



# **WALGETT SHIRE COUNCIL**

## **MINUTES**

**17 JUNE 2008**

**RAY KENT**  
*General Manager*

## SHIRE OF WALGETT - MINUTES

### MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD IN THE WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY, 17 JUNE 2008 COMMENCING AT 10.02 am

#### PRESENT

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

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

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

#### OPEN FORUM PRESENTATIONS

No Forum presentations were made.

#### 115/08 Confirmation of Council Minutes

##### RESOLUTION:

It was resolved on the motion of the Administrator that the minutes of the Council meeting held on 20 May 2008 be confirmed

##### CARRIED

#### 116/08 Acceptance of Reserve Trust Minutes and Report

##### RESOLUTION:

It was resolved on the motion of the Administrator that:

1. Council endorse the resolutions of the Reserve Trust meetings held 17th June 2008.
2. Council takes action to implement the resolutions of the Reserve Trusts.

##### CARRIED

117/08	<b>Administrator's Minute – Queen's Birthday Awards</b>
--------	---

**RESOLUTION:**

It was resolved on the motion of the Administrator that letters under the Council Seal be forwarded to Mr Ian Woodcock, Ms Valerie Austin and Mr Mark de Weerd congratulating them on receiving their awards.

**CARRIED**

118/08	<b>Contractual Conditions of Senior Staff</b>
--------	---

**RESOLUTION:**

It was resolved on the motion of the Administrator that the report be received.

**CARRIED**

119/08	<b>Designated Persons and the submission of Written Returns</b>
--------	---

**RESOLUTION:**

It was resolved on the motion of the Administrator that the occupants of the following positions be deemed designated persons pursuant to Division 1 of Part 2 of the Local Government Act 1993:

1. Director, Corporate and Community Services
2. Director, Planning and Regulatory Services
3. Director, Rural Infrastructure and Support Services
4. Director, Urban Infrastructure Services
5. Accountant
6. Technical Officers with expenditure authority of \$20,000 or greater
7. Projects Engineer
8. Stores Officer
9. Support Services Co-ordinator
10. Tourism Development Officer

**CARRIED**

120/08	<b>Proposed Changes to Rates Assessment Classifications</b>
--------	---

**RESOLUTION:**

It was resolved on the motion of the Administrator that:

1. Assessment Numbers 49437, 22772, 20800, 28845, 23499, 21436, 21428, 22129 be re-classified as Business Non Urban.
2. Assessment Number 54957 be re- classified as Farmland Rural.
3. Assessment Numbers 8565 and 31088 be re- classified as Business Burren Junction.

**CARRIED**

**SHIRE OF WALGETT - MINUTES**

<b>121/08</b>	<b>Proposed Amendments to Management Plan 2008/2009 – 2012/2013</b>
---------------	---

**RESOLUTION:**

It was resolved on the motion of the Administrator that:

1. The report be received.
2. The Management Plan be further amended by increasing the grant to the Australian Opal Centre in Lightning Ridge in 2008/2009 by \$14,000.00

**CARRIED**

<b>122/08</b>	<b>Budget and Management Plan 2008/2009 – 2012/2013</b>
---------------	---

**RESOLUTION:**

It was resolved on the motion of the Administrator that

1. Council adopt the Management Plan 2008/2009 – 2012/2013 as presented.
2. Council adopt a 3.2% increase in the total levy for General Fund Rates.
3. The Fees and Charges 2008/2009 as listed in the Management Plan be adopted, with Council reserving the right to vary fees and charges of a commercial nature as circumstances require.
4. Council adopt the Budget 2008/2009 – 2012/2013 as presented.
5. Council resolves to adopt the rates structure for ordinary rates as follows:

<b>Ordinary Rate</b>	<b>Cents</b>		
Business Rate, Walgett	2.964	in \$	With a base amount of \$180.00 yielding 34.2% of the Business Rate, Walgett rate income.
Residential Rate, Walgett	2.963	in \$	With a base amount of \$178.50 yielding 49.9% of the Residential Rate, Walgett rate income
Business Rate, Lightning Ridge	1.31	in \$	With a base amount of \$250.00 yielding 23.5% of the Business Rate, Lightning Ridge rate income
<b>Ordinary Rate</b>	<b>Cents</b>		
Residential Rate, Lightning Ridge	1.3	in \$	With a base amount of \$155.00 yielding 32.7% of the Residential Rate, Lightning Ridge rate income
Business Rate, Collarenebri	7.421	in \$	With a base amount of \$162.00 yielding 40.5% of the Business Rate, Collarenebri rate income
Residential Rate, Collarenebri	7.42	in \$	With a base amount of \$149.00 yielding 49.4% of the Residential Rate, Collarenebri rate income
Business Rate, Burren Junction	6.0	in \$	With a base amount of \$225.00 yielding 25.9% of the Business Rate, Burren Junction rate income
Residential Rate, Burren Junction	5.0	in \$	With a base amount of \$150.00 yielding 30.4% of the Residential Rate, Burren Junction rate income
Business Rate, Carinda	3.39145	in \$	With a base amount of \$200.00 yielding 45.6% of the Business Rate, Carinda rate income
Residential Rate, Carinda	15.0	in \$	With a base amount of \$65.00 yielding 42.9% of the Residential Rate, Carinda rate income
Business Rate, Cumborah	1.97	in \$	With a base amount of \$75.00 yielding 0.09% of the Business Rate, Cumborah rate income
Residential Rate, Cumborah	1.94975	in \$	With a base amount of \$70.00 yielding 39.8% of the Residential Rate, Cumborah rate income

## SHIRE OF WALGETT - MINUTES

Business Rate, Come-By-Chance and Rowena	30.5	in \$	With a base amount of \$66.00 yielding 39.4% of the Business Rate, Come-By-Chance and Rowena rate income
Residential Rate, Come-By-Chance and Rowena	30.0	in \$	With a base amount of \$65.00 yielding 49.9% of the Residential Rate, Come-By-Chance and Rowena rate income
Business Rate, Non-Urban	0.95	in \$	With a base amount of \$130.00 yielding 46.5% of the Business Rate, Non-Urban rate income
Residential Rate, Non-Urban	0.75	in \$	With a base amount of \$110.00 yielding 46.8% of the Residential Rate, Non-Urban rate income
Business Rate, Mining	4.716874	in \$	With a base amount of \$114.85 yielding 49.8% of the Business Rate, Mining rate income
Farmland Rate, Rural	0.404201	in \$	With minimum of \$165.12
Farmland Rate, Rural Irrigable	0.53	in \$	With minimum of \$165.12

6. That Council resolves in accordance with Section 563 of the *Local Government Act 1993*, to make the discount 3.6% for payment in full of total rates and charges (less any rebates) for ratepayers whose payments are received in full on or before the 29 August 2008.

7. That the Domestic Waste Management Services be set as:-

- |     |                     |                    |
|-----|---------------------|--------------------|
| (a) | Availability Charge | \$33.60 per annum  |
| (b) | Collection Charge   | \$307.45 per annum |

8. That the interest rate to be charged on overdue rates be set at 10% per annum.

9. That a levy for Water Supply be applied as a flat rate as follows:

- |     |                   |                    |
|-----|-------------------|--------------------|
| (a) | Walgett           | \$716.70 per annum |
| (b) | Lightning Ridge   | \$637.35 per annum |
| (c) | Collarenebri      | \$744.20 per annum |
| (d) | Carinda Town Bore | \$313.10 per annum |
| (e) | Carinda Bore      | \$297.50 per annum |
| (f) | Rowena            | \$368.10 per annum |

10. That a levy for Sewerage be applied as follows:

- |     |                 |          |
|-----|-----------------|----------|
| (a) | Walgett         | \$337.75 |
| (b) | Lightning Ridge | \$319.80 |
| (c) | Collarenebri    | \$365.60 |

11. That a levy for water supplied to non-rateable properties be set as follows:

- |     |                   |                    |
|-----|-------------------|--------------------|
| (a) | Walgett           | \$716.50 per annum |
| (b) | Lightning Ridge   | \$637.35 per annum |
| (c) | Collarenebri      | \$744.20 per annum |
| (d) | Carinda Town Bore | \$313.10 per annum |
| (e) | Carinda Bore      | \$297.50 per annum |
| (f) | Rowena            | \$368.10 per annum |

12. That a levy for Sewerage Service supplied to non-rateable properties be set at \$235.60.

13. That a Pedestal Charge for additional sewerage charges be set as follows:

- |     |                 |          |
|-----|-----------------|----------|
| (a) | Walgett         | \$337.75 |
| (b) | Lightning Ridge | \$319.80 |
| (c) | Collarenebri    | \$365.60 |

**SHIRE OF WALGETT - MINUTES**

14. That a Cistern Charge for additional WC's and urinals be set as follows:

(a)	Walgett	\$52.90
(b)	Lightning Ridge	\$49.85
(c)	Collarenebri	\$57.35

**CARRIED**

<b>123/08</b>	<b>Lehman Brother's Investment Report</b>
---------------	---

**RESOLUTION:**

It was resolved on the motion of the Administrator that:

1. Council continue monitoring their investments with Lehman Brothers in accordance with the recommendations of the Review of NSW Government Investments, April 2008.
2. Council incorporate the amended Ministerial Investment Order into its Investment Policy as soon as it is available from the Department of Local Government.

**CARRIED**

<b>124/08</b>	<b>Spencer Steer Audit Management Letter Report</b>
---------------	---

**RESOLUTION:**

It was resolved on the motion of the Administrator that:

1. Council note the Audit Management Letter received from Spencer Steer Dated 21 April 2008.
2. Council adopt all recommendation to strengthen and/or improve procedures.

**CARRIED**

<b>125/08</b>	<b>Report in Youth Development Services – March to June 2008</b>
---------------	--

**RESOLUTION:**

It was resolved on the motion of the Administrator that:

1. The report on Youth Development and Services for the period March 2008 – June 2008 be noted.
2. Council staff involved in the Youth Service be congratulated for their efforts.

**CARRIED**

<b>126/08</b>	<b>Occupational Health &amp; Safety</b>
---------------	---

**RESOLUTION:**

It was resolved on the motion of the Administrator that Council receive and note the report on OH&S workplace progress and issues requiring further action.

**CARRIED**

<b>127/08</b>	<b>Community Services Activities Quarterly Report</b>
---------------	---

**RESOLUTION:**

It was resolved on the motion of the Administrator that:

1. That Walgett Shire Family Day Care service be reviewed in the next six months.
2. That Council receive and note the Community Liaison Officer's Report

**CARRIED**

<b>128/08</b>	<b>Investment Report as at 31 May 2008</b>
---------------	--

**RESOLUTION:**

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

**CARRIED**

<b>129/08</b>	<b>Development and Complying Development Certificate Applications</b>
---------------	---

**RESOLUTION:**

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

**CARRIED**

**130/08      Development Application – Subdivision at Cryon**

**RESOLUTION:**

It was resolved on the motion of the Administrator that Development Application 2008010 be approved under the following conditions of consent.

**PRESCRIBED CONDITIONS OF DEVELOPMENT CONSENT**

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

**CONDITIONS IMPOSED BY COUNCIL**

The following development consent conditions are imposed by Council.

**GENERAL**

Gen 010.

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

Reason: To avoid breaching the requirements of any covenant.

Gen 020.

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

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

Gen 030.

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

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

**SUBDIVISION/CONSOLIDATION**

Sub 040.

That two lots are created by the subdivision of Lot 3, DP 752258, one of about 75 hectares and the other about 184 hectares.

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

Sub 120.

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

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

Sub 130.

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

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

**APPROVED PLANS**

Pln 010.

The development shall be implemented in accordance with:



## SHIRE OF WALGETT - MINUTES

- (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.

### ADVISORY NOTE - FLOODING

The applicant/owner is advised that the site is subject to inundation by floodwater to an unknown depth and velocity. You are advised to obtain your own expert advice as to the likely effects of such inundation.

### CARRIED

<b>131/08</b>	<b>Local Heritage Fund Expenditure 2007 - 2008-06-17</b>
---------------	--

### RESOLUTION:

It was resolved on the motion of the Administrator that Walgett Shire Council resolve to note and endorse the attached report titled "Walgett Shire Local Heritage Fund – Summary List of Completed Projects 2007 – 08" as prepared by Council's Heritage Advisor, Graham Hall in May 2008.

### CARRIED

<b>132/08</b>	<b>Application for a Western Lands Lease</b>
---------------	--

### RESOLUTION:

It was resolved on the motion of the Administrator that Council write to the Department of Lands and state that Walgett Shire Council:

1. Supports the granting of a Western Lands Lease for "Business Purposes - Tourism" over residential Mineral Claim 10702, which is commonly known as the "Black Queen" in the following circumstances:
  - a. The lease is granted over the area of existing Mineral Claim 10702.
  - b. The lease holder applies for, and obtains, development consent for the long established commercial land uses that are occurring on the site. Council notes that a Development Application can, and should, be lodged once the Western Lands Lease has been granted.
  - c. If development consent is not obtained, for any reason, Walgett Shire Council may object to renewal of the lease.
2. Does not support the granting of a Western Lands Lease for "Business Purposes - Car Park and Tourism (Eco accommodation/B&B)" over residential Mineral Claim 14568 because the proposed purpose of "tourism (Eco accommodation/B&B)" is a new use which does not have development consent. Believes that further consideration of whether an accommodation land use is appropriate on this site be deferred pending the submission of a Development Application once the Walgett Local Environmental Plan has been gazetted.
3. Does support the granting of a Western Lands Lease for "Business Purposes - Car Park" in the following circumstances:

## SHIRE OF WALGETT - MINUTES

- a. The lease is granted over a maximum of 50% of the area of existing Mineral Claim 14568.
- b. The lease holder applies for, and obtains, development consent for the long established commercial land uses that are occurring on the site. Council notes that a Development Application can, and should, be lodged once the Western Lands Lease has been granted.
- c. If development consent is not obtained, for any reason, Walgett Shire Council may object to renewal of the lease.

### CARRIED

<b>133/08</b>	<b>Rural Addressing Road Name Amendments</b>
---------------	--

### RESOLUTION:

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

1. Note the submissions received during the public consultation period regarding proposed rural road name changes associated with its rural addressing project.
2. Advertise and invite public submissions on the amendments to the proposed rural road name changes (as listed in the table below) for a minimum of 28 days.

ROAD	AMENDED NAME
SR2 Merrywinebone Road	SR2 Belarra
SR24 Bucklebone Road	SR24 Marlbone Road
SR40 Mullins Swamp Road	SR40 Ginghet Road
SR64 Mission Road	SR64 Wimbleton Road
SR 81 Wilds Road	SR 81 Mac Masman
SR103 Nunkeri Road	SR103 Bugilbone Road
SR123 Ibon Road	SR123 Rowena Road
SR124 Bugilbone Road	SR124 Dundee Road
SR125 Glen Edan Road	SR125 Glen Eden Road
SR128 Eurimbla Lane	SR128 Camerons Lane
RR202 Marthaguy Road	SR202 Merri Merri Road
RR329 Meritaroo Road	RR329 Merrywinebone Road

3. Consider any further submissions received from the public prior to taking any action on rural road name changes.

### CARRIED

## SHIRE OF WALGETT - MINUTES

<b>134/08</b>	<b>Provision of Staff Housing in Walgett</b>
---------------	--

**RESOLUTION:**

It was resolved on the motion of the Administrator that:

1. The Development Application, Construction Certificate and other associated Documents identified on the site layout plan pertaining to the proposed New Staff Housing on Lot 31 DP 226373 be executed by the General Manager and Administrator and lodged for approval.
2. Tenders be called for the construction of the above development on Lot 31 DP226373.

**CARRIED**

<b>135/08</b>	<b>Installation of Gross Pollutant Traps at Collarenebri and Lightning Ridge</b>
---------------	--

**RESOLUTION:**

It was resolved on the motion of the Administrator that the Agreement for Community Gross Pollutant Trapping be executed by the General Manager and Administrator and Council's Seal be attached thereto.

**CARRIED**

The Administrator formally thanked all staff involved in the preparation of the Management Plan.

<b>136/08</b>	<b>Closed Council Meeting</b>
---------------	-------------------------------

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.

**CARRIED**

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

<b>137/08</b>	<b>Write off Sundry Debt</b>
---------------	------------------------------

**RESOLUTION:**

It was resolved on the motion of the Administrator that Council cease any further legal action against Mr Halton and write off the total amount of \$843.06 inclusive of legal fees.

**CARRIED**

**SHIRE OF WALGETT - MINUTES**

<b>138/08</b>	<b>Tenders E08002 &amp; E08003 – Supply and delivery of one (1) ERG Class MG7 Motor Grader and/or Purchase Only of Caterpillar 12H Grade Serial 2WR488</b>
---------------	--

**RESOLUTION:**

It was resolved on the motion of the Administrator that Council award Contract E08002 supply and delivery of one (1) ERG Class MG7 Motor Grader and trade-in of Caterpillar 12H Grader Serial 2WR488, to Westrac Pty Ltd for the lump sum price of \$160,000.00 plus GST and decline to accept any tenders for contract E08003 for the purchase only of Caterpillar 12H Grader Serial 2WR488.

**CARRIED**

<b>139/08</b>	<b>Contracts for the Management of Walgett and Lightning Ridge Waste Management Facilities</b>
---------------	--

**RESOLUTION:**

It was resolved on the motion of the Administrator that Council authorise the General Manager and Administrator to negotiate and execute the contract option for each of the following Contracts under Council Seal:

- RA & ES Yeomans – Management Contract for Waste Management Facilities at Walgett Townsite 2003
- GG Lane Earthmoving – Management Contract for Waste Management Facilities at Lightning Ridge 2003

Subject to the following conditions:

- 1) The term of the contract shall not extend beyond 30 June 2013;
- 2) The minimum opening hours may be varied, but only with a proportional change in the Contract Fee;
- 3) The index used to annually adjust the contract sum may be changed to more accurately reflect changes in cost factors affecting the operation of the facilities;
- 4) A new Contract Fee may be established for 2008/2009 by retrospectively applying the index agreed in (3) above to the original Contract Fee for 2003/2004, but there shall be no additional payment for previous years;
- 5) (3) and (4) above must only be negotiated with GG Lane Earthmoving in response to his request for an increase in remuneration under the contract, a request not made by RA & ES Yeomans Engineering; and
- 6) No other changes shall be made to the existing Conditions of Contract affecting the payments due to the Contractor from Council and the payments due to Council from the Contractor.

**CARRIED**

**SHIRE OF WALGETT - MINUTES**

The meeting closed at 10.26

To be confirmed by Council at its ordinary meeting to be held on Tuesday, 15 July 2008.

---

Administrator

---

General Manager