



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 27 March 2013

at

2.13pm

at

Walcha Council Chambers

PRESENT: Cllr JM Archdale (Chairman) Mayor together with Councillors KW Ferrier, WJ Heazlett, L Levingston, CM Lyon, SJ Schmutter and MJ Woods.

IN ATTENDANCE: Mr JG O'Hara (General Manager), Mr SC McCoy (Director – Engineering Services) and Mr GA Moran (Director – Environmental Services).

1. APOLOGIES:

142 **RESOLVED** on the Motion of Councillors Levingston and Heazlett that the apology received from Councillor Thomson being at the Sydney Royal Easter Show be **ACCEPTED**.

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 13 FEBRUARY 2013:

143 **RESOLVED** on the Motion of Councillors Levingston and Heazlett that the Minutes of the Ordinary Meeting held on Wednesday, 27 March 2013, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

3. BUSINESS ARISING

Nil.

4. DECLARATIONS OF INTEREST

6.5 Development Application 10.2013.9 by David Budd of Café Amor to install a removable awning over the outdoor dining in Derby Street

WO/2013/00388

Stephen McCoy, Director – Engineering Services, declared a non-pecuniary interest being a neighbour of the applicant.

9.1 Minutes of the Walcha Town & District Beautification & Tidy Towns Committee Meeting held on 12 December 2012

WO/2012/01769

9.3 Minutes of the Walcha Council Tourism Advisory Committee Meeting held on 20 February 2013

WINT/2013/00679

9.4 Minutes of the Walcha Mountain Festival Committee Meeting held on 20 February 2013

WINT/2013/00681

Clr Woods declared a non-serious non-pecuniary interest in item 9.1 as her mother is a member of the Committee AND in items 9.3 & 9.4 as her father is a member of these Committees.

Late Report 1: Rural Addressing Signs

Clr Woods declared a pecuniary interest in the Late Report on Rural Addressing Signs as she is one of the applicants.

5. MAYORAL MINUTE

The Mayor advised the Meeting that Council is presenting trying to arrange a meeting with Senator MacDonald to organise interim arrangements prior to the by-election for the Seat of Northern Tablelands. She also advised that Council will be investigating the Forestry situation and will be making appropriate representations over the next week.



6. SENIOR OFFICERS REPORT

144 **RESOLVED** on the Motion of Councillors Heazlett and Schmutter that the Senior Officers' Reports be **RECEIVED** for further consideration.

6.1 Review of Solid Waste Service Levels WO/2012/01503

AFTERNOON TEA

Council adjourned for afternoon tea at 3:04pm and resumed at 3:45pm. Presentations were made to the Winners of the 2012 Garden Competition who were:

Summer 2012	
First Prize	Ken & Heather Lockyer
Second Prize	Peter Mooney
Autumn 2012	
First Prize	Adrian & Allyie Allen
Second Prize	Bruce & Sally Rutherford
Spring 2012	
First Prize	Fred & Barbara Mulligan
Second Prize	Liz Elder

Opening Hours for Waste Transfer Station:

145 **RESOLVED** on the Motion of Councillors Woods and Ferrier that the opening hours for the Waste Transfer Station commencing on 1 July 2013 be:

Monday, Wednesday, Friday – 9am to 6pm
Saturday – 10am to 2pm
Sunday – 1pm to 5pm

FURTHER THAT Council develop a policy of providing access outside of opening hours to businesses that require it on an application basis.

Councillor Lyons recorded his vote **AGAINST** the resolution.

Waste Management Fees 2013/2014:

It was **MOVED** Councillor Woods **Seconded** Councillor Schmutter that the Walcha Domestic and Walcha Commercial be \$390 per year; the Rural be \$102 per year and the Unoccupied be \$75 per year.

An **Amendment** was **MOVED** by Councillor Heazlett **Seconded** Councillor Lyon that the Walcha Domestic and Walcha Commercial be \$380 per year; the Rural be \$115 per year and the Unoccupied be \$50 per year

The Amendment on being put to the **VOTE** was **DEFEATED**.



146 The Original Motion became the Substantive Motion and was put to the **VOTE** and **CARRIED**.

6.2 Maintenance of Enfield Forest Road WO/2013/00347

147 **RESOLVED** on the Motion of Councillors Heazlett and Levingston that Council:

1. Agree to provide, under contract to Forests NSW, a one off maintenance grade and vegetation control along Enfield Forest Road from New Country Swamp intersection to the Walcha – Greater Taree City Council boundary.
2. Make representations to the NSW State Government to obtain assistance with the cost of dedicating Enfield Forest Road.
3. Council enter into negotiations with Forests NSW, National Parks & Wildlife and the owners in an attempt to formulate a funding agreement for the future maintenance of the road.

6.3 Dust Suppression Program Priorities WO/2013/00363

It was **MOVED** Councillor Heazlett **Seconded** Councillor Schmutter that “Tumble Downs”, “Ben Ean” and “Wendourie” dust suppression be considered for completion in the 2013/2014 year in conjunction with the Budget.

An **Amendment** was **Moved** by Councillor Lyon **Seconded** Councillor Ferrier that “Tumble Downs”, “Ben Ean”, “Wendourie” and “Rose Cottage” dust suppression be considered for completion in the 2013/2014 year in conjunction with the Budget.

The **Amendment** on being put to the **VOTE** was **CARRIED**.

148 It then became the Substantive Motion and was put to the **VOTE** and **CARRIED**.

6.4 Becoming a Member of Foundation for Regional Development Limited, Country & Regional Living Expo AND Conference on Building Regional Australia 2013 in Armidale WO/2013/00303

149 **RESOLVED** on the Motion of Councillors Heazlett and Schmutter that Council be represented at the Building Regional Australia 2013 Summit by the Mayor on Thursday 11 April 2013 and Councillor Ferrier on Wednesday, 10 April 2013.

6.5 Development Application 10.2013.9 by David Budd of Café Amor to install a removable awning over the outdoor dining – Derby Street, Walcha WO/2013/00358

The Director – Engineering Services declared an interest and left the Meeting.



150 **RESOLVED** on the Motion of Councillors Woods and Levingston that the application by Mr David Budd to install a removable awning be approved by Council subject to the following conditions:

- (1) All activities on Council's footpath are to comply with Council's policy "Use of Council Footpath for the Sale of Goods, and / or Customer Furniture.
 - (2) The work must be carried out in accordance with the requirements of the *Building Code of Australia*,
 - (3) 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:
 - i. showing the name, address and telephone number of the principal certifying authority for the work, and
 - ii. 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
 - iii. stating that unauthorised entry to the work site is prohibited.
 - (4) 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.
 - (5) The development must take place in accordance with the approved plans (bearing the Walcha Council approval stamp) and documents submitted with the application, and subject to the conditions of this consent, to ensure the development is consistent with Council's consent.
 - (6) Council is to be given written notice of the intention to commence works and the appointment of a Principal Certifying Authority (if the PCA is not Council) at least two days before the proposed date of commencement, in accordance with the cl. 103 and 104 of the Environmental Planning and Assessment Regulation 2000. Such notice is given using the form enclosed with this consent.
 - (7) A hoarding or fence must be erected between the work site and any public place if the work is likely to cause traffic (pedestrian or vehicular) in a public place to be obstructed or otherwise inconvenient. The erected hoarding is to be sufficient to prevent any substance from or in connection with the work falling into the public place. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place. The hoarding, fence or awning is to be removed once the work has been completed.
 - (8) Should Walcha Council be appointed the Principal Certifying Authority, the applicant must give at least 2 days' notice to enable the following inspections to be undertaken where appropriate for the class of building:
 - after the building work has been completed and prior to any occupation certificate being issued in relation to the building. **
- ** denotes a critical stage inspection (a mandatory inspection pursuant to Section 109E of the EP&A Act 1979). Please note that an Occupation Certificate cannot be issued for a development where a critical stage or other nominated inspection has not been carried out. (Please call 02 6774 2515 to book an inspection).*
- (9) No storage of building materials, soil or equipment is to occur on Council's property or roads without the written consent of Council's Engineering



- Department. No unfenced, potentially dangerous activity or material to be located in close proximity to the street boundary or pedestrian walkway adjoining the site. No unsupervised transit of plant, equipment or vehicles across public areas or other obstruction of those areas is permitted.
- (10) Roof and surface stormwater from paved and impervious areas is to be collected and directed to the stormwater drain located in the footpath at the site or into the adjacent garden, to protect the site from the effects of flooding.
- (11) An Occupation Certificate must be obtained before the approved use commences, in accordance with the *Environmental Planning and Assessment Act 1979* and to ensure the health and safety of the building's occupants.
- Failure to obtain an Occupation Certificate is an offence under the legislation. Penalty advice for buildings (penalties do not apply to uses detailed in sections 109M and 109N; i.e. Crown projects, Class 1a and 10 buildings or as detailed for certain temporary structures).
- (12) A further application is to be made for any change, enlargement or intensification of the premises or land use, including the display / erection of any new structure such as signage, partition walls or building fit-out (unless the proposed work is exempt from the need for consent under SEPP Exempt and Complying Development Codes 2008).

Being a Planning matter a **Division** was called prior to voting on this matter and the result was as follows:

For: Councillors: Archdale, Ferrier, Heazlett, Levingston, Lyon, Schmutter and Woods.

Against: Councillors: Nil.

Absent: Thomson.

The Director – Engineering Services returned to the Meeting and the Chairman conveyed the decision to him.

6.6 National General Assembly of Local Government – ALGA – Foundations for the Future Twenty 13 WO/2013/00345

151 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that the Mayor represents Council at the National General Assembly of Local Government.

6.7 Roads Network Extension Program – Dedication of Mitchell Hills Road WO/2013/00368

152 **RESOLVED** on the Motion of Councillors Woods and Levingston that Council:

1. Proceed with the dedication of road from Brackendale Road to “Cherrybrook” if funds are made available in the 2013/14 Budget.
2. Accept the dedication of the Crown Road through Lot 21 that provides access to “Subiaco”.



6.8 Review of Walcha Council's Code of Meeting Practice WO/2013/00331

153 **RESOLVED** on the Motion of Councillors Woods and Levingston that Council reaffirm the Code of Meeting Practice.

6.9 Tree Destruction Application under Town of Walcha Tree Preservation Order WO/2013/00364

154 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that Council refuse tree destruction application 53.2012.26 on the grounds that the tree does not present a risk of damage to person or property and does not appear to detriment the amenity of the are **FURTHER THAT** the applicant be advised that if in the future the applicant is of the opinion that the tree becomes a danger they will be encouraged to make a new application to Council and Council will conduct a re-assessment of the application at that time.

6.10 Review of Various Policies under the Work, Health & Safety Act 2011 WO/2013/00290

155 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that Council adopt the following policies:

- ❖ Work Health and Safety (WH&S) and Injury Management Policy
- ❖ WH&S- Sun Protection Policy
- ❖ WH&S – Smoking Policy
- ❖ WH&S – Manual Handling Policy
- ❖ WH&S – Noise Policy
- ❖ WH&S – Accident or Incident Investigation Policy
- ❖ WH&S – Staff Consultation Policy
- ❖ WH&S – Establishing and Controlling Access to Council Worksites Policy

6.11 Beautification & Tidy Towns Committee Review WO/2013/00370

156 **RESOLVED** on the Motion of Councillors Ferrier and Lyon that Council reaffirm the membership and members of the Beautification & Tidy Towns Committee as Clr Archdale and Clr Thomson, Stephen McCoy, Stephen Sweeney, Phyllis Hoy, Robyn Vincent, Irene Woods, Felicity Nivison and Alex Smith.

6.12 Affix Common Seal to Transfer of Lands from Council to SJ & S Roberts Compensation for Land Resumed for Road Purposes WO/2013/00350

157 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council approve the affixing of the Common Seal to the following legal document:

- ❖ Transfer of lands from Council to SJ & S Roberts being compensation for land resumed for road purposes.



FURTHER THAT the affixing of the Common Seal be attested to by the Mayor and the General Manager.

6.13 Referral to Committee of the Whole – Doctor Recruitment Strategy
WO/2013/00374

158 **RESOLVED** on the Motion of Councillors Woods and Ferrier that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of “Doctor Recruitment Strategy” be referred to be discussed in Committee of the Whole for the reason that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

LATE REPORTS:

1. Rural Addressing Signs

Councillor Woods declared an interest being one of the applicants and left the Council Chambers and took no part in the debate.

The Director – Engineering Services advised the Meeting that the Council roll-out of rural addressing has prompted a number of ratepayers to ask if they can purchase the signs ahead of time. It is proposed that these ratepayers meet the full cost of the sign materials as well as half the cost of installation. Given that the signs are to be installed by Council to ensure that they are correctly placed, it is suggested that Council assist with the cost of delivering and erecting the sign.

159 **RESOLVED** on the Motion of Councillors Schmutter and Lyon that Council agree to assist with the cost of installing approved rural addressing signs for residents who wish to purchase the signs rather than wait for the Council roll out of rural addressing.

Clr Woods returned to the Council Chambers and the Chairman conveyed the decision to her.

7. MATTERS OF URGENCY

Nil.

8. MANAGEMENT REVIEW REPORTS **WO/2013/00330**

160 **RESOLVED** on the Motion of Councillors Woods and Heazlett that items included in the Management Review Report, numbered 1 to 8 inclusive, be **NOTED** by Council.



9. COMMITTEE REPORTS

- 9.1 Minutes of the Walcha Town & District Beautification & Tidy Towns Committee Meeting held at Walcha Council Chambers on Wednesday, 12 December 2012 WO/2012/01769
- 9.2 Minutes of the Walcha Council Arts Advisory Committee Meeting held in the Mayors Office on Wednesday, 6 February 2013. WO/2013/00191

4.5 Tax Deductibility Status

161 **RESOLVED** on the Motion of Schmutter and Lyon that the Walcha Council Arts Advisory Committee investigate former methods of fundraising including the re-establishment of 'Friends of Walcha Art'.

4.7 Seating inside Visitor Information Centre

162 **RESOLVED** on the Motion of Councillors Woods and Lyon that Council accept the donation of the seat and approach the proprietors of the New England Hotel to see if they are agreeable to the placement of the seat outside their premises.

- 9.3 Minutes of the Walcha Council Tourism Advisory Committee Meeting held at Walcha Council Chambers on Wednesday, 20 February 2013. WINT/2013/00679

Clr Woods declared a non-serious non-pecuniary interest being the daughter of one of the Committee members.

4.1 Restaurants and Eateries

163 **RESOLVED** on the Motion of Councillors Ferrier and Levingston that Council investigate the possibility of locating Tourism signs at Carson's Lookout.

4.4 Appearance of Walcha Lookout

164 **RESOLVED** on the Motion of Councillors Ferrier and Lyon that Council in conjunction with the National Parks & Wildlife Service develop a concept plan for Nivison Lookout.

- 9.4 Minutes of the Walcha Mountain Festival Committee Meeting held at Walcha Council Chambers on Wednesday, 20 February 2013. WINT/2013/00681

Clr Woods declared a non-serious non-pecuniary interest being the daughter of one of the Committee members.

4.2 Change of Festival Venue

165 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that a letter be sent to Barry Walton, Westpac Rescue Helicopter, requesting that the Festival be moved to Saturday, 19 & Sunday, 20 October as a mutually convenient date, and that the current format of the Billy Cart Challenge and Road Bike Challenge



held on the Saturday and the Mountain Bike Challenge and Festival held on the Sunday be maintained.

10. DELEGATE REPORTS

- 10.1 Minutes of the New England Tablelands (Noxious Plants) County Council Meeting held in Armidale on 23 October 2012.
WI/2013/00694
- 10.2 Minutes of the New England Tablelands (Noxious Plants) County Council Meeting held in Armidale on 30 January 2013.
WI/2013/00694
- 10.2 Notes from the New England Community Transport Forum held at Opal Cove in Coffs Harbour on 6 & 7 February 2013.
WI/2013/01523
- 10.3 Minutes of the Namoi Councils Annual General Meeting held at Walcha Council Chambers on Friday, 8 February 2013.
WI/2013/00734
- 10.4 Minutes of the Namoi Councils Ordinary Meeting held at Walcha Council Chambers on Friday, 8 February 2013. WI/2013/00735
- 10.5 Minutes of the New England Bush Fire Management Committee Meeting held at Armidale Fire Control Centre on Tuesday, 19 February 2013.
WI/2013/01220

11. COMMITTEE OF THE WHOLE

166 **RESOLVED** on the Motion of Councillors Heazlett and Schmutter that Council resolve into Committee of the Whole and that the press and public be excluded from the entire proceedings of the Meeting of the Committee of the Whole for the reason that it relates to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

167 The Meeting resumed in **OPEN** Council on the Motion of Councillors Heazlett and Schmutter.

The Mayor reported whilst in Committee of the Whole the following matters were discussed.

PRESENT: Present and IN Attendance were the same as listed in the Minutes of the Ordinary Meeting with the exception of the press and the public.

- 11.1 Recruitment Strategy for Securing General Practitioners Services with VMO Rights to Practice in Walcha WINT/2013/00718



The Report was **NOTED** by Council.

ADOPTION OF COMMITTEE OF THE WHOLE

168 **RESOLVED** on the Motion of Councillors Heazlett and Schmutter that the Report and Recommendations of the Meeting of the Walcha Council Committee of the Whole held on Wednesday, 27 March 2013 be **ADOPTED** by Council.

The Chairman publicly declared the recommendations passed by the Committee whilst in Committee of the Whole.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 6:05PM.