the local circumstances.

Draft Service Agreement for Aboriginal Communities Water and Sewerage Program Version 3 7 July 2009

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- C The Program also aims to provide opportunities, including employment and training opportunities, for local Aboriginal people to be involved in the delivery of the Services.
- D The LWU provides water and sewerage services to communities within its boundaries, where provision of those services is viable and economical.
- E The LALC represents its Aboriginal Community and is the owner and manager of the land.
- F The LWU recognises that Aboriginal people have a right to self determination and quality of life equal to the wider community.
- G The LWU recognises the importance of including Aboriginal people in council social/community planning.
- H The LWU wishes to assist Aboriginal people to obtain appropriate water and sewerage services and to support the operation, maintenance and monitoring of these services through this Agreement.
- I DWE has been appointed Program Manager to manage the Program on behalf of the NSW Government and the NSWALC.
- J The parties agree to participate and cooperate in the Program on the terms and conditions set out in this Agreement.

## OPERATIVE PROVISIONS

### 1. INTERPRETATION

#### 1.1 Definitions

In this Agreement, except where the context otherwise requires:

**“Aboriginal Community”** means the Aboriginal community or communities specified in Item 3 of Schedule 1;

**“Agreed Fee”** means this amount payable to the LWU under the Program as set out in Schedule 2 table 2.2 subject to any variations in accordance with this Agreement;

**“Agreement”** means this Agreement including the Attachments;

**“Attachment”** means an attachment to this Agreement;

**“Business Day”** means the day which is not a Saturday, Sunday or public holiday in Sydney, NSW;

**“Commencement Date”** means the date specified in Item 2 of Schedule 1;

Draft Service Agreement for Aboriginal Communities Water and Sewerage Program Version 3 7 July 2009

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**"Confidential Information"** means any information that is by its nature confidential; and

(a) is designated by a party as confidential; or

(b) a party knows or ought to know is confidential;

but does not include information which is or becomes public knowledge other than by breach of this Agreement;

**"Connection Point"** means the point at which a water or sewerage pipe crosses the boundary of a customers yard, or if houses are individually metered, the point that is immediately downstream of the meter, or if the sewage collection pipe is within the yard, the point immediately upstream of the discharge fixture;

**"Funding"** means the funding by the NSW Government and NSWALC of this Program for the Services;

**"GST Law"** means *A New Tax System (Goods & Services Tax) Act 1999*, related legislation and any delegated legislation made pursuant to such legislation;

**"Instalment"** means an instalment of the Funding;

**"Intellectual Property"** includes patent, know-how, copyright, design, semi-conductor or circuit layout rights, trade mark, trade, business or company names or other proprietary rights and any rights to registration of such rights, whether created before or after the Commencement Date in Australia or elsewhere;

**"NSWALC"** means the New South Wales Aboriginal Land Council;

**"NSW Government"** means the New South Wales Government;

**"Payment Date"** means each date set out in Schedules 2 and 3;

**"Public Statement"** means any press release, statement, interview comment or other public communication given through any form of media;

**"Program"** means the Aboriginal Communities Water and Sewerage Program as described in Schedule 4;

**"Services"** means the water and sewerage services described in Schedules 2 and 3;

**"Term"** means the duration of this Agreement as set out in Item 2 of Schedule 1 or until the date on which this Agreement is terminated, whichever occurs first.



## **1.2 Interpretation**

1.2.1 In this Agreement, except where the context otherwise requires:

- (a) A singular word includes the plural, and vice versa.
- (b) A word which suggests one gender includes the other gender.
- (c) If a word is defined, another part of speech or grammatical form in respect of each word, has a corresponding meaning.
- (d) Any person or company shall mean and include the legal personal representative, successor in title, and permitted assigns of such person or company as the circumstances may require.
- (e) Words and expressions importing natural persons include partnerships, bodies corporate, associations and governmental and local authorities and agents.
- (f) A reference to legislation (including sub-ordinate legislation) is to legislation in force from time to time.
- (g) A party to this Agreement includes a permitted assignee or permitted substitute of that party as agreed between the parties.

1.2.2 Headings are for convenience only and do not affect interpretation.

1.2.3 No rule of construction operates to the detriment of a party only because that party was responsible for the preparation of this Agreement or any part of it.

1.2.4 If a day on or by which a party must do an administrative or routine action under this Agreement is not a Business Day the party must do it on or by the next Business Day.

1.2.5 Monetary references are references to Australian currency.

## **2. TERM OF THE AGREEMENT**

2.1 This Agreement commences on the Commencement Date and continues for the Term.

2.2 The parties acknowledge their mutual intent to renew this Agreement at the end of its Term.

2.3 The parties agree that they will commence negotiations for a renewal in good faith six months from the expiration of the Term.

### **3. PROVISION OF FUNDING**

#### **3.1 Payment of Funding**

- 3.1.1 DWE will pay the Funding for the Program to the LWU in accordance with and subject to the terms of this Agreement.
- 3.1.2 The Funding is payable in Instalments as set out in more detail in Schedules 2 and 3.

### **4. CLAIMING A PAYMENT**

- 4.1 The LWU must provide to DWE a Tax Invoice at the frequency and times specified in Schedules 2 and 3.
- 4.2 Full payment of each Instalment for routine operation and maintenance is conditional upon the LWU meeting each and every obligation set out in Schedules 2 and 3 to the satisfaction of DWE. Where a LWU fails to meet one or more obligations DWE may withhold an amount from the Instalment.
- 4.3 Subject to this Agreement, and subject to receipt of a complying tax invoice from the LWU, DWE will pay each instalment to the LWU within 30 days of receipt of the tax invoice.
- 4.4 Payments for routine operation and maintenance will be paid six months in advance. The LWU shall submit a Tax Invoice for the first six month period upon execution of this Agreement, and at six monthly intervals thereafter. DWE shall pay the first payment on receipt of the Tax Invoice.
- 4.5 Payment for backlog maintenance and emergency repairs will be made on completion of the works, upon presentation of a tax invoice. Supplier or contractor costs in excess of \$1,000 shall be supported by copies of the supplier or contractor tax invoices.
- 4.6 DWE will pay the LWU's reasonable demonstrated costs of providing the backlog or emergency works, including LWU labour, transport, equipment, etc.

### **5. USE OF THE FUNDING**

#### **5.1 Expenditure of the Funding**

- 5.1.1 The LWU must use the Funding for the purpose of carrying out water and sewerage works under the Program in accordance with this Agreement.
- 5.1.2 The LWU must not enter into any arrangements or commitments in relation to the Program that are incompatible or inconsistent with the purpose of the Funding.

## **5.2 Repayment of the Funding**

- 5.2.1 The LWU must immediately (or within such time as may be otherwise agreed) repay to DWE any part of a payment for which the service has not been provided.
- 5.2.2 The LWU must, within 30 days of the expiry or termination of this Agreement, repay to DWE any unexpended payment.

## **6. PERFORMANCE OF THE PROGRAM AND THE SERVICES**

### **6.1 Role of the LWU**

- 6.1.1 The LWU:
- (a) will liaise regularly with the contact person in the Aboriginal Community as set out in Item 1 Schedule 1;
  - (b) must carry out the Services in accordance with the requirements and milestones set out in Schedules 2 and 3, and the other provisions of this Agreement;
  - (c) must carry out the Services on the land in a culturally appropriate manner in consultation with the Aboriginal Community, including direct and adequate consultation on service delivery with the contact person in the Aboriginal Community as set out in Item 1 Schedule 1;
  - (d) will use its best endeavours to provide training and employment for Aboriginal people from the local Aboriginal Community where possible when providing the Services under this Agreement.
- 6.1.2 If the LWU does not fulfil its obligations under this Agreement DWE may give reasonable directions to the LWU to rectify the matter. No additional payment will be due for any reasonable direction under this sub clause.
- 6.1.3 If emergency or other issues relating to water supply and sewerage services arise DWE will negotiate with the LWU to rectify the matter. If the issue is a health hazard DWE may direct the LWU to rectify the matter. An additional payment will be due for any direction under this sub clause in accordance with Schedule 3.
- 6.1.4 Where a LWU engages a contractor, sub contractor or agent to undertake part or all of this provision of Services under this Agreement the LWU must ensure that the Services are carried out in accordance with the obligations under this Agreement.

### **6.2 Role of the LALC**

- 6.2.1 The parties acknowledge and agree that the LALC remains owner and manager of the land as set out in Item 3 Schedule 1. The parties acknowledge that all water and sewerage infrastructure located thereon within the Aboriginal Community and owned by the LALC will remain in LALC ownership;

- 6.2.2 To enable the LWU to fulfil its obligation under this Agreement, the LALC agrees to provide or ensure the LWU and DWE have full and reasonable access to the land, as set out in Item 3 Schedule 1, and all water supply and sewerage infrastructure located within or serving the Aboriginal Community. The LWU and DWE acknowledge and agree that access will not be provided to the individual yards in the Aboriginal Community without the prior consent of the LALC, nor to the interior of residences.
- 6.2.3 If the contact person in the Aboriginal Community considers that Services provided under this Agreement are not considered culturally appropriate as set out in clause 6.1.1 (c) the contact person shall notify and provide details to the DWE contact person as set out in Item 1 Schedule 3.

### **6.3 Role of the DWE**

- 6.3.1 The DWE will:
- (a) liaise regularly with the contact person in the Aboriginal Community as set out in Item 1 Schedule 1;
  - (b) manage approvals under this Agreement;
  - (c) make grant payments under this Agreement;
  - (d) arrange inspections as set out in clause 8;
  - (e) arrange a meeting of all parties if the contact person in the Aboriginal Community advises that the Services are not being delivered in a culturally appropriate manner as detailed in clause 6.2.3 to resolve the issue and, if necessary, negotiate a variation to the Agreement in accordance with clause 13.

## **7. RECORDS**

- 7.1 The LWU must ensure that adequate financial and operational records and registers are kept and maintained to support the tax invoice submitted for carrying out the Services.
- 7.2 The LWU must retain the records referred to in this clause 7 throughout the Term and for seven (7) years after the expiry or termination, of this Agreement.

## **8. INSPECTION**

- 8.1 The LWU and the LALC agree that DWE may visit the Aboriginal Community to observe the carrying out of the Services, upon giving the LWU and the LALC at least 14 days notice. Shorter notice will only apply if acceptable to both the LWU and the LALC or in an emergency.
- 8.2 DWE will not enter any houses.



- 8.3 DWE will not enter any individual land except with the prior consent of the LALC or at the invitation of the occupant.
- 8.4 Apart from costs of inspections dealt with in Schedule 2 each party shall pay their own costs incurred in connection with such inspections.
- 8.5 DWE will provide a written report to the LWU and LALC after each inspection.

## **9. AUDIT**

- 9.1 An Audit of Funding acquitted under the Program may be conducted at any time by DWE or any person authorised by DWE.
- 9.2 The LWU and the LALC must co-operate fully with an Audit, including:
  - 9.2.1 granting the person conducting the Audit reasonable access to their premises, records and all materials relevant to the Program and the performance of this Agreement;
  - 9.2.2 permitting the person conducting the Audit to inspect and make copies of the records and materials relevant to the Program and the performance of this Agreement; and
  - 9.2.3 making available on request at no additional cost to the person conducting the Audit reasonable facilities to enable a legible reproduction to be created of the records and materials stored on a medium other than in writing.
- 9.3 DWE must give the LWU and the LALC reasonable notice of its requirements in relation to an Audit.
- 9.4 DWE shall bear the costs of any Audit.
- 9.5 DWE must use its reasonable endeavours to minimise disruption and interference to the LWU's performance of its obligations under this Agreement arising from an Audit.
- 9.6 The LWU and/or LALC must promptly take any reasonable action required by DWE to rectify any error, non-compliance or inaccuracy identified in an Audit in relation to the Program or their performance of this Agreement.

## **10. EVALUATION AND SURVEYS**

- 10.1 Evaluation or surveys may be conducted to monitor the effectiveness of the Program including the expected beneficial outcomes for Aboriginal Communities. The LWU and LALC are required to participate in and contribute to requests for the provision of statistical information for the purpose of evaluation or surveys conducted by DWE or an authorised representative in respect of Program

outcomes. No such request will require the breach of any duty of confidentiality owed by the LWU or the LALC.

## **11. COMPLIANCE WITH THE LAW**

### **11.1 The LWU must:**

- (a) obtain and hold all rights, licences and consents required to deliver the Services and otherwise fulfil their obligations under the Agreement;
- (b) comply with all applicable standards, laws, regulations and policies in relation to the delivery of the Services; and
- (c) not do anything that would cause DWE or the LALC to breach its obligations under any law.

### **11.2 The LALC and DWE must:**

- (a) comply with all applicable standards, laws, regulations and policies in relation to the conduct of the Program; and
- (b) not do anything that would cause the LWU to breach its obligations under any law

## **12. PUBLICITY**

### **12.1 Acknowledgement**

- 12.1.1 The LWU and LALC must acknowledge the financial support provided from the NSW Government and the NSWALC in all Public Statements about the Program.

### **12.2 Publicity**

- 12.2.1 The LWU, LALC and DWE may publicise this Agreement and awarding of the Funding or any other aspect of the Program at any time, including:

- (a) the LWU's name;
- (b) the LALC's name;
- (c) the Aboriginal Community's name;
- (d) the amount of the Funding; and
- (e) the title and description of the Program and the results of the Program.

## **13. VARIATION**

- 13.1 The parties can only vary this Agreement including without limitation any matter contained in any of the Schedules by written agreement between them.

## 14. TERMINATION

- 14.1 Either the LALC, LWU or DWE may immediately terminate this Agreement by written notice (**Terminating Notice**) served on the parties if there is a breach of a provision of this Agreement, and
- (a) the party in breach of the Agreement fails to remedy that breach within the period specified in the Terminating Notice ; or
  - (b) the breach is not capable of being remedied.
- 14.2 DWE may terminate this Agreement by giving no less than six months written notice to the LWU and the LALC if funding for the Program ceases to be available from the NSW Government or from NSWALC.

## 15. DISPUTE RESOLUTION

### 15.1 Method of Dispute Resolution

The parties agree that any dispute arising under this Agreement will be dealt with as follows:

- (a) A party claiming that a dispute has arisen must give written notice of the dispute to the other parties.
- (b) DWE must give written notice of any dispute arising under this Agreement to NSWALC within 14 days of receiving written notice of the dispute under clause 15.1(a) of this Agreement.
- (c) The parties will seek to resolve the dispute, initially by their representatives specified in Schedule 1.
- (d) If the dispute is not resolved within 14 days of notification, any one of the parties may seek to resolve the dispute by escalating the dispute to their relevant senior managers and if the senior managers are unable to resolve the dispute within a further 14 days, to their respective chief executive officers.
- (e) If the dispute is not resolved within a fourteen (14) day period (or within such further period as the parties agree in writing) then the dispute is to be referred to the Australian Commercial Dispute Centre (ACDC) for mediation.
- (f) The mediation is to be conducted in accordance with the ACDC Mediation Guidelines which set out the procedures to be adopted, the process of selection of the mediator and the costs involved.
- (g) If the dispute is not settled within 28 days (or such other period as agreed to in writing between the parties) after appointment of the mediator, or if no mediator is appointed within 28 days of the referral of the dispute to mediation, the parties may pursue any other procedure available at law for the resolution of the dispute.

### 15.2 Obligation to continue performance

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The parties must continue performing their obligations under this Agreement while the dispute is being resolved, to the extent practicable to do so.

**15.3 No Court proceedings**

- (a) A party must attempt to settle any dispute in relation to this Agreement in accordance with this clause 15 (Dispute Resolution) before resorting to court proceedings or other dispute resolution process.
- (b) Nothing in this clause 15 (Dispute Resolution) will prevent either party from seeking urgent interlocutory relief.

**16. NOTICES**

**16.1 How to give notice**

A notice, consent or other communication under this Agreement is only effective if it is:

- (a) in writing, signed by or on behalf of the person giving it;
- (b) directed to the representative of the other party or parties as set out in Schedule 1; and
- (c) forwarded to the address, facsimile number or the email address of that representative.

**16.2 When a notice is given**

A notice, consent or other communication that complies with this clause is regarded as given and received:

- (a) in the case of delivery in person – when delivered to the recipient's address for service and leaving it with any person resident or employed at the premises;
- (b) in the case of delivery by post – within three (3) Business Days of posting;
- (c) in the case of delivery by facsimile – when transmitted to a number specified by the recipient as a number to which facsimiles may be sent to the recipient; or
- (d) in the case of delivery by email – when transmitted by electronic mail to an email address specified by the recipient as an address to which electronic mail to the recipient may be sent.

**16.3 Delivery late in the day**

Notwithstanding the provisions of this clause 16 (Notices), if delivery or receipt of a communication is on a day which is not a Business Day in the place to which the communication is sent or is later than 5pm (local time in that place) it will be deemed to have been duly given or made at 9am (local time in that place) on the next Business Day in that place.

#### **16.4 Change of contact details**

A party must advise the other parties within seven (7) days of any changes to contact details set out in Schedule 1.

### **17. GST**

#### **17.1 Supply is GST exclusive**

Unless otherwise indicated, all consideration for any supply under this Agreement is exclusive of any GST imposed in relation to the supply.

#### **17.2 What happens if GST is imposed**

If:

- (a) despite any other provision of this Agreement, GST is imposed on any supply by the LWU to DWE under this Agreement; and
- (b) DWE is or will be entitled to receive an input tax credit (as defined in the GST Law) in relation to that supply,

DWE will pay to the LWU an additional amount equal to the GST imposed on that supply, at the time and in the manner payment is otherwise payable under this Agreement in relation to that supply subject to receipt of a Tax Invoice.

#### **17.3 LWU must be GST registered**

The LWU must be registered under the GST Law at the time of making any supply under this Agreement on which GST is imposed.

#### **17.4 Consequences of non-registration**

If the LWU is not registered under the GST Law as required under clause 17.3, the LWU will not be entitled to receive any additional amount as provided under this clause 17 (GST).

#### **17.5 Overpayments**

If for any reason DWE pays to the LWU an amount under this clause 17 (GST) which is more than the GST imposed on the supply, the LWU must repay the excess to DWE on demand or DWE may off set the excess against any other amounts due to the LWU.

### **18. GENERAL**

#### **18.1 Governing law**

- (a) This Agreement is governed by the law in force in the State of New South Wales.
- (b) Each party submits to the non-exclusive jurisdiction of the courts exercising jurisdiction in the State of New South Wales, and the courts of appeal therefrom.

### **18.2 Non waiver**

No failure or delay by DWE or the LALC in exercising any right power or remedy under this Agreement and no course of dealing or granting by DWE or the LALC to the LWU of any time or other consideration, will operate as a waiver of the breach or a default by the LWU. Any waiver by DWE or the LALC of a breach of this Agreement will not be construed as a waiver of any further breach of the same or any other provision.

### **18.3 Entire Agreement**

- (a) This Agreement contains the entire agreement between the parties about its subject matter. Any previous understanding, agreement, representation or warranty relating to that subject matter is replaced by this Agreement and has no further effect.
- (b) Any right that a person may have under this Agreement is in addition to, and does not replace or limit, any other right that the person may have.
- (c) Any provision of this Agreement which is unenforceable or partly unenforceable is, where possible, to be severed to the extent necessary to make this Agreement enforceable, unless this would materially change the intended effect of this Agreement.
- (d) All amendments to this Agreement and all consents, approvals, waivers and agreements made under or pursuant to this Agreement must be evidenced in writing.

### **18.4 Insurance**

Upon commencement of this Agreement and before commencing the Services the LWU must effect and maintain for the duration of the Term public liability insurance in respect of the Services that covers the respective rights, interests and liabilities of the parties under this Agreement and that provides insurance cover for an amount in respect of any one occurrence of not less than \$20 million.

### **18.5 Consents**

Where this Agreement contemplates that a party may agree or consent to something (however it is described), that party may:

- (a) agree or consent, or not agree or consent, in its absolute discretion; and
  - (b) agree or consent subject to conditions,
- unless this Agreement expressly contemplates otherwise.

### **18.6 Relationship**

- (a) Nothing in this Agreement is intended to create a partnership, joint venture or agency relationship between the parties;
- (b) The LWU and the LALC shall not hold either of them out to be an employee, partner, agent or representative of DWE; and
- (c) All work performed by the LWU and all contracts made by the LWU to carry out the Services shall be performed and made by the LWU as principal and not as

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agent for DWE. In all dealings in relation to the Program the LWU shall act solely on the LWU's own account.

**18.7 Counterparts**

This Agreement may be executed by counterparts by the respective parties, which together will constitute one agreement.

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## WALGETT SHIRE COUNCIL AGENDA

This Service Agreement is executed as a deed on ..... 20.....

### Execution by DWE:

Signed by ..... )  
(insert name of the DWE signatory) )  
for and on behalf of the Crown in right of the )  
State of NSW through the Department of )  
Water and Energy, but not so as to incur ) (signature of DWE authorised officer)  
any personal liability )  
 )  
 )  
in the presence of..... )  
(insert name of DWE witness) ) (signature of witness)

### Execution by LWU:

Signed by ..... )  
(insert name of the LWU signatory) )  
for and on behalf of )  
 )  
(insert name of the Funding LWU as per the Agreement Details) ) (signature of LWU authorised officer)  
 )  
ABN/A.C.N: ..... )  
 )  
 )  
in the presence of..... )  
(insert name of LWU witness) ) (signature of witness)

### Execution by LALC:

Signed by ..... )  
(insert name of the LALC signatory) )  
for and on behalf of )  
 )  
(insert full name of the LALC as per the Agreement Details) ) (signature of LALC authorised officer)  
pursuant to s.245 of the *Aboriginal Land* )  
*Rights Act 1983* )  
 )  
 )  
in the presence of..... )  
(insert name of LALC witness) ) (signature of witness)

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**SCHEDULE 1 - AGREEMENT DETAILS**

This Schedule forms part of the Agreement between DWE, LALC and the LWU.

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<b>Item 1</b>	<b>Contact Details</b>
<b>DWE:</b>	contact person:..... contact address:..... contact telephone: ..... contact facsimile: ..... contact email: .....
<b>The LWU:</b>	contact person: ..... contact address: ..... contact telephone: ..... contact facsimile: ..... contact email: .....
<b>The LALC:</b>	contact person: ..... contact address: ..... contact telephone: ..... contact facsimile: ..... contact email: .....

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<b>Item 2</b>	<b>Term</b>
<b>Commencement Date:</b>	The date upon which the parties sign this Agreement. .....
<b>Duration:</b>	..... years from the Commencement Date

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<b>Item 3</b>	<b>The Aboriginal Community</b>
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## **SCHEDULE 2 – ROUTINE OPERATION AND MAINTENANCE SERVICES**

Schedule 2 deals with planned actions that will be required on a regular basis for the duration of the Term.

The LWU shall be responsible for routine operation, maintenance and monitoring of the water infrastructure upstream of the Connection Point and sewerage infrastructure downstream of the Connection Point, and as detailed in Table 2.1.

Routine operation and maintenance functions shall be performed to:

- ensure potable water is compliant with the Australian Drinking Water Guidelines;
- ensure any discharge from either the water supply or sewerage systems is compliant with relevant regulations or licences;
- include the supply of chemicals, power supply, local and remote control monitoring;
- coordinate the collection and testing of samples to ensure appropriate quality control and reporting;
- include the routine inspection and regular maintenance of water distribution or sewage collection systems, pump stations and pumping equipment, reservoirs and tanks, chlorination or quality control equipment, treatment plants and waste disposal facilities, vegetation management and any other function necessary to achieve the stated levels of service.

Except where this Agreement expressly provides to the contrary the standard of service for these functions shall be as normally provided to the wider community in similar circumstances. The LWU will negotiate with the LALC to provide opportunities for ongoing training, support and pay for Aboriginal Community members, or the LALC, involved in operation of water and sewerage. The LWU will be reimbursed from the Program for such activities.

The Agreed Fee for this service is detailed in Table 2.2.

The Agreed Fee shall, in each subsequent year of the Term, be adjusted for inflation in accordance with an index determined by New South Wales Treasury. DWE will advise the LWU of the value of the adjustment annually and will amend Table 2.2 to reflect this adjustment.

If DWE, the LALC or the LWU considers that any item of routine works set out in the table below is inappropriate or inadequate, given the reasonable needs of the Aboriginal Community and overall standards relevant to the area covered by the LWU, that party

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can serve written notice on DWE proposing an amendment. If DWE fails to agree to the proposed amendment, the parties must use their best endeavours in good faith to resolve the matter through the dispute resolution process set out in clause 15 of this Agreement.

**Table 2.1 Services to be provided by the LWU**


The Agreed Fee to be paid to the LWU is detailed at Table 2.2.

**Table 2.2 Agreed Fee to be paid by DWE to LWU for Services detailed in Table 2.1**

Date approved	Amount	Description

### **SCHEDULE 3 – BACKLOG MAINTENANCE AND EMERGENCY WORKS SERVICES**

Schedule 3 deals with actions that are required once only. This will include known backlog works at the time of preparing the Agreement and emergency works that will arise from time to time.

Backlog maintenance is the provision of services required to restore existing water infrastructure upstream of the Connection Point and sewerage infrastructure downstream of the Connection Point to ensure they operate efficiently and deliver the outcomes intended when the infrastructure was constructed. This will not include new capital works. Backlog maintenance will include the provision of individual water meters, fire hydrants and scour valves where required. It will also include new telemetry equipment that is required by a local water utility to permit remote monitoring and hence reduce the cost of routine operations and maintenance. This will also include works such as:

- repairs identified at first inspection;
- investigations to ascertain asset conditions at commencement;
- scouring pipelines;
- testing fire hydrants;
- adjustments to operating procedures to improve security;
- improvements to operation health and safety;
- improved security around facilities; and
- desludging reservoirs and flushing pipelines (if required).

All parties acknowledge that emergency issues will arise from time to time. Repairing, or otherwise addressing, the emergency issues is within the realm of this Agreement.

Emergency works are those necessary in the water infrastructure upstream of the Connection Point and sewerage infrastructure downstream of the Connection Point to restore service after a system failure and the pre-emptive actions prior to actual failure if identified by DWE, LWU or LALC to ensure they operate efficiently and deliver the outcomes intended when the infrastructure was constructed. This would include:

- repairs after a fire;
- repairs to broken mains;
- repair/replacement of pumps or telemetry or meters or electrical switchboards;
- replacement of assets prior to failure if recommended by the DWE inspector and funds are available;
- periodic audit of septic tanks (generally about 3-5 year interval);
- repairs to septic tanks if required as a result of this audit;

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- periodic desludging of septic tank (generally 3-5 year interval); and
- (if funding permits) repair/replacement of civil assets such as pipelines if required for robust and reliable operation.

Backlog maintenance works will be negotiated between the LWU and DWE and will not require the written approval of the LALC. DWE will however discuss the proposed works with the LALC prior to giving any approvals.

If backlog maintenance is required the LWU must provide to DWE a proposal setting out the need for the works, the scope of the works and the quoted or estimated price. DWE may in its absolute discretion approve the undertaking of part or all of such works and the amount of Funding it will provide towards the cost of such works. The LWU must obtain written approval from DWE prior to commencing the backlog works.

If an emergency arises the LALC must notify the LWU who must notify DWE to advise the scope of the emergency and make arrangements for repairs. The LWU must provide a detailed proposal and estimate and obtain written DWE approval. DWE will discuss emergency works with the LALC but, due to emergency nature of the works, may not be able to obtain LALC concurrence prior to approving funding. Approved emergency works will be funded through variation to this Agreement.

If an emergency arises that requires immediate rectification to protect public health, safety or the environment, and the LWU is unable to obtain DWE approval in a timely manner it should proceed to rectify the emergency and discuss the matter with DWE as soon as practical.

Where agreement is not able to be reached between the LWU and DWE on an emergency that is creating a health hazard to Aboriginal Community members, DWE may make reasonable directions to the LWU to undertake the work in accordance with clause 6.1.3.

Approvals may be on the basis of quotes obtained, or on the basis of reasonable estimate, depending on circumstances.

The LWU must carry out backlog or emergency works to water and sewerage infrastructure within the Aboriginal Community as and when required and to a standard commensurate with the standard of works provided to other water and sewerage customers of the LWU outside the Aboriginal Community.

If DWE and the LWU cannot agree on the need for or cost of any proposed emergency or additional works, they must use their best endeavours in good faith to resolve the dispute in accordance with clause 15 of this Agreement.

The Agreed Fee to be paid to the LWU for backlog is detailed at Table 3.1.

**Table 3.1 Agreed Fee to be paid by DWE to LWU for backlog maintenance**

Date approved	Amount	Description

The Agreed Fee to be paid to the LWU for emergency is detailed at Table 3.2.

**Table 3.2 Agreed Fee to be paid by DWE to LWU for emergency repairs**

Date approved	Amount	Description

## **SCHEDULE 4 – ABORIGINAL COMMUNITIES WATER AND SEWERAGE PROGRAM**

The Aboriginal Communities Water and Sewerage Program (the Program) is a program that commenced on 1 July 2008 to improve the water supply and sewerage services in selected Aboriginal Communities in NSW.

The Program is a joint initiative of the NSW Aboriginal Land Council and the NSW Government. Together they will invest around \$200 million over the next 25 years on maintenance, operation, repairs and monitoring in approximately 60 Aboriginal Communities across NSW.

The Program is being oversighted by a Steering Committee that:

- provides strategic direction to the Program;
- decides which Aboriginal Communities are eligible;
- establishes key performance indicators; and
- identifies and resolves issues that arise in the implementation of the Program.

DWE has been appointed as program manager to implement the Program. DWE works closely with the NSW Aboriginal Land Council, LALCs and LWUs to deliver improved water supply and sewerage services to eligible Aboriginal Communities.

## 17. WATER RESTRICTION POLICY

**REPORTING SECTION:** Urban Infrastructure Services  
**AUTHOR:** Siegfredo Coralde – Director of Urban Infrastructure Services  
**FILE NUMBER:** 09/1448

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### Summary:

This report seeks to address concerns relating to water supply and demand management by ensuring that the time periods when watering is permitted is moved away from the generally expected peak demand for normal domestic and business use.

This report recommends to Council the approval and implementation of its Water Restriction Policy effective 30<sup>th</sup> September 2009.

### Discussion (including issues and background):

Over the years the water supplies in the Walgett, Lightning Ridge, Collarenebri, Rowena and Carinda communities have historically come under pressure during summer months, to accommodate watering and irrigating of lawns and gardens.

To manage these issues, water restrictions in some form have been implemented before summer months or during emergencies to manage the demand to acceptable levels. These water restrictions have in the past been implemented in an 'ad-hoc' fashion and have never been formulated in Council policy.

Moving forward. A change of water restriction schedule was issued on 05 January 2009 where residents were prohibited using sprinklers other than between the following times:

Description	Sprinkling Times		Remarks
	Mornings	Evenings	
Residential Premises	6:00 am - 8:00am	6:00 pm – 10:00pm	Daily
Commercial Premises	From 8:00 am	To: 4:00 pm	Monday to Friday only

The above notice was revoked on 28 April 2009 when Council passed Resolution 93/09 lifting water restrictions from 01 May 2009 to 31 August 2009. Council did not reinstate a water restriction notice based on the above schedule pending approval of a new policy.

The new policy contains four levels of water restrictions. The first level which is intended to be introduced upon approval of the Water Restriction Policy is scheduled as follows:

- Residential premises from 5:00 am to 8:00 am and 6:00 pm to 10:00 pm daily
- Public parks, sport fields and school grounds from 8:00 am to 4:00 pm Mondays to Fridays (for fully automated sprinklers)
- Public parks, sport fields and school grounds from 8:00 am to 4:00 pm Mondays to Fridays (for non-automated sprinklers)
- Commercial premises from 8:00 am to 4:00 pm Mondays to Fridays.

**Relevant Reference Documents:**

Water Management Regulation 2003  
(Water Supply Authorities – Water Restrictions)  
Water Meter Policy  
Best Practice Management of Water Supply and Sewerage Guidelines

**Stakeholders:**

Walgett Shire Council  
Walgett Shire Business Community  
Walgett Shire Constituents

**Financial, Social and Community Implications**

Council needs to disseminate information to the general public by posting the policy at Council offices, libraries, depots and post offices. Publishing to local newspapers is also desirable.

Council give consumers an indication of permissible practises which are allowed during each level of water restriction, thereby making compliance and enforcement easier. The policy is intended to give a clear definition of how breaches of the restrictions will be dealt with by Council's enforcing officer.

**Recommendations:**

1. That Council approves the Water Restriction Policy effective 30 September 2009.
2. That Council approves implementation of Water Restriction Level 1 effective 05 October 2009.
3. That Council disseminate information to public libraries, Council depots, post offices including publication to local newspapers.

**Attachments**

AFM – Water Restriction Policy





## **AFM – WATER RESTRICTION POLICY**

Adoption Date: 29 September 2009

Review Date: 29 September 2010

Responsible Officer: Director Urban Infrastructure Services

### **POLICY STATEMENT**

WSC is dedicated to provide a uniform, fair and consistent system of water restriction for all residents and businesses of Walgett Shire.

This policy document covers timing and durations of intended water restrictions, communication protocols and consistency of enforcement approach to consumers.

The provisions of this policy are consistent with established principles of water management and conservation and fully compliment the WSC's AFM – Water Meter Policy.

### **LIMITATIONS:**

Parts of this policy do not apply to emergency situations.

### **OBJECTIVES:**

- To provide an operational framework to manage water supply demand on water supply systems.
- To ensure that the operational framework procedures are enforceable under such conditions as drought, infrastructure repairs and other unpredictable events.
- To provide four levels of water restrictions to meet the requirements of essential services for all residential and business needs.
- To manage the risk of water system failures, water supply quality issues or low rainfall which restrict or limit Council the ability to supply and deliver quality water to the general public.
- To describe the expectations of Council when water restrictions are imposed.
- To ensure existing water demand and supply is monitored and encourage each household to take care from damaging of the assigned water meter to their property.
- To ensure that compliance with all relevant legislative and regulatory requirements is met all times.

**DEFINITION:**

**Water Restriction** means imposition introduced by Walgett Shire Council to enforce limited or restricted use of daily water consumption to ensure that supply and demand of water can be maintained at desired levels consistent with good management practices.

**Garden** means any ground that has been cultivated with trees, shrubs, flowers and vegetables or vegetation of any kind.

**Lawn** means any ground that has been cultivated and predominantly grassed in nature and is not a garden.

**Hand held hose** means a hose fitted with a trigger nozzle and continuously held by hand at the discharge end.

**Not permitted** means water must not have been taken from Council's water supply but water from alternative water may be used.

**Sprinkler** means any device attached to a pipe water receiver which is used for discharging water in a concentrated or dispersed pattern.

**Water** means water supplied by Walgett Shire Council via water network reticulation system.

**WATER RESTRICTIONS**

The General Manager will authorize the imposition and lifting of water restrictions in accordance with this Policy.

Applications for exemptions from water restrictions or variations to start and/or finish times must be made in writing to the General Manager. Variations if approved will not increase the total allowable watering time per week for each level of restriction. The property owner or consumer requiring an adjustment to watering times must provide written request to General Manager advising of their circumstances. Council will decide whether or not the property owner or consumer should be granted a variation.

Should Council agree to the request, an advice will be issued providing the variation conditions, ie, application period/s, times and special conditions. A sign provided by Council is to be displayed in front of the property advising that the property has a variation permit. Granting variations to water restriction is limited to health, safety and financial hardships.

**EMERGENCY RESTRICTION**

Council has the authority to introduce water restrictions at anytime for a period of time to any water reticulated network, property, or business customer for any of the following purposes:

- Urgent repairs, cleaning, renewals, replacement or additions to the water reticulated network or any part thereof.
- To provide water for any fire or similar emergency problems.

- To protect the distributing integrity of water domestic supply where the demand for water from consumers of the water distribution system exceeds or is expected to exceed the volume of water that can be supplied to the distribution system.

The following specific activities are exempt from the above provision except when a Water Restriction Level 3 is in effect:

- a) Commercial car or truck wash
  - b) Washing of vehicles for health or safety regulatory compliance
  - c) Child care facilities
  - d) Animal care facilities
  - e) Food and beverage establishments
- To regulate the equitable distribution of water to consumers at different levels in different water network supply districts.

### **WATER RESTRICTION LEVELS**

Water restrictions are introduced primarily to reduce outdoor water use. Council will not automatically impose water restrictions at the beginning of summer. Decisions will be guided by the outcome of close observance of water consumption and long range weather predictions in the months leading up to summer period.

The level of water restrictions is based on available storage volumes and categorized according to the levels set out in the following table:

#### **Water Restriction Level 1:**

Use of water systems such as hand held hoses connected to water scheme supply, micro-spray or automatic irrigation sprinklers for lawns and gardens is prohibited other than the following times:

- Residential premises from 5:00 am to 8:00 am and 6:00 pm to 10:00 pm daily
- Public parks, sport fields and school grounds from 8:00 pm to 4:00 am, Mondays to Fridays (for fully automated sprinklers only)
- Public parks, sport fields and school grounds from 8:00 am to 4:00 pm, Mondays to Fridays (for non-automated sprinklers only)
- Commercial premises from 8:00 am to 4:00 Mondays to Fridays.

The use of water on newly laid and or plantings will not be restricted.

Fire hoses can be used for firefighting purposes.

#### **Water Restriction Level 2:**

- Residential premises from 6:00 am to 8:00 am and 6:00 pm to 9:00 pm daily
- Public parks, sport fields and school grounds from 7:00 pm to 3:00 am, Mondays to Fridays (for fully automated sprinklers only)
- Public parks, sport fields and school grounds from 8:00 am to 3:00 pm, Mondays to Fridays (for non-automated sprinklers only)
- Commercial premises from 8:00 am to 3:00 Mondays to Fridays.

**Water Restriction Level 3:**

Use of water sprinklers for lawns and gardens except hand-held hoses are not allowed. The use of water on newly laid sod or planting outside this restriction is allowed on exceptional circumstances.

No hosing of hard surfaces including personal/private vehicles at any time.

No hoses or taps to be left running unattended except when filling pools or containers.

Washing vehicles using a bucket is permitted.

Washing vehicles using a bucket is permitted.

Public parks, sport fields and school grounds only are able to be watered within the water supply allocation.

Any property owner or consumer using contents of rain water storage may continue watering as long as the use is coming from this rain storage facility. Council should be notified of this condition.

All other domestic and commercial watering activities are suspended.

Fire hoses must only be used for firefighting purposes – not for cleaning.

**Water Restriction Level 4:**

All outdoor and non-essential indoor use of water is prohibited. Bulk water filling from stand pipes is prohibited.

Fire hoses must only be used for firefighting purposes – not for cleaning.

**INFRINGEMENT NOTICE**

**First Offence** – a verbal warning advising that water restrictions are in force. A copy of the public water restriction notice and schedule will be provided.

**Second Offence** – official warning notice issued on the property owner advising that on-the spot fine will be issued if they offend once again. A photograph of the watering system in operation will be attached with date and time displayed.

**Third Offence** – Council's authorized officer will issue on-the-spot fines. A photograph of the watering system in operation will be taken with date and time displayed.

No verbal warning will be given at Restriction Levels 3 and 4. Penalty will be imposed immediately.

**PUBLIC NOTICES**

Water restriction notices when introduced shall be broadcasted on local radio stations, advertised in the local newspapers, posted in Council service centers and any other appropriate well viewed locations. Council at this point in time will initiate enforcement measures from advertised introduction date.



## **18. BURREN JUNCTION RESCUE SQUAD (VRA) - REQUEST FOR ASSISTANCE**

**REPORTING SECTION:** Director Rural Infrastructure & Support Services  
**AUTHOR:** Ian Taylor - Director Rural Infrastructure & Support Services  
**FILE NUMBER:** 09/1444

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### **Summary:**

The Burren Junction Rescue Squad is a member of the Volunteer Rescue Association (VRA) and performs rescue and related emergency services in place of a State Emergency Services (SES) Unit. The Squad has requested financial assistance from Council. This report recommends that Council grant the Squad a \$5,000 payment for capital improvements and offer them a Memorandum of Understanding for financial support for operations and maintenance.

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

The Burren Junction Rescue Squad is a member of the Volunteer Rescue Association (VRA) which is a not for profit organisation dedicated to operating rescue units accredited under the State Emergency and Rescue Management Act 1989. It performs rescue and related emergency services in place of or assisting a SES Unit, Fire Brigade or Rural Fire Service Brigade. The Burren Junction Rescue Squad is the Primary rescue unit in Burren Junction. The nearest alternate units are Wee Waa, Collarenebri, and Walgett.

The Squad has requested financial assistance from Council. This comprises a one-off grant for capital expenditure of \$5,000 and a five-year commitment to provide \$3,000 per annum for operational and maintenance expenditure. Refer attached email.

Walgett Shire Council supports five SES Units being those at Walgett, Lightning Ridge, Glengarry, Collarenebri, and Carinda. This obligation is under the State Emergency Service Act 1989. Most of these units provide either Primary or Secondary accredited Rescue Response. Based upon the current budget, the average expenditure allowed per Unit is approximately \$12,000 per annum. The assessment under the SES Act is currently \$19,583 per annum for all units combined.

The VRA is not financially supported at the Rescue Squad level by the State Government, but relies entirely upon donations and sponsorships. This source of income to the Burren Squad has diminished in recent years. Conversely, the cost of operating the Squad is continually increasing. Refer to attached email.

It is considered that the Squads request is reasonable. Therefore it is recommended that the Squad is offered:

A grant for capital expenditure to be expended by 30 June 2010 and to be paid on receipt of correctly rendered and paid Tax Invoices; and

To enter a Memorandum of Understanding with Council for the payment of an annual contribution for operational and maintenance of the Squad of up to \$2,000 per financial year to commence in the year the agreement is signed and to operate for an initial period of five years. The annual continuation of the grant would be subject to the Squad providing Council with a copy of their audited annual accounts.

**Relevant Reference Documents:**

Email: Burren Junction Rescue Squad 16 August 2009 (attached)

**Stakeholders:**

Burren Junction Rescue Squad  
Burren Junction District Community  
Travellers through Burren Junction District

**Financial Implications:**

The Squad has requested a one-off grant of \$5,000 and an on-going commitment of \$3,000 per year for 5 years.

Council has budgeted \$59,582 for State Emergency Services in 2009/2010. Approximately \$20,000 will be paid to Emergency Management NSW for administering SES Units in Walgett Shire. In 2008/2009 this budget was approximately \$20,000 under expended (omitting the advance payment for 1st Quarter 2009/2010)

**Recommendations:**

**That Council offer to the Burren Junction (Volunteer Rescue Association) Rescue Squad:**

- 1. A grant for capital expenditure to be expended by 30 June 2010 and to be paid on receipt by Council of correctly rendered and paid Tax Invoices; and**
- 2. To enter a Memorandum of Understanding with Council for the payment of an annual contribution for operational and maintenance of the Squad of up to \$2,000 per financial year to commence in the year the agreement is signed and to operate for an initial period of five years. The annual continuation of the grant would be subject to the Squad providing Council with a copy of their audited annual accounts and remaining recommended for accreditation by the State Rescue Board of NSW.**

**Attachments:**

Email request from Pat Slack-Smith

**Ian Taylor**

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**From:** Pat Slack-Smith [patslack\_smith@activ8.net.au]  
**Sent:** Sunday, 16 August 2009 2:57 PM  
**To:** Ian Taylor  
**Subject:** Attention Ian Taylor

Attention Ian Taylor

The Burren Junction Rescue Squad was set up in 1983 as a life saving service to the district in cases of accidents or medical attention, an ambulance, depending on availability, is at least 40mins to 1 ½ hrs away, with first aid skills, oxy-viva & latter years, a heart start machine, we filled the gap, these cost money, \$952, consumables ( 2 adults pads & 2 child pads,) for this machine, we are in need of a new oxy-viva pack to be easily carried to a scene \$2400, also fibre glass spinal boards.

The Council at one stage gave us a grant of \$2000 to cover the administration cost (our emergency telephone alone cost \$1571 per annum, cylinders for oxy-vivas \$519), we would appreciate the on going generosity of the Council to be able to grant us the \$3000 a year for 5 yrs (administration), plus \$5000 for the new & upgrading of our resources, for this year. We rely heavily on donations & fund raising, but in a small district with other essential services relying on similar funding, it is getting harder, also we spend so many hours training, & maintaining our resources, there is not much time left for the volunteers.

We await you verdict from the Council meeting in September.