



WALGETT SHIRE COUNCIL

MINUTES

5 August 2008

CAROLE MEDCALF
Acting General Manager

SHIRE OF WALGETT - MINUTES

<p style="text-align:center">MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD IN THE WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY, 5 AUGUST 2008 COMMENCING AT 9.35 am</p>
--

PRESENT

Mr Vic Smith	Administrator
Mr Matthew Goodwin	Director, Planning and Regulatory Services
Mrs Carole Medcalf	Acting General Manager
Mr Ian Taylor	Director, Rural Infrastructure and Support Services
Mr Fred Coralde	Director Urban Infrastructure
Miss Jodie Gates	Minute Secretary

Acknowledgement of Traditional Owners

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

Apologies

Mr Raymond Kent	General Manager
-----------------	-----------------

Welcome to Visitors

Administrator Vic Smith acknowledged that in the absence of any community members there would be no call for public presentations.

Public Forum Presentations

Nil

Declaration of Pecuniary/Non Pecuniary Interests

Confirmation of Minutes

165/08	Confirmation of Minutes
---------------	--------------------------------

RESOLUTION:

It was resolved on the motion of the Administrator that the minutes of the Council meeting held on 15 July 2008 be confirmed.

CARRIED

Reserve Trust Management Committee Reports - Nil

Mayoral Minutes - Nil

Motions of which Notice has been given - Nil

Presentation of Petitions - Nil

Councillor's Questions with Notice - Nil

Reports of Delegates and Representatives - Nil

Reports of Officers

166/08	Investment Report as at 31 July 2008
---------------	---

RESOLUTION:

It was resolved on the motion of the Administrator that the Investment report as at 31 July 2008 be received.

CARRIED

167/08	Occupational Health & Safety
---------------	---

RESOLUTION:

It was resolved on the motion of the Administrator that Council receive and note the report on the installation of the security system.

CARRIED

168/08	Progress report on the recommendations of the Walgett Shire Council Social Plan 2007-2010
---------------	--

RESOLUTION:

It was resolved on the motion of the Administrator that this item be deferred until the September meeting to allow for further discussion between the Director Corporate and Community Services and the Manager Community Services.

CARRIED

169/08	Quarterly Management Review as at 30th June 2008
---------------	--

RESOLUTION:

It was resolved on the motion of the Administrator that this report be deferred until the next Council meeting in September.

CARRIED

170/08	Landowners Consent for a development Application to create an Easement
---------------	---

RESOLUTION:

It was resolved on the motion of the Administrator that Walgett Shire Council consent to Development Application 2008018 to create an 11 metre wide easement over part of Lot 162 in DP 862540 for the purpose of supplying electricity to the owners of aircraft hangars at the Lightning Ridge Aerodrome.

CARRIED

171/08	Easement for Electricity Supply, Lightning Ridge Aerodrome
---------------	---

RESOLUTION:

It was resolved on the motion of the Administrator that the proposed development be approved subject to the following conditions of development consent:

PRESCRIBED CONDITIONS OF DEVELOPMENT CONSENT

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

CONDITIONS IMPOSED BY COUNCIL

The following development consent conditions are imposed by Council.

GENERAL

Gen 010.

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

Reason: To avoid breaching the requirements of any covenant.

Gen 011

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

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

SUBDIVISION

Sub 040.

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

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

Sub 131

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

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

Sub 120.

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

SHIRE OF WALGETT - MINUTES

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

Sub 130.

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

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

APPROVED PLANS

Pln 010.

The development shall be implemented in accordance with:

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

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

NOTE - OPAL MINING DISTURBANCE

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

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

CARRIED

172/08	Development Application for Villas
---------------	---

RESOLUTION:

It was resolved on the motion of the Administrator that the proposed development be approved subject to the following conditions of development consent:

PRESCRIBED CONDITIONS

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

97A. Fulfilment of BASIX commitments

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

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

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

98A. Erection of signs

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

SHIRE OF WALGETT - MINUTES

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

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

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

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

98B. Notification of Home Building Act 1989 requirements

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

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

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor, and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act,
- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder, and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

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

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

CONDITIONS IMPOSED BY COUNCIL

The following development consent conditions are imposed by Council.

GENERAL

Gen 020.

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

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

Gen 030.

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

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

Gen 040.

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

SHIRE OF WALGETT - MINUTES

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

Gen 070.

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

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

APPROVED PLANS

Pln 010.

The development shall be implemented in accordance with:

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

except as amended by the conditions of this development consent.

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

FENCING AND LANDSCAPING

Fen 010.

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

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

SITING/SETOUT

Set 010.

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

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

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

CONSTRUCTION

Con 010

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

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

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

Con 020.

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

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

SHIRE OF WALGETT - MINUTES

Con 030.

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

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

Con 040.

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

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

Con 050.

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

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

Con 070.

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

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

Con 080.

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

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

Con 090.

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

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

Con 100.

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

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

Con 120.

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

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

Con 130.

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

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

Con 151.

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

SHIRE OF WALGETT - MINUTES

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

Con 160.

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

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

Con 200.

The door to the fully enclosed sanitary compartment must:

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

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

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

Con 210.

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

Reason: To ensure compliance with Australian Standards.

TERMITE CONTROL

Ter 010.

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

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

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

The method of protection

The date of installation of the system

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

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

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

VENTILATION

Ven 020.

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

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

WATER, SEWER, AND STORMWATER

Plu 010.

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

SHIRE OF WALGETT - MINUTES

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

Plu 020

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

Reason: To ensure that public infrastructure is maintained.

Plu 080.

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

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

Plu 130.

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

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

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

Plu 140.

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

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

Reason: Requirement of Council as the Road Authority.

Plu 150.

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

Notes:

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

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

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

Plu 160.

Roof water is to be disposed of:

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

SHIRE OF WALGETT - MINUTES

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

Plu 170.

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

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

PUBLIC ROADS

Rds 010.

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

Reason: To ensure that public infrastructure is maintained.

Rds 050.

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

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

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

ENVIRONMENTAL MANAGEMENT

Env 021.

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

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

SHIRE OF WALGETT - MINUTES

INSPECTIONS

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

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

Critical Stage Inspections

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

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

Fir 030.

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

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

END.

CARRIED

SHIRE OF WALGETT - MINUTES

173/08	Heritage Advisor Appointment Review
---------------	--

RESOLUTION:

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

1. Write to Council's current Heritage Advisor, Graham Hall, indicating:
 - a. That Walgett Shire Council is giving one month's notice that it will be terminating the agreement dated 6 February 2002 whereby it engaged him to act as Council's Heritage Advisor.
 - b. Walgett Shire Council's appreciation for the heritage advisory services provided during the term of the agreement.
 - c. Prior to the termination of the agreement, Walgett Shire Council will be seeking expressions of interest from suitably skilled people to be appointed as Council's Heritage Advisor.

2. In accordance with the guideline titled "How to Establish a Heritage Advisor Service" published by the Department of Planning in June 2007, seek expressions of interest from suitably skilled people to be appointed as Council's Heritage Advisor.

CARRIED

174/08	Heritage Strategic Plan 2009-11
---------------	--

RESOLUTION:

It was resolved on the motion of the Administrator that Walgett Shire Council resolve to endorse and adopt the draft amended Walgett Shire Council: Heritage Strategic Plan 2009-11, prepared by Council's Heritage Adviser, Graham Hall in July 2008.

CARRIED

175/08	Walgett Shire Growth Management Study & Strategy
---------------	---

RESOLUTION:

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

1. Adopt and endorse the Walgett Shire Growth Management Study and Strategy document dated July 2008, as amended by Edge Land Planning to address issues raised by the Department of Planning in June 2008.

2. Forward the Walgett Shire Council Growth Management Study and Strategy document, dated July 2008, to the Department of Planning for formal endorsement.

3. Continue with the preparation of a Local Environmental Plan for the whole of the Walgett Shire Local Government Area in accordance with:
 - a. The Standard Instrument (Local Environmental Plans) Order 2006; and
 - b. The recommendations contained in the Walgett Shire Growth Management Study and Strategy, as prepared by Edge Land Planning.

CARRIED

Reports of Committees - Nil

Questions without Notice from Councillors - Nil

Confidential Reports/Closed Council Meeting

176/08	Closed Council Meeting
--------	------------------------

RESOLUTION:

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

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

177/08	Community Economic Development Conference Submission
--------	--

RESOLUTION:

It was resolved on the motion of the Administrator that the Administrator endorses the lodging of the submission to the NSW Department of State and Regional Development.

CARRIED

Close of Meeting

The meeting closed at 9.40am

To be confirmed by Council at its ordinary meeting to be held on Tuesday, 2nd September 2008.

Administrator

General Manager