



WALGETT SHIRE COUNCIL

MINUTES

20 May 2008

RAY KENT
General Manager

SHIRE OF WALGETT - MINUTES

<p style="text-align: center;">MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD IN THE ROWENA HALL ON TUESDAY, 20 MAY 2008 COMMENCING AT 10.12am</p>

<p>PRESENT</p>

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

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

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

<p>OPEN FORUM PRESENTATIONS</p>
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Jocelyn Cameron – Item 3 Waiver of Fees

Jocelyn asked that the CWA be allowed to pay the fees in one go and not each time they need to hire the hall for their meetings. She also asked if Council could supply her with one lot of paperwork for the entire year.

Jocelyn informed the current Council that in past times, the previous Council held onto their \$250.00 bond, and she wondered whether this was still the case. Jocelyn also informed the Council that she will email the CWA meeting date each month.

Ken Stump – Mobile phone Service in the Shire

Ken Stump raised concern about the poor mobile phone coverage in the Walgett Shire, and asked if Council could make a representation to the Government to get an inquiry into the network.

The Administrator responded to Mr Stump and informed him that Council could make a representation to the Federal Minister.

The General Manger further replied that our IT Administrator at Council has tested Council's staff mobile phones in numerous locations throughout the Shire and has identified dead spots with Telstra staff.

Numerous community members raised their concerns regarding the Mobile phone network.

Myrna Harris – Conditions of Roads around Rowena

Myrna raised concern as to the condition of the roads around Rowena, including the road used as a Bus route for the local school children.

Myrna said on the Woodvale road near the bridge, part of the road is falling away at either entrance to the Bridge, and further up this road is bad rutting and the edges of the road have been ripped up by a grader and when this gets wet, it is like ice and is very slippery. Further up the road the Woodvale road meets with the Bulyeroi Road. Up this road there is also bad rutting.

Ian Green – Item 7 Community Based Heritage Study

Ian introduced himself to Council, as the community member who has written in objecting to his item being listed in the Heritage Study.

Matthew Goodwin mentioned to Mr Green that if the Administrator accepts the Recommendation today, he is happy to explain the outcome after the meeting.

Jocelyn Cameron asked Council whether owners were notified if their property was listed on the listing.

Matthew responded that there is a process of owners being notified at first instance by letter, then the draft listing goes on exhibition for public consultation. Council is currently still in the process of preparing the final listing.

Martin Hallman – Fire Hydrants in Rowena

Martin raised concern regarding fire hydrants in Rowena. Currently there are only two hydrants near the fire shed. Martin has asked if Council can consider installing another hydrant near the school, and maybe one up closer to the RFS Shed.

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99/08 Confirmation of Minutes – 6 May 2008

RESOLUTION:

It was resolved on the Motion of the Administrator that the Minutes of the Council Meeting held on 6 May 2008 be confirmed.

CARRIED

100/08 Administrator's Minute: Change to Council Meeting dates for August and September 2008

RESOLUTION:

It was resolved on the motion of the Administrator that:

1. The dates, times and places of the Ordinary meetings of Council to be held in August and September 2008 be as follows:

- a) August meeting - 9.30 am Tuesday 5th at Walgett
- b) September meeting - 10.00 am Tuesday 23rd at Walgett

2. The changed meeting dates and times be publicly notified

CARRIED

101/08 Administrator Minute: Fees for Mayor and Councillors 2008/09

RESOLUTION:

It was resolved on the motion of the Administrator that the Councillor and Mayoral fees for 2008/09 be as follows:

- 1. Councillor fee - \$9,060
- 2. Mayoral fee - \$19,790

CARRIED

102/08	Council delegates/representatives to, and members of external bodies and organisations
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RESOLUTION:

It was resolved on the Motion of the Administrator that:

- A. Council's delegates and representatives to, and members of, external bodies be as follows:
1. Australian Airport Association - Director, Urban Infrastructure Services (D,UIS)
 2. Barwon Darling Alliance - Administrator (ADMIN) and General Manager (GM)
 3. Camps on Claims Working Group - Director, Planning and Regulatory Services (D,P&RS)
 4. Castlereagh Macquarie County Council - Mr Robert Greenaway
 5. Community Working Party - Director, Corporate and Community Services (D,C&CS)
 6. Floodplain Management Authorities Group - ADMIN and D,UIS
 7. Kamilaroi Highway Group - TDO
 8. Lightning Ridge/Goodooga Reference Group - GM
 9. Lightning Ridge Mining Board - D,P&RS
 10. Lightning Ridge Tourist Association - D,C&CS
 11. Local Emergency Management Committee - Director,Rural Infrastructure and Support Services (D,RI&SS)
 12. Local Government Group of the Namoi Catchment Management Authority - D,UIS
 13. Namoi Peel Catchment Customer Service Committee - D,UIS
 14. Netwaste - D,UIS
 15. Orana Area Consultative Committee - D,C&CS
 16. Orana Regional organisation of Councils - ADMIN and GM
 17. Outback Arts Incorporated - D,C&CS
 18. Outback Regional Tourism Organisation - TDO
 19. Regional Procurement Initiative - D, RI&SS
 20. Police Accountability Community Team - ADMIN and GM
 21. Saleyards Advisory Committee - D,UIS

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22. Shire's Association of NSW, "C" Division of the Shire's Association, Western Division of the Shire's Association - ADMIN & GM
23. Local Traffic Committee - D,RI&SS
24. Walgett and District Tourism Association - TDO
25. Walgett and Collarenebri Reference Group - GM
26. Walgett Community College Board - D,C&CS
27. Walgett Shire Inter Agency Group - ADMIN and GM
28. Weight of Loads Committee - D,RI&SS

B. All appointments be reviewed at the first meeting of Council in September 2008

CARRIED

103/08	Adoption of new Organisational Structure
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RESOLUTION:

It was resolved on the motion of the Administrator that:

1. The new four (4) Division (Planning and Regulatory Services; Corporate and Community Services; Urban Infrastructure Services and Rural Infrastructure and Support Services) Organisational Structure, as described in the attached Chart, be endorsed
2. The new Structure takes effect from Monday 16th June 2008
3. Salary applicable to the positions of Directors' "Corporate and Community", "Urban Infrastructure" and "Rural Infrastructure and Support Services" be that of Grade 24 in Council's Salary System
4. The current Director, Infrastructure and Engineering Services, Mr Ian Taylor, be laterally transferred into the new position of Director, Rural Infrastructure and Support Services on the same terms and conditions of employment as he currently enjoys
5. Strategic Consulting Solutions Pty Ltd be engaged to assist in the recruitment for Director, Urban Infrastructure Services position

CARRIED

104/08 Waiver of Fees for Rowena Hall

RESOLUTION:

It was resolved on the motion of the Administrator that:

1. Fees not be waived. That Council instead approves a donation of \$80 to Rowena CWA for a twelve month period, commencing July 2008 and finishing June 2009, such donation to be acquired from Council's Halls and Community Facilities account.
2. That Council resolve to continue to hold the bond of \$250.

CARRIED

105/08 Investment Report as at 30 April 2008-05-19

RESOLUTION:

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

CARRIED

106/08 Alcohol Free Zones

RESOLUTIONS:

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

1. Undertake consultation in accordance with Ministerial Guidelines on Alcohol Free Zones, issued by the Department of Local Government, about re-establishing the existing alcohol free zones in Walgett, Collarenebri and Lightning Ridge for another three years.
2. Use the draft notice regarding "Alcohol Free Zones proposed for Walgett, Lightning Ridge and Collarenebri", as attached to this report, for the required consultation.

CARRIED

107/08 Development and complying Development Certificate Applications

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 April 2008.

CARRIED

RESOLUTION:

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

1. Endorse the Report of the Community-Based Heritage Study of Walgett Shire which includes the following amendments:
 - a. Improving or correcting the property descriptions for items 2, 5, 15, 26, 35, 45, 50, 51, 75, 76, 89, 99, 100, 109, 110, 111, 112, 122, 123, 124, 126, 129, 135, 137, 143, 144, 149, 150, 151, 152, 153, 154, 155 & 156.
 - b. Deleting the listing sheets for items 77 (Walgett water filtration plant), 91 (Athol pines – Gray Park) and 92 (Trees in Warrena St) which should not have been included.
 - c. Correcting the name of item 127 from “Boro Tank” to “Borah Tank”.
 - d. Correcting and replacing the map of heritage items in Collarenebri (Appendix E – Map 2) which shows two occurrences for item 35.
 - e. Adding a map of heritage items in Burren Junction (Appendix E – new Map 8).
2. Note the objections of IW & CA Green and the Lightning Ridge Miners Association to certain recommendations contained in the Report of the Community-Based Heritage Study of Walgett Shire.
3. Write to of IW & CA Green indicating that:
 - a. Council's Heritage Adviser, Graham Hall, maintains a view that the building is an item of local heritage.
 - b. Council will formally consider heritage listing of the residence located on lot 16, DP 635554 at Come-by-Chance when it publicly exhibits the Draft Walgett Local Environmental Plan 2008 in the near future.
 - c. They will have the opportunity to object to the proposed listing of the residence as an item of local heritage at that time.
 - d. Any objection to the proposed listing should be clearly based upon the heritage merits of the building and/or demonstrate that listing will impose economic hardship.
4. Write to the Lightning Ridge Miners Association indicating that:
 - a. Council has resolved at a meeting held on 19 January 2008 not to endorse the recommendation contained in the Report of the Community-Based Heritage Study of Walgett Shire that a heritage conservation area be established over the 'preserved' opal fields.
 - b. Council will consider funding in the next financial year a heritage study focussed on the preserved opal fields which includes an analysis of the options for managing heritage values.

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5. Prepare a Draft Walgett Local Environmental Plan 2008 which includes the heritage items recommended for listing as items of local heritage in the Report of the Community-Based Heritage Study of Walgett Shire, apart from the following items which should not be listed:
 - a. Item 75, tree with surveyor's mark, blacksmith's residence (because the real property description has not been determined and the statutory requirements for listing cannot be met).
 - b. Item 76, Walgett levee banks (because the provisions of Division 7 of State Environmental Planning Policy (Infrastructure) 2007 override the effect of listing this item within any Local Environmental Plan as an item of local heritage).

CARRIED

109/08	Draft Walgett Local Environmental Plan
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RESOLUTION:

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

1. Note that the Department of Water and Energy, Department of Environmental and Climate Change and the Fisheries unit of the Department of Primary Industries have made submissions in association with consultation recently undertaken by Walgett Shire Council under Section 62 of the Environmental Planning and Assessment Act 1979 regarding the mapping and protection of environmentally sensitive areas via a Local Environmental Plan.
2. Request the General Manager to respond in writing to the submissions from the Department of Water and Energy, Department of Environmental and Climate Change and the Fisheries unit of the Department of Primary Industries stating that Walgett Shire Council:
 - a. Has considered their submissions made as part of the Section 62 consultation process associated with the development of a Local Environmental Plan.
 - b. Will generally endeavour to address the matters raised in their submissions during the development of the Walgett Draft Local Environmental Plan 2008, except those aspects relating to environmentally sensitive land.
 - c. Has undertaken a preliminary evaluation of the supplied environmentally sensitive mapping data (land and waterbodies) which shows that it is of relatively poor quality and not suitable for inclusion in the draft Walgett Local Environmental Plan as a mapping overlay. Position errors of up to 500m are quite common in the data.
 - d. Is willing to use the data, after further refinement, within a Development Control Plan to show the extent and nature of environmentally sensitive areas within the Shire.
 - e. Requests that each agency work with Council's Planning and Regulatory Services section to refine the data as quickly as possible with a view to using it within a Development Control Plan that is expected to be drafted later this year after the public exhibition of the Walgett Draft Local Environmental Plan 2008.

CARRIED

110/08	Heritage Strategic Plan
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RESOLUTION:

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

CARRIED

111/08	Development Application – Subdivision at Cryon
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RESOLUTION:

It was resolved on the motion of the Administrator that Development Application 2008006 be approved under the following with 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.

SUBDIVISION/CONSOLIDATION

Sub 040.

That two lots are created by the subdivision of Lot 21, DP 752264, one of about 264.7 hectares and the other about 2500 square metres.

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 Sub 040, Rds 031 and Rds 032 have been complied with.

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

ROADS

Rds 031

There is to be no access directly from the 2,500 square metre lot to the Kamilaroi Highway unless the access is in accordance with Roads and Traffic Authority requirements.

Rds 032

Access to the highway is to be through existing Lot 21 in DP 752264 using the existing access. A Right of Way is to be established over the access route to enable ongoing access.

Reason: To ensure ongoing legitimate access to the 2,500 square metre lot.

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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.

ADVISORY NOTE REGARDING 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

112/08	Lightning Ridge Bore Baths
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RESOLUTION:

It was resolved on the motion of the Administrator that

1. Council compulsorily acquire the land described as Lot 4208 in Deposited Plan 766775 under section 186 of the Local Government Act 1993 for Bore Bath Purposes.
2. Council apply to the Minister and/or Governor for approval to acquire the subject land by compulsory process under the Land Acquisition (Just Terms) Compensation Act 1991.
3. All minerals are to be excluded from the compulsory acquisition of the subject land.
4. Upon acquisition, the subject land be classified operational land.
5. Any necessary documentation be executed under the common seal of Council.
6. Provision be made for expenditure of \$30,000 in the 2008/09 budget for acquisition of the identified land.

CARRIED

113/08	Tender E08004 – Supply and Delivery of one (1) 24T Multi-Tyred roller
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RESOLUTION:

It was resolved on the motion of the Administrator that Council award Contract E08004 Supply and Delivery of one (1) 24T Multi-Tyred Roller, to GCM Agencies Pty Ltd for the lump sum price of \$126,100.00 plus GST.

CARRIED

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114/08	Disclosure of Interest in Written Returns
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The General Manager, Ray Kent tabled Returns pursuant to Section 449 (1) of the Local Government Act 1993 from himself and the Director, Corporate and Community Services, Ms Carole Medcalf. The General Manger asked the minutes record that he was late in completing and tabling his Return.

The meeting closed at 10.55am

To be confirmed by Council at its ordinary meeting to be held on Tuesday, 17 June 2008.

Administrator

General Manager