



WALGETT SHIRE COUNCIL

MINUTES

20 November 2007

Stephen McLean
General Manager

**MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL
HELD IN THE BURREN JUNCTION RSL CLUB, BURREN JUNCTION
ON TUESDAY, 20 NOVEMBER 2007 COMMENCING AT 10.00 am**

PRESENT

Mr Vic Smith	Administrator
Mr Stephen McLean	General Manager
Mr Matthew Goodwin	Manager Planning and Regulations
Mr Alan Nelson	Manager Engineering
Mrs Emma Darcy	Manager Corporate Services
Miss Jodie Gates	Minute Secretary
Mrs Myrene Lovegrove	Accountant
Ms Melanie O'Sullivan	Project Officer Capital Works

OPEN FORUM PRESENTATIONS

Dharriwaa Elders Group – Speaker George Rose

A written submission was received on the following agenda items.

Item 15 – Aboriginal Development and Reconciliation Plan

The Dharriwaa Elders group raised concern that they were not consulted in the development of the draft Aboriginal Community Development and Reconciliation Plan.

Item 20 – Walgett Shire Tourism Summary

The Dharriwaa Elders group raised concern that contact has been made from Council's Tourism Development Officer (TDO), however arrangements for three alternate meetings have not been attended to. The elders group would like to still meet with Council's TDO to further discuss development opportunities.

Item 21 – Danthoria Designs – Signage

The Dharriwaa Elders group raised concern that the design of the signs were a dated style and that Walgett should project a contemporary image. They also raised concern over these items listed below:

- The proposed sign should contain the words 'Gamilarraay country' and not use Kamilaroi.
- The word 'Bawurra (red Kangaroo) could be added beside the image
- The words 'Gamilaraay country' should be a larger font size

Item 22 – NSW Public Libraries Day of Action

The Dharriwaa Elders group would like to note that they support the expansion of Walgett's public library to make it more relevant and accessible to the Aboriginal community.

Item 27 – Investment Report

The Dharrivaa Elders group enquired about Council's investments and suggested that Council alter its Investment policy in order to stimulate the local economy, encouraging enterprise and employment by investing a small percentage of its funds in Walgett commercial property.

347/07 – Acceptance of Reserve Trust Minutes

RESOLUTION:

It was resolved on the Motion of the Administrator that Council endorse the resolutions of the Reserve Trust meetings held 20 November 2007 and that Council takes action to implement the resolutions of the Reserve Trusts.

Carried

348/07 – Change of Meeting Dates - December Council Meeting

RESOLUTION:

It was resolved on the Motion of the Administrator that

1. Council's scheduled meeting date for December 2007 be amended to Tuesday 11 December 2007 at 10.00am at Walgett Shire Council Chambers, 77 Fox Street, Walgett.
2. That the date change to the December 2007 Council Meeting be advertised in The Spectator, The Ridge News and Councils webpage.

Carried

349/07 – Position of General Manager

RESOLUTION:

It was resolved on the Motion of the Administrator that Council offer Mr Raymond Kent the position of General Manager for Walgett Shire Council as per the General Manager's standard contract with a remuneration package of \$150,000.00 subject to Council receiving a satisfactory pre employment medical.

Carried

350/07 – Hudson Pear – Final Report for 2006-2007

RESOLUTION:

It was resolved on the Motion of the Administrator that Council receive and note the Hudson Pear Final report for 2006-2007

Carried

351/07 – Terms of Reference and Operational Procedures Namoi Local Government Group

RESOLUTION:

It was resolved on the Motion of the Administrator that Council endorse the Terms of Reference and Operational Procedures document as adopted by the Namoi Local Government Group

Carried

352/07 – Payment of Expenses and Provision of Facilities for Councillors Policy extension of submissions

RESOLUTION:

It was resolved on the Motion of the Administrator that Council note the extension of public submissions until 4.30pm, 23 November for the “Payment of Expenses and Provision of Facilities for Councillors” policy and submissions be considered and the policy and any amendments are presented to the December meeting of Council for adoption.

Carried

353/07 – Rural Fire Service Equipment Write-off

RESOLUTION:

It was resolved on the Motion of the Administrator that Council advise the RFS that it agrees to the approach to the Commissioner, NSW Rural Fire Service to write-off 1300 litre tanker trailers and associated small equipment.

Carried

354/07 – 101 Fox Street, Walgett – Sale at Auction

RECISION MOTION

It was resolved on the Motion of the Administrator that the Resolution of minute 32/07 *101 Fox Street Walgett, Part 2* resolved at the Council Meeting held on 20 February 2007 be rescinded.

32/07 – 101 Fox Street Walgett

RESOLUTION: -

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

1. Council demolish the building at 101 Fox Street, (Lot 81, DP 713774) Walgett and the site be sold as vacant land after it has been reclassified as operational land.
2. Council relocate the northern boundary fence to the lot boundary.

Carried.

RESOLUTION:

It was resolved on the Motion of the Administrator that The General Manager and Administrator apply the seal of Council to the Contract for Sale and transfer papers for Council Lot 81, DP 713774, 101 Fox Street, Walgett

Carried

355/07 – Condom Vending Machines

RESOLUTION:

It was resolved in the Motion of the Administrator that:

1. Council support the Walgett Aboriginal Medical Service in its endeavours and allow the installation of condom vending machines in the public toilets at Gray Park and Alex Trevallion Park Walgett.
2. Further consultation be held with the Walgett Aboriginal Medical Service on how Council can further support and assist with the installation of condom vending machines with the Shire.

Carried

356/07 – Land Sale - Corner Fox & Euroka Street

RESOLUTION:

It was resolved on the Motion of the Administrator that:

1. Council issue a lease to the Walgett Tyre, Machinery and Bearing Service for a further period of 4 months for the amount of \$1.00 (plus GST) allowing lawful occupation of the seven Lots described below whilst the sale of the land is being complete.

Lot A	DP161095
Lot B	DP161095
Lot C	DP161095
Lot 1	DP323840
Lot 27	DP612034
Lot 28	DP612034
Lot A	DP395921

2. Authorise the General Manager and Administrator to affix the Common Seal and sign the Walgett Tyre, Machinery and Bearing Service commercial lease.

Carried

357/07 – Increase in Allowances

RESOLUTION:

It was resolved on the Motion of the Administrator that:

1. Council adopts an increase of 3.2% for all allowances payable to staff under the NAPSA adopted at the October meeting.
2. The increase be payable on all NAPSA identified allowances from the first pay period on or after 1 November 2007.
3. The rise is inclusive of the decisions of the Australian Fair Pay Commission.

Carried

358/07 – Acquisition of Land Lightning Ridge

RESOLUTION:

It was resolved on the Motion of the Administrator that Council adopt the following recommendations to enable Council to acquire part of Lot 1794 DP 767406:

1. That Council increase Expenditure – Properties Capital Projects – Land Acquisition by \$28,000 to \$28,000.
2. That Council increase Expenditure – Properties Capital Projects – Transfer from Reserves by \$28,000 to \$2,380,833.
3. That Council reduce Expenditure – Economic Development - Salaries and Wages by \$28,000 to \$43,134.

Carried

359/07 – Juvenile Justice Community Service Order Scheme

RESOLUTION:

It was resolved on the Motion of the Administrator that:

1. Council endorse the participation of Walgett Shire Council in the Children's Community Service Order Scheme provided that a supervisor is provided by NSW Department of Juvenile Justice.
2. Council provides the tools and materials for the Children's Community Order Scheme.
3. Participants in the Children's Community Service Order Scheme work as part of a Graffiti Removal Program targeting the removal and monitoring of graffiti in Walgett.

Carried

360/07 – Strategic Regional Project

RESOLUTION:

It was resolved on the Motion of the Administrator that Council resolve to rescind Council Resolution 144/07 – Strategic Regional Programme.

144/07 – Strategic Regional Programme

RESOLUTION: -

It was resolved on the Motion of the Administrator that Council make application to the Minister for Local Government for borrowings not exceeding \$1,800,000.00 for the purpose of Strategic Regional Projects on RR329 and RR333.

Carried

Carried

361/07 – 2006/2007 Audited Financial Reports and Auditors Report

RESOLUTION:

It was resolved on the Motion of the Administrator that Council formally receives the Audited Financial Reports together with the Auditor's Reports for the period 1 July 2006 to 30 June 2007.

Carried

362/07 – Aboriginal Community Development and Reconciliation Plan

RESOLUTION:

It was resolved on the Motion of the Administrator that:

1. Council receive and note the draft copy of the Aboriginal Community Development and Reconciliation Plan.
2. The Walgett Shire Council Aboriginal Community Development and Reconciliation Plan be placed on public display for a period no less than 28 days ending 4.30pm on 11 January 2008.
3. The plan and any submission be considered at the 2008 February Council Meeting.

Carried

RESOLUTION:

It was resolved on the Motion of the Administrator that Council adopt the Code of Meeting Practice, inclusive of the amendments listed:

16. Minutes

- (2) *The name of Councillors present and Councillors absent must be recorded in the minutes. This includes the absence of a Councillor for any part of the meeting.*

31. Voting at Council Meetings

- (4) *The voting outcome on all matters is to be recorded in the minutes. The minutes must record when a resolution has been carried unanimously. In all other cases names must be recorded in relation to how a Councillor has voted.*

NOTE: Section 31 (4) provides Council with a more robust record of the decisions of the council. It is in no way intended to alter the requirements of the Regulation (R251) but only to support them in being a matter of regular meeting practice.

45. Functions of Committees

45. The Council must specify the functions, *terms of reference and membership* of each of its Committees when the Committee is established, but may from time to time amend those functions

Carried

RESOLUTION:

It was resolved on the Motion of the Administrator that:

1. Council repeal its “Protected Disclosures Act 1994 – Internal Reporting Policy”.
2. Council adopt the Walgett Shire Council Protected Disclosures Policy 2007.
3. The Walgett Shire Council Protected Disclosures Policy be reviewed in November 2009.

Carried

365/07 – Walgett Shire Council Staff Subsidy Policy and Procedures

RESOLUTION:

It was resolved on the Motion of the Administrator that this item be deferred, pending further investigation.

Carried

366/07 – Volunteer Policy

RESOLUTION:

It was resolved on the Motion of the Administrator that:

1. Council adopt the Walgett Shire Council Volunteer Policy.
2. The Walgett Shire Council Volunteer Policy be reviewed no later than November 2009.

Carried

367/07 – Walgett Shire Tourism Summary

RESOLUTION:

It was resolved on the Motion of the Administrator that Council receive and note the achievements of the Walgett Shire Tourism Destination Strategy.

Carried

368/07 – Danthonia Designs - Signage

RESOLUTION:

It was resolved on the Motion of the Administrator that

1. Council accept the proposal Quote Number 1165 from Danthonia Designs for \$96,840 (excluding GST) for the fabrication of Shire signs.
2. Council agree to the following Budgetary changes:
 - Increase Tourism & Marketing – Signage by \$61,840 to \$96,840
 - Reduce Executive Services – Consultancy Fees by \$10,000 to \$20,000
 - Increase Revenues – Capital Utilisation by \$51,840 to \$451,840

Carried

RESOLUTION:

It was resolved on the Motion of the Administrator that Council endorse the participation of Walgett and Lightning Ridge Libraries in a statewide 'Day of Action' to protest against the ongoing reduction in State Government funding to Local Government public libraries by:

- a. The inclusion of symbolic protest activities in the libraries on 29 November 2007, without staff in attendance in Sydney.
- b. The campaign slogan 'Libraries: Too Valuable to Lose'
- c. The placement of a petition in the Walgett and Lightning Ridge libraries for library users to sign in relation to the low level of State Government funding for public libraries.
- d. The provision of information flyers to library users and media release to media outlets to raise awareness about the funding campaign and associated actions.

Carried

RESOLUTION:

It was resolved on the Motion of the Administrator that:

1. Council receive and note the report on OH&S inspection of Ella Nagy Hall.
2. Council having considered the recommendations and actions required to bring Ella Nagy Hall into line with Building Code of Australia and OH&S compliance negotiations continue with Barrikneal Housing & Community Pty Ltd as to how the issues can be resolved. .

Carried

RESOLUTION:

It was resolved on the Motion of the Administrator that Council pay \$500 from Members & Civic - Section 356 Donation to Lightning Ridge Pre School to assist with the costs associated with their annual fund raising activities.

Carried

372/07 – Request for Financial Assistance – Walgett Community College

RESOLUTION:

It was resolved on the Motion of the Administrator that this item be deferred, pending further investigation.

Carried

373/07 – Monthly Management Report to 31st October 2007

RESOLUTION:

It was resolved on the Motion of the Administrator that Council note the Management Report for the period ending 31st October 2007.

Carried

374/07 – Investment Report as at 31 October 2007

RESOLUTION:

It was resolved on the Motion of the Administrator that the Investment Report as at 31 October be received

Carried

375/07 – Report on Rates and Charges – 31 October 2007

RESOLUTION:

It was resolved on the Motion of the Administrator that the Report on Rates as at 31 October 2007 be received.

Carried

376/07 – Review of Occupational Health & Safety Constitution

RESOLUTION:

It was resolved on the Motion of the Administrator that Council adopt the attached Walgett Shire Council Occupational Health & Safety Committee Constitution as tabled.

Carried

RESOLUTION:

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

1. Accept the offer of a grant of \$20,000.00 from the Natural Disaster Mitigation Program (NDMP) for the 2007-2008 financial year to offset some of the costs that it will incur in undertaking rural addressing work.
2. Authorise the General Manager and Administrator to execute the NDMP grant acceptance document, under Council's seal.

Carried

RESOLUTION:

It was resolved on the Motion of the Administrator that Council resolve to:

1. Consult with the community about proposed rural road name changes required to ensure compliance with Australian Standard 4819:2003 Geographic Information – Rural and urban addressing, via advertisements:
 - (a) On Walgett Shire Council's internet site.
 - (b) In the Walgett Spectator.
 - (c) In the Lightning Ridge News.
 - (d) In any other context deemed appropriate by the General Manager.
2. As part of the consultation process make an information paper available to the public which details the proposed rural road name changes and the reasons for them.
3. Undertake the consultation process, and make the information paper available, for a period of not less than 28 days
4. Consider any submissions received from the public prior to taking any action on the proposed rural road name changes.

Carried

379/07 – Community Animal Welfare Scheme Project

RESOLUTION:

It was resolved on the Motion of the Administrator that Council resolve to note the activities undertaken within Walgett Shire during August 2007 as part of the Community Animal Welfare Scheme (CAWS) project managed by the Royal Society for the Prevention of Cruelty to Animals.

Carried

380/07 – Development and Complying Development Certificate Applications

RESOLUTION:

It was resolved on the Motion of the Administrator that 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 during October 2007.

Carried

381/07 – Development Application 2007046, Walgett Shire Council

RESOLUTION:

It was resolved on the Motion of the Administrator that Development Application 2007046 be approved subject to the following conditions of consent:

PRESCRIBED CONDITIONS

1. The Environmental Planning and Assessment Regulation 2000 prescribes the following conditions of development consent.
98. Compliance with Building Code of Australia and insurance requirements under the Home Building Act 1989
2. (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.~~
3. (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.

4. (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

5. (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.
6. (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.
7. (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.
8. (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.
9. (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.
10. (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).

98C. Conditions applying to buildings as places of public entertainment.

(1) For the purposes of section 80A (11) of the Act, the requirements of subclauses (2), (4) and (5) and Schedule 3A are prescribed as conditions of development consent (including a development consent granted and in force before the commencement of this clause) for development involving the use of a building as a place of public entertainment.

(2) If the building is a temporary structure, Part B1 and NSW Part H102 of Volume One of the *Building Code of Australia* (as in force on the date on which the relevant development application is made) must be complied with.

Note. Under clause 98, the erection of a building that is not a temporary structure, including a building that is proposed to be used as a place of public entertainment, must comply with the requirements of the *Building Code of Australia*.

(3) Subclause (2) does not apply to the extent to which an exemption is in force under clause 187, subject to the terms of any condition or requirement referred to in clause 187 (6).

(4) If the building is a temporary structure comprising a tent or marquee, a sign must be displayed in a prominent position in the tent or marquee that specifies the following:

- (a) the maximum number of persons, as specified in the development consent, that are permitted in the tent or marquee,
- (b) the name, address and telephone number of the council of the area in which the tent or marquee is located.

(5) If the building is not a temporary structure, a sign must be displayed in a prominent position in the building that specifies the following:

- (a) the maximum number of persons, as specified in the development consent, that are permitted in any part of the building used as a place of public entertainment,
- (b) the name, address and telephone number of the council of the area in which the building is located,
- (c) the name and business telephone number of an owner or manager of the part of the building used as a place of public entertainment.

Schedule 3A Places of public entertainment

1 Dangerous entertainment

(1) Public entertainment must not involve:

- (a) the discharge of ammunition from a firearm, or
- (b) the use of any material or thing giving off a level of heat or toxicity that poses a threat of harm to patrons or members of the audience, or
- (c) the use of fireworks unless the use of the fireworks is in accordance with a licence granted under the Explosives Act 2003, or
- (d) the use of a sharp implement in a manner that poses a threat of harm to patrons or members of the audience, or
- (e) the screening of a nitrate film.

(2) In this clause:

fireworks does not include fireworks that are permitted to be used without a licence under the Explosives Act 2003.

2 Stage management

During a stage performance, there must be at least one suitably trained person in attendance in the stage area at all times for the purpose of operating, whenever necessary, any proscenium safety curtain, drencher system and smoke exhaust system.

3 Proscenium safety curtains

If a proscenium safety curtain is installed at a place of public entertainment:

- (a) there must be no obstruction to the opening or closing of the safety curtain, and
- (b) the safety curtain must be operable at all times.

4 Projection suites

(1) Where there is a projection suite at a place of public entertainment, the requirements of NSW Part H101.17 in Volume One of the *Building Code of Australia* must be complied with.

(2) When a film is being screened at a place of public entertainment, at least one person trained in the operation of the projectors being used and in the use of the fire fighting equipment provided in the room where the projectors are installed (the *projection room*) must be in attendance at the place of public entertainment.

(3) If the projection room is not fitted with automatic fire suppression equipment and a smoke detection system, in accordance with the *Building Code of Australia*, the person required by subclause (2) to be in attendance must be in the projection suite in which the projection room is located during the screening of a film.

(4) No member of the public is to be present in the projection suite during the screening of a film.

5 Marking of aisles and cross-overs

If it is intended that the audience at a performance be seated on the floor, aisles and

cross-overs are to be clearly defined on the floor.

6 Seating in rows

Seating set out in rows must comply with relevant provisions set out in:

(a) in the case of seating in a temporary structure—NSW Part H102.10 in Volume One of the *Building Code of Australia*, and

(b) in the case of seating set out in any other kind of building—NSW Part H101.11 in Volume One of the *Building Code of Australia*.

7 Seating in paths of travel to designated exit

The audience at a performance must not be seated, and seating must not be located, in aisles or other paths of travel to a designated exit.

8 Aisle lights to be on

Aisle lights referred to in NSW Part H101.20.3 in Volume One of the *Building Code of Australia* must be on when the public is in attendance and the main auditorium lighting is dimmed or off.

9 Locks

Any key-operated fastening fitted to an exit door or gate used by the public as a main entrance must be arranged so that, whenever the public is in attendance, the tongue or bolt is locked in the retracted position to enable the door or gate to yield to pressure from within.

10 Rope barriers

If a rope barrier is used across or at the side of an aisle:

(a) the barrier must be secured with spring clips that become unfastened when pressure is exerted on the rope, and

(b) the barrier must have a centre fastening only, and

(c) the barrier must not trail on the floor when released.

11 Emergency evacuation plans

(1) An emergency evacuation plan must be prepared, maintained and implemented for any building (other than a temporary structure) used as a place of public entertainment.

(2) An *emergency evacuation plan* is a plan that specifies the following:

(a) the location of all exits, and fire protection and safety equipment, for any part of the building used as a place of public entertainment,

(b) the number of any fire safety officers that are to be present during performances,

(c) how the audience are to be evacuated from the building in the event of a fire or other emergency.

(3) Any fire safety officers appointed to be present during performances must have appropriate training in evacuating persons from the building in the event of a fire or other emergency.

12 Council may require fire safety information

The owner or occupier of a building that is used as a place of public entertainment must, if required to do so at any time by the council of the area in which the building is located, furnish to the council a certificate from a registered testing authority (within the meaning of the *Building Code of Australia*) or other approved testing authority, as to the early fire hazard or flammability properties of the finish of a wall, ceiling or floor, or of a curtain, blind or cinematograph screen.

13 Upholstery, curtains or blinds

Any upholstery, curtains or blinds must, on installation (including replacement), comply with any relevant specifications set out in the following:

(a) in the case of any upholstery, curtains or blinds installed in a temporary structure—NSW Part H102.7 in Volume One of the *Building Code of Australia*,

(b) in the case of any upholstery, curtains or blinds installed in any other kind of building—Specification C1.10a and NSW Specification C1.10 in Volume One of the *Building Code of Australia*.

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.

Gen 040.

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

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

Gen 050

In addition to plans, elevations and sections, the application for a Construction Certificate is to include the following information:

- (a) The location of all smoke detectors/alarms together with a statement that they will be installed in accordance with AS 3786 AS1670.1 and,
- (b) Details of the proposed method of termite treatment showing that compliance will be achieved with AS 3660,
- (c) All structural details including specifications, tie-down and bracing plans and slab design details.

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

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.

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.

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 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 140.

All external lightning is to be positioned and directed so as to prevent the intrusion of light to the adjoining premises.

Reason: To prevent the intrusion of light onto adjoining premises.

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.

DISABLED ACCESS

Dis 010.

Disabled access and facilities are to be provided in accordance with the Building Code of Australia and Australian Standard 1428.1 Design for Access and Mobility - General requirements for access - New building work'.

Reason: To ensure compliance with the Building Code of Australia and the Disability-Discrimination Act 1992.

VENTILATION

Ven 010.

Provide an approved system of mechanical ventilation in accordance with the requirements of Part F4.5(b) of the Building Code of Australia.

Reason: To provide adequate ventilation and to ensure that there are no adverse affects on the occupants or the building.

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.

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 060.

The top of the buildings overflow relief gully (ORG) shall be a minimum 150mm below the lowest sanitary fixture or the buildings finished floor level, whichever is the lowest and a minimum 75mm above the finished surrounding ground level.

Reason: To prevent ingress of surface stormwater into the sewer and ensure compliance with Australian Standard 3500.1-4 and the Plumbing and Drainage Code of Practice.

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 140.

Where 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 -

- (a) 45° C for early childhood centres, primary and secondary schools and nursing homes or similar facilities for young, aged, sick or people with disabilities, and
- (b) 50° C in all other buildings.

Notes:

1. Temperature control devices require routine maintenance and performance testing. Information on maintenance can be found in AS 4032.2
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) By piping to the street gutter.

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

PARKING & TRAFFIC

Par 030.

Parking facilities for people with disabilities are to comply with Part D3.5 of Building Code of Australia and the requirements of Australian Standard 2890.1 – Parking Facilities – Off Street Car Parking.

Reason: To enable use of the car space by people with disabilities and to ensure compliance with the requirements of the Building Code of Australia.

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.

ENVIRONMENTAL MANAGEMENT

Env 050

Noise from the development (LA10) shall not exceed the background (LA90) by more than 5dB (A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.

Reason: To prevent the generation of a noise nuisance.

SWIMMING POOL AND SPA

Swi 060.

The filtration equipment must be effectively soundproofed at all times. Filtration equipment when operating must not exceed 5dB(A) above background noise measured at the nearest effected residence.

Reason: To maintain the amenity of the area.

Swi 075.

The swimming pool backwash water is disposed of to Council's sewer main in accordance with Australian Standard 3500 – Plumbing and Drainage.

Reason: Council requirement to control pollution and maintain public health..

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.

PLAYGROUND

Pla 010.

Playground equipment and layouts shall comply with '*Australian Standard 4685.1-6 2004 Playground equipment safety requirements*'.

Reason: To ensure that playground equipment is suitable for use by children.

FOOD PREMISES

Foo 010.

The fit out and operations of the food premises must comply with the requirements of:

- (a) Food Safety Standards.
- (b) Australian Standard 4674-2004 Design Construction and Fit Out of Food Premises.
- (c) The NSW Food Act 2003.

Reason: To ensure that the building conforms to the relevant performance requirements of the Building Code of Australia and Food Act 2003.

Foo 030.

Arrangements are to be put in place by the applicant for the collection, storage, and removal of garbage and unwanted building materials from site on a regular basis. All garbage is to be stored in animal proof containers screened from public view and situated so as not to cause a nuisance to the occupants of the building or neighbouring properties.

Reason: To maintain the amenity of the site and surrounds.

ENVIRONMENTAL MANAGEMENT

Env 040.

No increase or interference with the amenity of the area is to be created by reason of any process or operation on the premises causing the emission of noise, dust, smoke or any other pollution discharge.

Reason: To prevent pollution from detrimentally affecting the public or environment.

Env 050

Noise from the development (LA10) shall not exceed the background (LA90) by more than 5dB (A) at any time including any allowance for impulsiveness and tonal characteristics, when measured at the most affected residence.

Reason: To prevent the generation of a noise nuisance.

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.

NOTE 1: Development consent is required for all building works prior to commencement. Mandatory Critical Stage Inspections required to be carried out will be listed on the relevant approval.

Inspections at the completion of stages as indicated are required to be carried out by the Principal Certifying Authority. Work must not proceed past any inspection stage until approval is given by the Certifier.

Critical Stage Inspections

- After excavation for, and prior to the placement of, any footings, and
- Prior to pouring any in-situ reinforced concrete building element, and
- Prior to covering waterproofing in any wet areas, and
- Underfloor drainage prior to pouring concrete.
- 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 stormwater drainage pipe work and connection points.
- Installation of septic tanks and effluent lines prior to backfilling.
- All external sewer drainage prior to covering in trenches, clearly visible and under hydrostatic test.
- Final Inspection of Fire service installations 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.

NOTE 2: Council acknowledges that all of the buildings shown on the site plan dated 20/07/2007 prepared by Gleeson Surveying, except the partially constructed diving pool building have already been constructed.

FIRE SAFETY

Fir 060.

Fire Safety Equipment as per the attached Fire Safety Schedule, shall be installed and maintained on the premises and be the subject of the required annual Fire Safety Statement.

FIRE SAFETY SCHEDULE.

The following fire safety services are to be installed in the building;

- (a) Fire Hose Reels complying with the requirements of Part E1.4 of the building code of Australia and AS 1121 "Fire Hose Reels", and AS 2441 "Fire Hose Reels Installation".
- (b) Portable Fire Extinguishers complying with the requirements of Part E1.6 of the Building Code of Australia and AS 2444 "Fire Extinguishers Selection".
- (c) Exit signs complying with the requirements of Part E4.5 of the Building Code of Australia and AS 2293. "Emergency Evacuation Lighting". Such lighting to be located at each designated exit from the buildings.
- (d) Emergency Lighting complying with the requirements of Part E4.2 of the Building Code of Australia and AS 2293.1 "Emergency Evacuation Lighting".
- (e) An automatic smoke detection and alarm system complying with the requirements of Specification E2.2a (Clauses 3 or 4 as applicable) of the Building Code of Australia and AS 1670.1 and AS 3786.

On completion of the building and at least once in each period of twelve months following completion, the owner shall cause council to be furnished with Certification that each essential fire service installed in the building is capable of performing to a standard not less than they were originally required to achieve and perform to a standard not less than that determined using the corresponding Part I.1 Building Code of Australia provisions.

Carried

382/07 – Development Application 2007047, Walgett Shire Council
--

RESOLUTION:

It was resolved on the Motion of the Administrator that Development Application 2007047 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.

CONDITIONS IMPOSED BY COUNCIL

The following development consent conditions are imposed by Council.

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.

SUBDIVISION

Sub 010.

That three lots are created by the subdivision of Lots 5, 6 and 7 in DP 161095, one of about 1.547 hectares, one of about 0.6956 hectares and one of about 0.5546 hectares.

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 040.

An existing 3.66 metres wide easement, in favour of Council shall be retained over the area that is traversed by Council's water main.

REASON: Council's water main will be protected from inappropriate development by the easement.

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.

Carried

383/07 – Development Application 2007049, Walgett Shire Council
--

RESOLUTION:

It was resolved on the Motion of the Administrator that the Development Application be amended to read Development Application 2007049 and that it 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.

CONDITIONS IMPOSED BY COUNCIL

The following development consent conditions are imposed by Council.

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.

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 30, DP 253488, one of about 1330m² and the other about 4,710m².

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.

Carried

384/07 – Burren Junction Cemetery – Water Supply

RESOLUTION:

It was resolved on the Motion of the Administrator that Council proceeds with the connection of a basic water supply to Burren Junction Cemetery at a quoted cost of \$2,962 (incl GST).

Carried

385/07 – Street Lighting – Lightning Ridge

RESOLUTION:

It was resolved on the Motion of the Administrator that Council notes a review of street lighting in Lightning Ridge has been undertaken and that identified needs for improvement will be considered at the time the 2008/09 budget is determined.

Carried

386/07 – Community Water Grants – Round Three

RESOLUTION:

It was resolved on the Motion of the Administrator that Council note that four projects have been funded under Round Three of the Community Water Grants programme.

Carried

387/07 – Replacement of Playground Equipment

RESOLUTION:

It was resolved on the Motion of the Administrator that:

1. Council agree to provide up to \$35,000, from the current allocation for replacement of playground equipment, to allow for the installation of new playground equipment in Lions Park, Lightning Ridge for the use of pre-school children.
2. A report be presented to the Reserve Trust recommending the installation of playground equipment in Lions Park, Lightning Ridge for the use of pre-school children.

Carried

388/07 – Collarenebri – Pool Manager's Residence

RESOLUTION:

It was resolved on the Motion of the Administrator that the rental charged to the Pool Manager, Collarenebri, for occupation of 6 George Street, Collarenebri be reduced from \$180 per week to \$90 per week and this be backdated to the time the current Manager first occupied the property.

Carried

389/07 – Burren Junction Bore Baths

RESOLUTION:

It was resolved on the Motion of the Administrator that:

1. Council note the present situation with respect to the Burren Junction Bore Baths, including initiatives to deal with excess wastewater from the baths.
2. Council note the temporary closure of the baths facility to allow fencing and other maintenance to be completed.

Carried

390/07 – Walgett Shire Consultative Committee Minutes – 3 October 2007

RESOLUTION:

It was resolved on the Motion of the Administrator that Council note and receive the Consultative Committee Minutes 3 October 2007.

Carried

391/07 – Mungindi Menindee Advisory Council

RESOLUTION:

It was resolved on the Motion of the Administrator that the report of the Mungindi – Menindee Advisory Council be received and noted.

Carried

The meeting closed at 10.20 am.

Confirmed by Council at its meeting on Tuesday, 11 December 2007.

Administrator

General Manager