



WALGETT SHIRE COUNCIL

MINUTES

28TH OCTOBER 2008

RAY KENT
General Manager

MINUTES OF THE MEETING OF THE WALGETT SHIRE COUNCIL HELD IN THE WALGETT SHIRE COUNCIL CHAMBERS ON TUESDAY 28 OCTOBER 2008 COMMENCING AT 10.02am

PRESENT

Clr I Woodcock (*Mayor*)
Clr G Colless (*Deputy Mayor*)
Clr R Greenaway
Clr J Keir
Clr M Martinez
Clr D Lane
Clr K Smith
Clr L Walford
Clr G Murray
Mr R Kent (*General Manager*)
Ms C Medcalf (*Director Corporate & Community Services*)
Mr M Goodwin (*Director, Planning and Regulatory Services*)
Mr I Taylor (*Director Rural Infrastructure & Support Services*)
Mr F Coralde (*Director Urban Infrastructure*)
Miss J Gates (*Minute Secretary*)
Miss H Lovegrove (*Minute Secretary*)

Public Forum Presentations

Mr J Baker – Walgett District Ratepayers Association

Mr Baker made extensive comments on the following matters:

- *Confirmation of minutes*
 - *Notices of Motions*
 - *Item 1 – Report on Management Plan*
 - *Item 2 – Council Delegates, Representatives and Members – External Bodies and Organisations*
 - *Item 7 – Quarterly Budget Review as at 30th September 2008*
- Mr Baker tabled his notes for circulation to Councillors

Mr A Place – Rural Fire Service

- Mr Place advised that he was present at the Meeting so that he could introduce himself to Councillors as the Superintendent Zone Manager for this area.

Declaration of Pecuniary/Non Pecuniary Interests

Clr Greenaway declared an interest in Item 10, as he is a member of the Walgett Historical Society

210/08 Confirmation of Minutes

Motion:

That the minutes of the Council meeting held on 23rd September 2008 be confirmed.

MOVED: Clr Lane
SECONDED: Clr Walford

CARRIED

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211/08 Mayoral Minute – Location of Council Meetings

Motion

That the proposed locations for Ordinary Meetings of Council in 2009 be endorsed

MOVED: Clr Woodcock

CARRIED

212/08 Motions of which notice has been given

Council request the Department of Education to provide a paper outlining the conclusions reached following the recent review of the Walgett Community College along with any proposals for changes to operations, management and curriculum.

MOVED: Clr Murray

SECONDED: Clr Greenaway

CARRIED

Council review the list of committees before election of delegates.

MOVED: Clr Greenaway

SECONDED: Clr Lane

CARRIED

A status report be presented to the November Council meeting on Council's Family Day Care and In house Care programs. Such a report to provide information on utilisation and costs.

MOVED: Clr Murray

SECONDED: Clr Keir

CARRIED

A report be presented to the November Council meeting on the policy covering private use of Council motor vehicles. Such report to cover eligibility, costs, terms and conditions of use and utilisation of the Scheme.

MOVED: Clr Greenaway

SECONDED: Clr Lane

CARRIED

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Council continue to recognise the Precinct Committees at Carinda, Burren Junction and Rowena for the purpose of advising Council of the needs of those areas and that a report on any practical issues associated with the support of the Committees and their operations be presented to the November Council Meeting.

Moved: Clr Greenaway

Seconded: Clr Murray

The Mover and Seconder agreed to amend the Motion as follows:

Council continue to recognise the Precinct Committees at Carinda, Burren Junction and Rowena for the purpose of advising Council of the needs of those areas and that a report on any practical issues associated with the support of the Committees and their operations be presented to the November Council Meeting. This report also to address the establishment of Precinct Committees in other villages and towns.

CARRIED

213/08	Report on Management Plan 2008/2009 – 2012/2013	145/11/07/00
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Motion:

That the Report on the Management Plan 2008/2009 – 2012/2013 for the period July 2008 – September 2008 be received.

MOVED: Clr Lane
SECONDED: Clr Walford

CARRIED

Meeting adjourned at 10:51am for a citizenship ceremony.

Meeting resumed at 11:23am

214/08	Council delegates, Representatives and Members – External Bodies and Organisations	004/09/03/84
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Motion:

That Council discontinue membership of the Barwon Darling Alliance as from March 2009

MOVED: Clr Greenaway
SECONDED: Clr Murray

CARRIED

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Motion:

Council's representatives, members and delegates be as follows:

Australian Airports Association	– Not Required
Barwon Darling Alliance	– Mayor and Clr Murray (alternate)
Bushfire Management Committee	– Clr Murray
Camps on Claims Working Group	– Clr Lane
Castlereagh Macquarie County Council	– Mayor and Clr Greenaway (declared elected)
Community Working Party	– Clr Walford
Floodplains Management Authorities Group	– Mayor and Clr Keir (alternate)
Kamilaroi Highway Group	– Not Required
Lightning Ridge/Goodooga Reference group	– Clr Martinez
Lightning Ridge Mining Board	– Delegate: Clr Lane, Alternate Clr Murray
Lightning Ridge Tourism Board	– Clr Martinez
Local Emergency Management Committee	– Mayor
Local Government Group of the Namoi Catchment Authority	– Clr Keir
Namoi Peel Catchment Customer Service Committee	– Clr Keir
Mungindi Menindee Advisory Council	– Clr Greenaway and Clr Murray
Netwaste	– Not Required
Northern Regional Library	– Clr Smith and Clr Greenaway
Orana Area Consultative Committee	– Clr Lane
Orana Regional Organisation of Councils	– Mayor and Clr Colless (alternate)
Outback Arts Incorporated	– Clr Keir
Outback Regional Tourism Organisation	– Clr Martinez
Regional Procurement initiative	– Not Required
Rural Bush Fire Group Management	– Clr Murray
Community Safety Precinct Committee	– Mayor and Clr Colless (alternate)
Saleyards Advisory Committee	– Clr Colless
Shire's Association of NSW C Division	– Mayor and Clr Colless
Western Division of the Shire's Association	– Mayor and Clr Colless (alternate)
Local Traffic Committee	– Clr Colless and Clr Martinez
Walgett and District Tourism Association	– Clr Keir
Walgett and Collarenebri Reference Group	– Clr Smith
Walgett Community College Board	– Clr Murray
Walgett Shire Interagency Group	– Clr Keir
Weight of Loads Committee	– Clr Colless and Clr Martinez

MOVED: Clr Walford

SECONDED: Clr Greenaway

CARRIED

215/08

Records Management Policy for Councillors

013/07/01/12

Motion:

That the Council approve the policy GOV - Records Management Policy for Councillors.

MOVED: Clr Walford

SECONDED: Clr Greenaway

CARRIED

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216/08 Tourism Development Activities – October 2008 Report 245/02/01/00

Motion:

That Council receives and notes the Tourism Development Officers report for October 2008.

MOVED: Clr Greenaway

SECONDED: Clr Murray

CARRIED

**217/08 Report on Youth Development and Services
July – September 2008 003/05/10/00**

Motion:

That the report on Youth Development and Services for the period July 2008- September 2008 be noted.

MOVED: Clr Lane

SECONDED: Clr Smith

CARRIED

218/08 Write off of Assessment 10983 180/01/02/00

Motion:

That Council cease further legal action against the joint owners of Assessment 10983.

That the amount of \$6,262.79 be written off assessment 10983.

MOVED: Clr Lane

SECONDED: Clr Greenaway

CARRIED

219/08 Quarterly Budget Review as at 30th September 2008 180/01/01/00

Motion:

That Council note the quarterly budget review for the period to 30 September 2008 and adopt the attached changes.

MOVED: Clr Walford

SECONDED: Clr Keir

CARRIED

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220/08	Writing off Debts to Council	004/13/02/41
Motion:		
That Council authorises the General Manager to write off, by order in writing, individual debts to the value of \$1,500 and within the provisions of Local Government (General) Regulations 2005 Part 5, Division 3, Clause 131 and Part 9, Division 5, Clause 213.		
MOVED:	Clr Martinez	
SECONDED:	Clr Lane	
CARRIED		

221/08	Rural Addressing Road Name Amendments	100/03/00/00
Motion:		
That Walgett Shire Council resolve to:		
1. Note the letter dated 30th September 2008 from the Geographical Names Board of NSW which raised matters relating to several of the 109 rural road names adopted by Walgett Shire Council at a meeting held on 2nd September 2008.		
2. Respond to the Geographical Names Board of NSW with a letter indicating Walgett Shire Council:		
(a) Maintains its request that the names SR 84 Fred Reece Way and SR 129 George Sands Way be gazetted.		
Fred Reece was a respected Aboriginal Elder who named the Barriekneal Aboriginal Housing Corporation when it was first established in 1977. He was born on Bangate Station in 1890 and passed away in 1987, aged 97.		
George Sands was a respected Aboriginal Elder who resided at the Namoi Village, Walgett where Shire Road 84 terminates. He was born 17th April 1936 and passed away 15th November 2000 aged 64.		
(b) Accepts that the previously proposed name for SR79 Pagan Creek Bridge Road should be shortened to comply with the Board's guidelines for naming roads. It is now requested that the name SR 79 Pagan Creek Road be gazetted.		
(c) Accepts that the name SR 111 Narran Lake Road is too similar to SR 102 Narran Road and Narran Street in both Collarenebri and Cumborah. To resolve the situation Council will consult with the community with a view to renaming SR 102 Narran Road and Narran Street, Cumborah. Once this consultation has been completed, Council will advise the Board of the names that it has adopted.		
(d) Accepts the road previously proposed to be named "SR 119 Hollywood Road" should now be gazetted as "SR 119 Hollywood Lane" to maintain consistency with the gazetted name for the portion of the road within the Coonamble Shire. Accordingly Council now requests the gazettal of "SR 119 Hollywood Lane".		
(e) Maintains its request for the gazettal of RR 426 Bill Obrien Way.		

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William Dominic Anselm "Bill" O'Brien was a Councillor on the Walgett Shire Council for over 11 years from 1959. He donated land for the establishment of the Lightning Ridge bore baths and personally contributed to numerous improvements at Lightning Ridge. He passed away 29th August 1988.

- (f) Accepts that the name "SR 87 Burren Junction Bore Road" should be shortened to comply with the Board's "Guidelines for naming roads - Communications 4.2". It is now requested that the name "SR 87 Burren Bore Road" be gazetted.
- (g) Accepts that the name "SR 101 Wilby Wilby Bridge Road" should be shortened to comply with the Board's "Guidelines for naming roads - Communications 4.2". To resolve the situation Council needs to consult with the Brewarrina Shire Council because the road passes through both Shires. Once this consultation has been completed, Council will advise the Board of the adopted name.

3. Undertake consultation with the community via advertisements in the Walgett Spectator and the Lightning Ridge News, as well as letters to adjoining landholders, for a minimum of 28 days indicating that it is proposing to implement the following proposed road name changes:

- (a) Changing the name of SR 102 Narran Road to SR 102 Angledool Road.
- (b) Changing the name of Narran Street at Cumborah to Glengarry Street.

4. Write to the Brewarrina Shire Council indicating that Walgett Shire Council is proposing to request that the Geographical Names Board of NSW gazette SR 101 as the Wilby Wilby Road. Also noting that the proposal arose because the previously adopted name of Wilby Wilby Bridge Road has been deemed to be too long by the Geographical Names Board of NSW.

5. Write to the Parkes office of the RTA and request its endorsement for the Regional Road names adopted by Council on 2nd September 2008.

MOVED: Clr Lane
SECONDED: Clr Martinez

CARRIED

222/08	Former Walgett Railway Station Building	005/05/01/00
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Motion:

That Walgett Shire Council resolve to:

1. Write to Mrs and Mrs Scott Wickman to:

- (a) State that Walgett Shire Council has accepted their offer to takeover ownership of the former Walgett Railway Station building, as proposed in their letter dated 1st September 2008. Council's acceptance is based on the building being reused to extend their house on the "Kiel Kiel" property and that there will be no cost to Council.
- (b) Request that they:
 - (i) Confirm in writing that they accept ownership of the building.
 - (ii) Indicate a date by which the building will be moved to the "Kiel Kiel" property, while noting that Walgett Shire Council prefers that the building be moved as soon as possible.

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- (iii) Confer with Walgett Shire Council's Heritage Advisor, Ray Christison, regarding the adaptation of the building and the conservation of materials.
- (iv) Create a full photographic record of the building's relocation and adaptation, and provide a copy of this record to Walgett Shire Council.

(c) Note that prior to using the building to extend the existing house, Council approval will be required via a Complying Development Certificate application to ensure the extension complies with the Building Code of Australia.

2. Write to the Walgett District Historical Society Inc and Lightning Ridge Calweld Drill Hire thanking them for their expressions of interest regarding the former Walgett Railway Station Building and informing them of the above resolution.

MOVED: Clr Lane

SECONDED: Clr Keir

CARRIED

223/08	Development and Complying Development Certificate Applications	007/02/05/35
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Motion:

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 August and September 2008.

MOVED: Clr Lane

SECONDED: Clr Colless

CARRIED

223/08	Walgett Shire Growth Management Study & Strategy	315/01/02/00
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Motion:

That consideration of the matter be deferred to the December Council meeting.

MOVED: Clr Lane

SECONDED: Clr Martinez

Unanimous vote

Meeting adjourned for Lunch at 1:10

Meeting resumed at 1:46pm

Clr Keir absent from the Council Chambers

224/08

DA 2008022 – Advertising Signs

DA2008022

Motion:

That Development Application 2008022 in the name of Trevor Hudson for advertising signs along the Three Mile Road at Lightning Ridge be approved subject to the following conditions of development consent:

CONDITIONS OF CONSENT**PRESCRIBED CONDITIONS OF DEVELOPMENT CONSENT**

Prescribed conditions of development consent under the Environmental Planning and Assessment Regulation 2000 do not apply to the type of work being undertaken.

CONDITIONS IMPOSED BY COUNCIL

The following development consent conditions are imposed by Council.

GENERAL**Gen 020.**

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

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

Gen 030.

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

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

RESTRICTED APPROVAL**Rap 010.**

This development consent is valid for fifteen (15) years from the date of consent.

Reasons: Clause 14 of State Environmental Planning Policy 64 - Advertising and Signage restricts development consents for advertising to a maximum of fifteen years.

Rap 020.

The maximum size and number of signs are to be as follows:

- (a) One sign at the intersection of Morilla Street and Three Mile Road that is no larger than 2.4 metres wide by 2.4 metres high.
- (b) Six signs along the Three Mile Road to be no larger than 1.2 metres wide by 0.8 metres high.

Reasons: To ensure consistency with the maximum size of signs at the Morilla Street and Three Mile Road intersection. To restrict the number of signs to the maximum proposed by the applicant.

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.

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SITING/SETOUT

The signs along the Three Mile Road are to be set back a minimum of 15 metres from the centre line of the road.

Reason: To ensure the signs do not interfere with Council's maintenance operations along the road.

MAINTENANCE AND APPEARANCE

Mtc 015.

The signs are to be maintained in good condition and painted in colours compatible with its surrounds to the satisfaction of council.

Reason: To ensure compatibility with the streetscape is maintained.

ENVIRONMENTAL MANAGEMENT

Env 030.

Removal or disturbance of vegetation and topsoil must be confined to within 3 metres of the proposed structure.

Reason: To minimise environmental disturbance.

INSPECTIONS

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

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

Inspections

- On set-out of the works and prior to any excavation.
- Footings after excavation and before pouring of any concrete

Reason: Compliance 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 REGARDING COVENANTS:

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.

END

MOVED: Clr Lane
SECONDED: Clr Walford

Unanimous vote

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225/08	Application to extend Western Lands Lease 13301	145/09/02/01
Motion:		
That Walgett Shire Council write to the Department of Lands and state that it has no objection to the application by Lindsay and Heather Matson to add 450 square metres to Western Lands Lease 13301 at Lightning Ridge.		
MOVED:	Clr Lane	
SECONDED:	Clr Martinez	
CARRIED		

226/08	Road Maintenance Council Contract	783/10/00/04
Motion:		
That the commencement of the Road Maintenance Council Contract with the NSW Roads and traffic Authority on 1 October 2008 is noted.		
MOVED:	Clr Lane	
SECONDED:	Clr Walford	
CARRIED		

227/08	Timber Bridge Partnership Program	190/02/04/01
Motion:		
That Council note the application for funding of replacement of Cumberland Creek Bridge, 26 Mile Warrambool Bridge, and Sparkes Warrambool Bridge under the Timber Bridge Partnership Program		
MOVED:	Clr Lane	
SECONDED:	Clr Greenaway	
CARRIED		

228/08	Disclosure of Interest in Written Returns	
The General Manager tabled Returns pursuant to Section 449 (1) of the Local Government Act 1993 for the following: Councillor Walford; Councillor Martinez; Councillor Woodcock; Councillor Greenaway.		

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229/08	Closed Council Meeting	
Motion:		
That the public be excluded from the meeting pursuant to Section 10A (2) (a) (b) and (c) of the Local Government Act 1993 on the basis that the items deal with:		
(a) personnel matters concerning particular individuals (other than councillors),		
(b) the personal hardship of a resident or ratepayer		
(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,		
MOVED:	Clr Woodcock	
SECONDED	Clr Greenaway	
CARRIED		

230/08	Offer from Pallier regarding Assessment 6312	180/04/04/00
Motion:		
That the \$5000 offer be accepted as full and final satisfaction of the rates on assessment 6312 and the remaining outstanding rates and charges be written off against the Provisions for Doubtful Debts.		
MOVED:	Clr Greenaway	
SECONDED:	Clr Smith	
CARRIED		

Clr Keir returned to the Council Chamber at 2.15pm

231/08	Tender for Construction of Council Medium Density Housing Scheme – Gilbert Street Walgett	230/10/43/56
Motion:		
That the tender of Starjest Constructions Pty Ltd for a price of \$2,018,895 (incorporating steel framing) be accepted		
A formal approach be made to State Government bodies offering to sell one three bedroom unit and two or three two bedroom units at cost plus 15% (to cover land and overhead costs) and the Mayor and General Manager be authorised to sign Contracts for sales that satisfy the price specifications		
The Council properties identified in the report as being appropriate for sale be placed on the market shortly before the completion of the unit scheme		
A further report be placed before Council recommending reserve prices and selling arrangements for the existing Council properties which are to be sold, prior to the properties being placed on the market		
MOVED:	Clr Lane	
SECONDED:	Clr Murray	
LOST		

WALGETT SHIRE COUNCIL MINUTES

Motion:**That:**

The tender of Starjest Constructions Pty Ltd for a price of \$2,018,895 (incorporating steel framing) be accepted

A formal approach be made to State Government bodies offering to sell three dwellings at cost plus 15% (to cover land and overhead costs) and the Mayor and General Manager be authorised to sign Contracts for sales that satisfy the price specifications

The Council properties identified in the report as being appropriate for sale be placed on the market shortly before the completion of the unit scheme

A further report be placed before Council recommending reserve prices and selling arrangements for the existing Council properties which are to be sold, prior to the properties being placed on the market

MOVED: Clr Colless

SECONDED: Clr Lane

CARRIED

232/08

General Manager's Contract and Related Matters

295/01/16/00

Motion:**That:**

1. Annual Performance reviews of the General Manager be undertaken in July.
2. The 2008/09 work priorities for the General Manager outlined in the report be endorsed.
3. The Mayor be authorised to approve sufficient Special Leave Without Pay in the period prior to 10th December to enable the General Manager to undertake treatment as described in the report.
4. Council generally support the approach to Acting General Manager arrangements outlined in the report.
5. Council delegate to the Mayor the authority to appoint a Director to act in the role of General Manager during absences on leave of the General Manager.

MOVED: Clr Greenaway

SECONDED: Clr Keir

CARRIED

233/08 Return to Open Council Meeting

Motion:

That Council move out of Closed Session

MOVED: Clr Lane

SECONDED: Clr Greenaway

CARRIED

The General Manager read the Resolutions that had been made in Closed Session.

Questions without notice from Councillors

Clr Smith

Advised that many matters listed in the last meeting minutes of the Burren Junction Precinct Committee, and which were to be addressed by Council, appear to be outstanding. The Councillor also advised that he did not believe that the Committee had received any correspondence from Council in response to the minutes. The Councillor requested advice in respect of the matters he had raised.

Response

The General Manager advised that as the November Council Meeting was to be held in Burren Junction he would organise for a response to the matters raised to be included in the Agenda for that Meeting

Clr Greenaway asked the following questions:

1. Is Walgett a village or town?

Response

The Director, Planning and Regulatory Services advised that from a zoning perspective there is no real difference. Subsequently the Director has confirmed that Walgett is zoned as 'village or township' under the Interim Development Order No 1 – Shire of Walgett

2. What is the cost of the new records system?

Response

The Director, Corporate and Community Services advised that she would provide the figure to Councillors

3. Why has the CWA scholarship donation for the medical grant not been paid?

Response

The Director, Corporate and Community Services advised that an invoice was received for \$3,300 and this was paid to the NSW Doctor's Network Newcastle for the Bush Bursary/ Country Women's Scholarship which is where the request came from. The Director confirmed that she has had dealings with them and that there is a doctor expected in the first week of December.

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4. Whether the Budget contained provision for the \$500 donation for the annual senior citizens luncheon?

Response

The Director, Corporate and Community Services advised that there is no allocation in the budget for the Senior Citizens Luncheon and that no request has been received.

Clr Colless

How is the public going to be advised of the outcomes of meetings?

Response

The General Manager advised that in the past, following each Council meeting, he had usually undertaken interviews with radio and the print media in respect of key agenda items of interest to the community. In future, and having discussed the Mayor's previous experience in this regard, it was expected that the media would now contact the Mayor for comment following each Council meeting.

Clr Lane asked the following questions:

1. Can reflectors be placed on the tree on Lorne road?

Response

The Director, Rural Infrastructure and Support Services advised that reflectors can be placed on or adjacent to the tree (as is appropriate) on Lorne Road and this will be arranged as soon as practicable.

2. Is Council proposing to repair the side road at Boorooma Creek Bridge?

Response

The Director, Rural Infrastructure and Support Services advised that Boorooma Creek bridge side track is on Highway 29 and is a Roads and Traffic Authority of NSW (RTA) Asset. As such works on same require RTA approval and usually Council would not expend its own funds on an RTA asset. Repairs to the side track will be recommended to the RTA for inclusion in Heavy Patching works scheduled to be undertaken on Highway 29 in this vicinity during 2008/09

Mayor

What is happening with the Council caravan park in lightning ridge?

Response

The Director, Planning and Regulatory Services advised that regulatory matters association with the Local Government (Manufacturers Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 are being dealt with by Council's Senior Health and Building Surveyor. Some progress has been made on priority matters, but other work has not yet been completed. Issues associated with the lease of the Crown Reserve fall within the responsibility of the Director Urban Infrastructure who is a relatively new Council employee. As a result he would need to take the question on notice.

The meeting closed at 4.02pm

To be confirmed by Council at its ordinary meeting to be held on Tuesday, 23rd November 2008.

Mayor

General Manager