



# **WALGETT SHIRE COUNCIL**

## **MINUTES**

***16 FEBRUARY 2006***

*Stephen McLean  
General Manager*

**MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL  
HELD IN THE WALGETT SHIRE COUNCIL CHAMBERS  
THURSDAY, 16 FEBRUARY 2006, COMMENCING AT 10.09 am**

**PRESENT**

Mr Hugh Percy ( Administrator), Mr Stephen McLean ( General Manager), Mr Alan Nelson (Manager Engineering), Mr Matthew Goodwin (Manager Development Services), and Kerry Warden (Minutes Secretary).

**OPEN FORUM PRESENTATIONS**

**Mr Jack Baker**

***Reference to Report 25 – Street Trees, Arthur Street and Gray Park Walgett***

***Reference to Report 31 – Street Tree – Fox Street, near Wee Waa Street Walgett***

***Reference to Report 35 – Eloura Park, Walgett***

***Reference to Report 10 – Pesticide and Environment Liaison Committee***

**Mrs Shirley Mitchell**

***Reference to Resolution 324/05 of December 2005 Council Meeting  
Councillor Numbers and System for Electing Mayor***

Administrator Hugh Percy replied by advising Mrs Mitchell that presentations would not be accepted at the Council Meeting of today's date, however, a report would be presented to the March 2006 Council Meeting and presentations would be welcomed.

**Mrs Margaret Bow**

***Reference to Report 31 – Street Tree – Fox Street, near Wee Waa Street Walgett***

**Mr Robert Greenaway**

***Reference to Report 28 – Five Year Road Plan***

**01/06– Confirmation of Minutes – 15 December 2005**

**RESOLUTION: -**

It was resolved on the Motion of the Administrator that the Minutes of the Council Meeting held on 15 December 2005 be confirmed with the following amendment:-

**Council Meeting – 15 December 2005  
344/05– Walgett Waste Management Centre**

**RESOLUTION:-**

*It was resolved on the Motion of the Administrator that Council:-*

- 1. That the council proceed to acquire land described as Lot 1 of an unregistered plan for subdivision of TSR 12870, Town of Walgett, Parish of Merritombea, County Baradine, by compulsory acquisition under the Land Acquisition (Just Terms Compensation) Act 1991.*
- 2. That authority be granted for an application to be made for the approval of the Minister for Local Government pursuant to the Section 187 (2) of the Local Government Act.*
- 3. That authority be granted for an application to be made for the approval of the Governor to be obtained under Section 19 of the Land Acquisition (Just Terms Compensation) Act 1991 to the gazettal of an acquisition notice.*
- 4. That the land be acquired for Walgett Waste Management Centre purposes.*
- 5. That the Council confirm that all minerals are to be excluded from the compulsory acquisition.*
- 6. That the land when acquired be classified as operational land.*
- 7. That the land acquisition and associated costs be funded from the Waste Management Reserve.*

*Carried.*

**Resolution should read:-**

**344/05– Walgett Waste Management Centre**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that:-

1. Council proceed to acquire Reserve 77915 being the current site of the Walgett Waste Management Centre and land described as Lot 1 of an unregistered plan for subdivision of TSR 12870 Town of Walgett, Parish of Merritombea, County Baradine, by compulsory acquisition under the Land Acquisition (Just Terms Compensation) Act 1991.
2. Authority be granted for an application to be made for the approval of the Minister for Local Government pursuant to the Section 187 (2) of the Local Government Act.
3. Authority be granted for an application to be made for the approval of the Governor to be obtained under Section 19 of the Land Acquisition (Just Terms Compensation) Act 1991 to the gazettal of an acquisition notice.

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4. The land be acquired for Walgett Waste Management Centre purposes.
5. The Council confirm that all minerals are to be excluded from the compulsory acquisition.
6. The land when acquired be classified as operational land.
7. The land acquisition and associated costs be funded from the Waste Management Reserve.

Carried.

### **Notice of Recision**

#### **02/06 - Notice of Recision**

#### **RESOLUTION:-**

It was resolved on the Motion of the Administrator that Minute 325/05 of the Council Meeting held on 15 December 2005, be rescinded:-

#### **325/05 – Walgett Swimming Pool Subsidy Agreement**

1. Authority be granted for the Draft Subsidy Agreement for operation of Walgett Swimming Pool between the Walgett Shire Council and Mr Ricky Desmond Small to be executed under seal of the Council.
2. In order to ensure that the interests of all sections of the community are properly taken into account in relation to Clause 9 of this Subsidy Agreement, a meeting will be convened at a mutual time in January 2006 to facilitate the making of a mutual agreement between the Lessee and the Walgett Swimming Club and one representative of each of the following organisations will be invited to be in attendance at the January 2006 meeting: -
  - *Walgett Shire Council*
  - *Lessee of Walgett Pool*
  - *Premier's Department*
  - *Walgett Area Police Commander*
  - *Walgett Swimming Club*
  - *Local State Member of Parliament*
  - *Walgett Pool Reserve Trust*
  - *Walgett Distance Education Centre*

Carried.

**03/06 – Walgett Swimming Pool Subsidy Agreement**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that:-

1. The Pool Reserve Trust be requested to draft a Plan of Management for the Pool Reserve, such plan to be prepared in accordance with Department of Lands Guidelines and with due public consultation.
2. The Pool Reserve Trust be requested to bring all collection of revenue on the Trust Land into compliance with Departmental requirements.
3. The Council endorse the Policy of the Pool Reserve Trust and that the Walgett Memorial Pool remain open on Friday evenings provided that the Walgett Swimming Club have exclusive use of the 50 metre pool between 6.00 pm and 8.00 pm and that Council arrange and pay for additional supervisory staff during the two hour period of use by the Walgett Swimming Club.

Carried.

**04/06 – Nomination for Executive of Outback Arts Incorporated**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Mrs Marilyn Collins be nominated as Council's representative to the position of Executive for the Outback Arts Incorporated Board for a period of twelve months.

Carried.

**05/06 – Walgett Baths Reserve Plan of Management**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council:-

1. Prepare a draft plan of management of the Walgett Baths (R82251) Reserve in accordance with the provisions of the Crown Lands Act 1989 and Local Government Act 1993.
2. Accept the quote from North Coast Environmental Planning to complete a Plan of Management for the Walgett Baths (R82251) Reserve.
3. Allocate \$9,000.00 from Office Expenses account ledger number 11.3805.1288 for payment of the Plan of Management for the Walgett Baths (R82251) Reserve.

Carried.

**06/06 – Walgett Aboriginal Medical Service – 20 Year Celebration**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that an amount of \$4,000 be made available to the Walgett Aboriginal Medical Service 20 Years Celebration, in addition to other assistance and in kind assistance, provided that the Walgett Aboriginal Medical Service recognises the Walgett Shire Council as a major sponsor of the events.

Carried.

**07/06 – Walgett Memorial Pool – Friday Night Activities**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that a one off payment of \$3027.00 be made to the Walgett Pool Manager to compensate for the late cancellation of scheduled and advertised activities for the weeks of 23 December, 30 December 2005 and 6 January 2006 in favour of the Walgett Swimming Club.

Carried.

**08/06 – Business Plan, Proposed Walgett Freshwater Aquarium and Riparian Education Centre (WFAREC)**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that:-

1. The Author, Ms Jodi McLean, be thanked for her professional research and presentation of the proposed Walgett Freshwater Aquarium and Riparian Education Centre.
2. Funding in the order of \$25,000.00 - \$30,000.00 for the preparation of a feasibility plan for this potential project be sought from private and public bodies / organisations.

Carried.

**09/06 – Membership of Lightning Ridge Mining Board**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council nominate to the Department of Primary Industries, Ms Lyn Carney as member and Mr David Lane as alternate delegate, to the Lightning Ridge Mining Board.

Carried.

**10/06 – Walgett Baths Reserve Meeting**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council:-

1. Prepare a draft plan of management of the Baths reserve in accordance with the provisions of the Crown Lands Act 1989 and Local Government Act 1993.
3. Review the relationship with the pool manager and that a contractual arrangement in lieu of a lease agreement be considered.
4. That exclusive use of the main pool only be given to the Walgett Swimming Club between the hours of 6.00pm to 8.00pm on Friday for the rest of the 2005-2006 Swimming Season.
5. The public have access to the Walgett Baths (R82251) Reserve during normal opening hours, excluding the main pool area on Fridays between the hours of 6.00pm to 8.00pm.

Carried.

**11/06 – LGMA Good Practice Toolkit**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council support the proposed LGMA, NSW Good Practice Toolkit project and agree to contribute \$3,000.00 per annum for the next two years.

Carried.

**12/06 – Staff Housing Rental**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that:-

1. The rental charged to Council staff occupying Council owned accommodation be reduced from 60% market to 30% market for unfurnished houses, in an effort to improve Council's competitiveness in the market place.
2. A subsequent comprehensive report be presented to Council identifying differences between remuneration packages of positions in Council's located in towns in the West of Walgett Shire.

Carried.

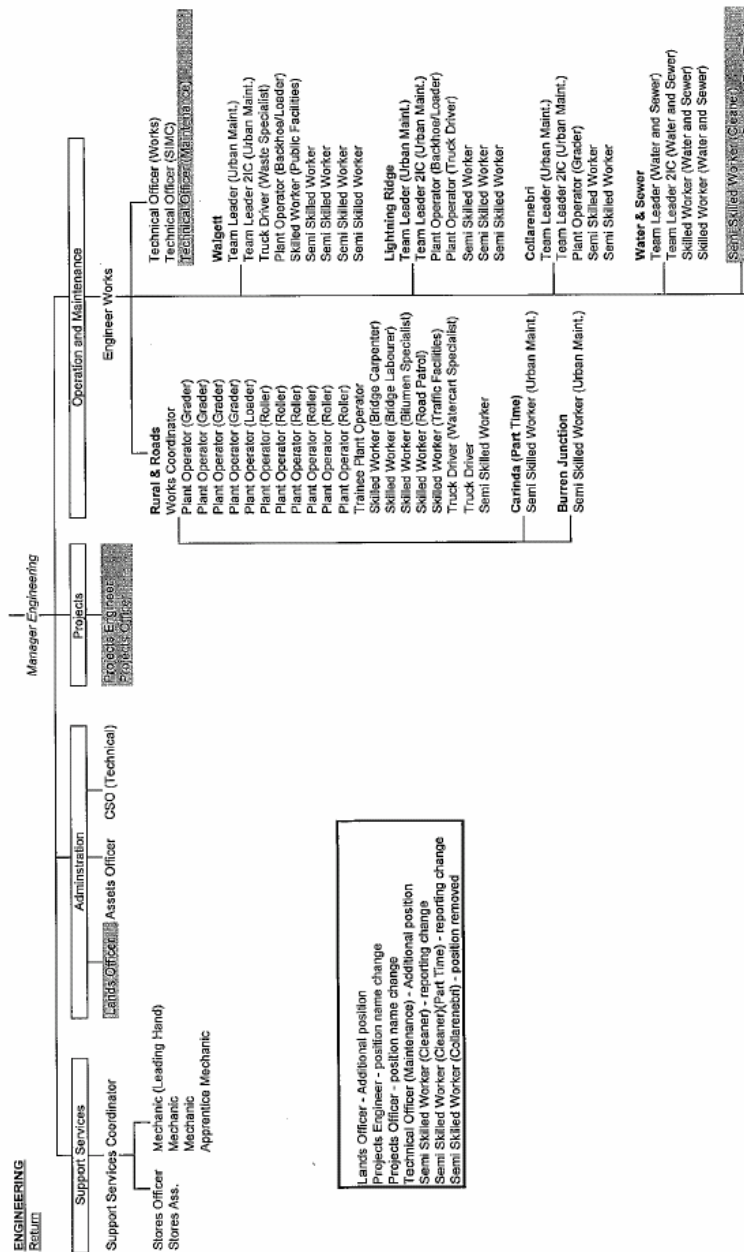
13/06 – Staff Structure

RESOLUTION:-

It was resolved on the Motion of the Administrator that:-

1. Council endorse the staff structure and changes submitted within this report and the attached table.
2. The position of Lands Officer be amended within the structure to report directly to the General Manager, and not the Manager of Engineering.

Carried.





**14/06 – Application for Building Certificate – Sheeppark Inn**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that:-

1. The matter of a Building Certificate for various structure at the Sheeppark Inn be deferred for two months to allow the Council to inform the applicant in accordance with subsections of Section 149D of the Environmental Planning and Assessment Act 1979, whereby the Council is not precluded “from informing the applicant of the work that would need to be done before the Council could issue a Building Certificate or from deferring its determination of the application until the applicant has had the opportunity to do the work”
2. Council Staff liaise with the applicant to enable them to have the opportunity to comply with all relevant codes to enable the issue of a Building Certificate.

Carried.

**15/06 – Report on Management Plan 2005/2006 Progress**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that the Management Plan 2005/2006 progress report for December 2005 be received.

Carried.

**16/06 – Pesticide and Environment Liaison Committee**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that the Pesticide and Environment Liaison Committee not be reform due to Councils established Precinct Committee system.

Carried.

**17/06 – Walgett Youth Centre Upgrade**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council support and implement the up-grading and re-opening of the Walgett Youth Centre as soon as practicably possible, subject to approval to reallocate grant funding.

Carried.

**18/06 – Report on Rates – 31 January 2006**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that the Report on Rates as at 31 January 2006 be received.

Carried.

**19/06 – Statement of Bank Account Balances – 31 January 2006**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that the Statement of Bank Account Balances as at 31 January 2006 be received.

Carried.

**20/06 – Monthly Management Report to 31 December 2005**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council note the Monthly Management Report and approve the following adjustments to the budget for the quarter ending 31 December 2005:-

- Increase Road Component of Federal Assistance Grant by \$4,769 to \$1,414,769
- Increase Regional Roads Block Grant by \$544,000 to \$1,670,000.00
- Decrease Street Lighting Subsidy by \$25,000.00 to \$20,000.00
- Decrease MR402 Repair Program by \$249,000.00 to Nil
- Decrease RR383 Reconstruction by \$250,000.00 to \$250,000.00
- Decrease Regional and Local Roads Flood Damage by \$232,313.00 to \$2,515,182.00
- Increase Workers Compensation Premium by \$509,000.00 to \$698,000.00
- Increase oncost income from \$1,436,000.00 to \$1,945,000.00

Carried.

**21/06 – Monthly Management Report to 31 January 2006**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council note the Monthly Management Report for the period ending 31 January 2006.

Carried.

**22/06 – 713 Sale – Department of Natural Resources - Condition of Sale**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council adopt as a “Condition of Sale” for the Section 713 Sale to be held, 1 April 2006, that all outstanding Western Lands Lease rent be paid in full.

Carried.

**23/06 – 713 Sale – Appointment of Real Estate Agent / Auctioneer**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council appoint Clemson Hiscox and Co Pty Ltd as Real Estate Agent / Auctioneer for the Section 713 Sale to be held on 1 April 2006.

Carried.

**24/06 – Proposed Sale of Crown Land at Lightning Ridge**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Walgett Shire Council resolve to write to the Department of Natural Resources and state:

- (a) It has no objection to the proposed sale of Lot 20 Section 16 DP 758612 at the corner of Onyx and Harlequin Street or Lot 2 Section 12 DP 758612 in Brilliant St, Lightning Ridge.
- (b) Walgett Shire Council suggests that potential purchasers of Lot 20 Section 16 DP 758612 at the corner of Onyx and Harlequin Street should be informed that it might be affected by historic underground opal mining activity.

Carried.

**25/06 – Development Application 2005051 – Gemtec Pty Ltd**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Development Application 2005051 be approved subject to 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.

**SPECIAL CONDITIONS SET 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**

**Sub 010.**

That two lots are created by the subdivision of Lot 20 and Lot 23 in DP 758612, one of about 720 square metres and the other about 800 square metres.

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

**Sub 020.**

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 060.**

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.

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### Sub 081.

The developer is to arrange for the extension of Council's sewer main to service the proposed new 800m<sup>2</sup> Lot, at full cost to the developer and to the satisfaction of Council.

Once established to the satisfaction of Council the new sewer main shall become the property of Council.

REASON: To ensure that costs associated with establishing the subdivision are borne by the developer.

### 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.

### OPAL MINING DISTURBANCE

#### Min 010.

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.

### 26/06 – 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 Manager Planning and Regulation and General Manager between 30 November 2005 and 31 January 2006.

Carried.

**27/06- Lightning Ridge Sporting Fields Irrigation System and Sports Field Rehabilitation**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that:-

1. Council resolve to allocate \$60,000 for the irrigation of Spider Brown Oval and Adjacent Fields at Lightning Ridge from unallocated funds currently held for miscellaneous purposes.
2. Consideration be given, at a future meeting, as to the funding source for the balance of the work.

Carried.

**28/06 – Residence – Walgett Swimming Pool**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that funding be provided to undertake work to convert the carport, at the Walgett Swimming Pool Residence, to a double garage at an estimated cost of \$8,000, in the 2006/07 budget.

Carried.

**29/06 – Shire Roads, Yarraldool Area**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council formally apply to have that section of Enclosure Permit 57900, which includes sections of Shire Roads Nos 22, 23 and 63, transferred to Council's control.

Carried.

**30/06 – Transfer of Closed Road**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council execute the Transfer and affix the Common Seal to this document to complete the transfer of a section of closed road at Burren Junction to GrainCorp Operations Limited.

Carried.

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**31/06 – Shire Road Number 75**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council formally apply to have those sections of Enclosure Permits 25406, 25215 and 74702, which include sections of Shire Road No 75, transferred to Council's control.

Carried.

**32/06 – North West Weight of Loads Committee**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council affix the Common Seal to an authority to allow Inspectors David Carter, Leonard Hattenfels, Geoffrey Girard, Greg May and Daryl Brady, as well as Administration Staff Renee Lobsey and Louise Girard of the North West Weight of Loads Committee, to operate within the boundaries of Walgett Shire.

Carried.

**33/06 – Street Trees – Arthur street, Walgett and Gray Park, Walgett**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council note the deferral on the report concerning street trees located in Arthur Street, Walgett and Gray Park Walgett to the March 2006 meeting of Council.

Carried.

**34/06 – Roadside Rest Area – Dangar Bridge**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council endorse action in committing to the servicing and maintenance of a roadside rest area, at Council's cost, adjacent to the Brewon Road near the site of the former Dangar Bridge.

Carried.

**35/06 – Cumborah Water Supply – Stage Two**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that Council note this report and defer any decision on implementation of Stage 2 of the Cumborah Water Supply, pending advice from the Department of Energy, Utilities and Sustainability as to the likely position regarding State Government subsidy for the project.

Carried.

**36/06 – Five Year Road Plan**

**RESOLUTION:-**

It was resolved on the Motion of the Administrator that:-

1. The report on the Five Year Road Plan be deferred for one month.
2. The Report on the Five Year Road Plan be revisited in conjunction with a submission made by the Rowena Community regarding the Plan.
3. Any urgent applications for funding be submitted.

Carried.

**37/06 – Waste Management Options**

It was resolved on the Motion of the Administrator that Council endorse action to date and that the cost of this consultancy be recouped from loan funds held for Domestic Waste Management purposes.

Carried.

**38/06 – Walgett Waste Depot - Licensing**

It was resolved on the Motion of the Administrator that the Common Seal of Council be affixed to an application from Council to the Department of Environment and Conservation to have the Walgett Waste Depot licensed and that this application be submitted.

Carried.

**39/06 – Street Tree – Fox Street, near Wee Waa Street, Walgett**

It was resolved on the Motion of the Administrator that:-

1. The report presented to Council concerning a Street Tree, located at Fox Street, near Wee Waa Street, Walgett be deferred for one month.
2. The opinion of an Arborist be sought concerning the abovementioned tree and that the findings be provided to a Risk Assessor for a risk assessment to be carried out relating to the tree located in Fox Street, near Wee Waa.
3. A report be submitted to the March 2006 Council Meeting

Carried.



**40/06 – Auslink Strategic Regional Programme**

It was resolved on the Motion of the Administrator that Council endorse action to date in preparing submissions for funding under the Auslink Strategic Regional Programme for works on the Walgett to Carinda Road and the Collarenebri to Mungindi Road.

Carried.

**41/06 – Tenders – Local Preference**

It was resolved on the Motion of the Administrator that tenders for the supply of materials and services, for a two year period from 1 July 2006, be sought on the basis of not allowing any local preference.

Carried.

**42/06 – ‘Benny Walford’s Crossing’ – Regional Road No 426**

It was resolved on the Motion of the Administrator that Council advise the Geographical Names Board of NSW that it has considered the objection, however it remains supportive of its previous position that the crossing be named ‘Benny Walford’s Crossing’ in view of the solid community support that the proposal has received.

Carried.

**43/06 – Eloura Park, Walgett**

It was resolved on the Motion of the Administrator that a further report be compiled, relating to the inventory of parks and sporting grounds in Walgett and the capacity of Council, based upon present funding levels, to adequately maintain and develop these. Furthermore, that any decision relating to the future of Eloura Park be deferred pending consideration of this report.

Carried.

**44/06 – Walgett Shire Council Consultative Committee Minutes – 13/12/05**

It was resolved on the Motion of the Administrator that the Minutes of the Consultative Committee held on 13 December 2005, be received and noted and that the recommendations listed in the Minutes be endorsed.

Carried.

**45/06 – Local Area Traffic Committee Meeting – 19/01/06**

It was resolved on the Motion of the Administrator that the Minutes of the Local Area Traffic Committee held on 19 January 2006 be received and noted and the recommendations listed in the Minutes be endorsed, with the exception of recommendation seven of the Minutes.

Carried.

**46/06 – Camps on Claims Working Group Minutes**

It was resolved on the Motion of the Administrator that the Minutes of the Camps on Claims Working Group Meeting held on 24 November 2005 be received and noted.

Carried.

The meeting closed at 10.53 am

Confirmed by Council at its meeting on Thursday, 16 March 2006.

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Administrator

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General Manager