



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 28 November 2012

at

2.00pm

at

Walcha Council Chambers

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

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

The Mayor welcomed St Patrick's School students Year 4, 5 & 6, who were here for the first hour of the Council Meeting.

1. APOLOGIES:

92 **RESOLVED** on the Motion of Councillors Schmutter and Heazlett that the apology from Councillor Thomson being late due to shearing be **ACCEPTED**.

Clr Thomson arrived at the Meeting at 2:02pm.

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON 31 OCTOBER 2012:

93 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that the Minutes of the Ordinary Meeting held on Wednesday, 31 October 2012, 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

Councillors Woods declared a pecuniary interest in the Notice of Motion as her father is a gardening contractor and his business has the potential to be affected by changing the Transfer Station opening hours.

5. MAYORAL MINUTE

Walcha Road Police Station – I am happy to officially report to this meeting the decision by Assistant Commissioner Geoff McKeachie to retain and man the Walcha Road Police Station. Richard Torbay, Jack O’Hara and myself attended the meeting with Police Minister Michael Gallacher at the Cabinet visit in Tamworth on 5 November where the Minister informed us of the decision. I thank Richard for his input and support of the Walcha community as this is an important precedent for all one man police stations in New South Wales.

Jack O’Hara and I also met with Duncan Gay, Minister for Roads at the Cabinet visit. I raised the issue of funding for Thunderbolts Way which was met favourably by the Minister. The General Manager has written to Richard Torbay requesting a meeting with the Minister early next year and the towns to our north, that also benefit from Thunderbolts Way, are keen to support our bid. This was evident at a breakfast for Northern Tablelands Mayors and General Managers hosted by Richard Torbay in Armidale on 13 November with Darren Chester MP, Federal Shadow Parliamentary Secretary for Roads and Regional Transport. I had the opportunity to give the Minister our Regional Development application for Thunderbolts Way and reinforce the importance of the Federal R2R funding to regional Australia.

Maria Woods, Scott Schmutter and I attended the Local Government Taskforce into the Local Government Act in Tamworth on 1 November. There were around 12 people present and the workshop was productive and opinions listened to. My point to the facilitators was that few Councillors would have read the Local Government Act and rely on their General manager or Senior Staffs advice. The overwhelming message was for the Act to be clear and simplified. Another session will be held that will bring together the outcomes of these initial workshops and all Councillors will be welcome to attend. It is of interest that Gabrielle Kibble is one of the facilitators.



Deputy Mayor Scott Schmitter, the General Manager and I met with the Hon Scot MacDonald MLC in Walcha on 6 November. This was a productive meeting with many areas of Local Government discussed. One of the main outcomes being the necessity for all Councils to look at the increasing utility costs as our area is one of the most expensive in NSW for electricity. We will be arranging a meeting with Matt Patterson from Essential Energy to discuss our options. As a Council we need to be proactive in the area of energy and look at ways we can create efficiencies.

This month has also seen meetings with representatives of our Aboriginal community and the RSL Club. Reports are in our November business paper and I think it timely for Council to consider these reports thoroughly and the outcomes that can be achieved.

The Walcha Local Health Committee met recently and I am please to report to Council that two new members have been appointed. Noelene Brady and John Cross are welcomed to the Committee and the Walcha LHC look forward to their input and commitment to the Walcha community. Gerry Moran and I will be attending the second Community Partnerships Forum in Muswellbrook on 6 December which will give information on the strategic direction of Hunter New England Health and practical ways for the LHC to work within our community.

It is a privilege that our General Manager is a member of the Local Government Managers Working Party to further the actions from Destination 2036. Jack has also made a submission to the Parliamentary Enquiry into the Management of Public Land in NSW regarding the fact that one third of the Walcha Shire is either State Forests or National Park and the effect that this has on our ability to adequately maintain these access roads and the effect of our rate base. Jack has been asked to attend a meeting of the enquiry and may have the opportunity to speak to the submission. I congratulate him on these recognitions.

Clr Janelle Archdale
Mayor of Walcha

6. NOTICE OF MOTION

6.1 Walcha Transfer Station Opening Hours WO/2012/01621

Councillor Woods declared an interest and left the Chambers and took no part in the debate.

94 **RESOLVED** on the Motion of Councillors Lyon and Thomson that the Waste Transfer Station Opening Hours be changed to 7:30am to 4:30pm weekdays and from 10:00am to 2:00pm weekends for a trial of three months.

Clr Woods returned to the Chambers and was informed of the decision by the Chairperson.



7. SENIOR OFFICERS' REPORTS

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

7.1 Grant Opportunities WO/2012/01601

96 **RESOLVED** on the Motion of Councillors Woods and Lyon that Council lodge the following Expressions of Interest for funding under the Regional Development Australia Fund Round Three and Four.

1. Round Three – completing a section of the Streetscape Program with a cash contribution of \$120,000 from Council.
2. Round Four – Upgrading Thunderbolts Way with a cash contribution from Council.

97 **RESOLVED** on the Motion of Councillors Schmutter and Lyon that Council write to Federal Member for New England Mr Tony Windsor MP, requesting that consideration be given to the introduction of a category for populations under 10,000 in future rounds of the Regional Development Australia Fund.

7.2 Request for a Sculpture to be placed at Monument Park WO/2012/01622

98 **RESOLVED** on the Motion of Councillors Woods and Schmutter that Council agree to the placement of the sculpture in the Memorial Park and in cooperation with the Ex-Services Club seek grant funding for its construction **FURTHER THAT** Council write to the Returned Services League and the Ex-Services Club thanking them for bringing this project, honouring the post World War 2 Veterans, to Council.

Change of Order of Business

Items 7.3 & 7.4 were delayed until Council's Auditor arrives.

7.5 Legislative Changes WO/2012/01609

99 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that:

- (a) the report on the changes introduced by the Minister for Planning and Infrastructure in relation to Council delegations and independent reviews for Local Environmental Plan (LEP) making decisions be noted.
- (b) Council advise the Department of Planning and Infrastructure that it is prepared to accept the Minister's delegation proposed for making LEP amendments, subject to the necessary 'gateway determinations' by the Department in each individual case.
- (c) Pursuant to Part3 of Chapter 12 of the Local Government Act 1993, Council also request the Department to extend the Minister's delegations to the General Manager and, with the General Manager's approval, the Director – Environmental Services, other than in relation to any proposal involving reclassification of public land; and subject to:



- (i) the necessary 'gateway determinations' by the Department in each individual case; and
- (ii) Council's specific resolution to support a proposal prior to any LEP amendment being submitted for a 'gateway determination' and also following public exhibition and prior to submission of any draft planning instrument to Parliamentary Counsel.

FURTHER THAT Council write to the Local Member and the Minister for Planning and Infrastructure, the Hon Brad Hazzard MP, objecting in the strongest possible terms to the involvement of Joint Regional Planning Panels into planning matters.

7.6. Christmas Lights Competition 2012 WO/2012/01497

100 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council run the Christmas Lights Competition this year **FURTHER THAT** Council write to Essential Energy requesting they reconsider their decision for future years.

7.7 Local Land Services Stakeholder Reference Panel WO/2012/01619

101 **RESOLVED** on the Motion of Councillors Schmutter and Thomson that Council advise the Local Land Services Stakeholders Reference Panel that it supports the proposed boundaries of the Northern Tablelands as a region **FURTHER THAT** Council supports Local Government Boundaries in general but ask the Panel to note Walcha's strong community of interest with the Tamworth district.

7.8 Integrated Strategic Planning WO/2012/01615

102 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council endorse the proposed plan of the General Manager.

7.9 Amendments to Swimming Pools Act WO/2012/01607

The Report was **NOTED** by Council.

AFTERNOON TEA

Council adjourned for afternoon tea at 3:25pm and resumed at 4:05pm. During afternoon tea break Walcha Central School student Rachel Green presented her Year 9 Geography Research Action Plan on the Apsley River Corridor & Walcha Woodlands Project to Council.

103 **RESOLVED** on the Motion of Councillors Woods and Heazlett that Council write to Rachel Green expressing Council's gratitude and congratulating her on the quality of the project and because of the quality Council will be able to use it as a tool in future grant applications **FURTHER THAT** Council also write to the School Principal.

At this stage the Auditor arrived at the Meeting and Council then Changed the Order back to discuss Items 7.3 & 7.4



7.4 2011-2012 Annual Financial Statements WO/2012/01626

104 **RESOLVED** on the Motion of Councillors Woods and Heazlett that the Report be **ADOPTED** by Council.

7.3 September 2012 Quarterly Review of Operational Plan & Budget WO/2012/01625

105 **RESOLVED** on the Motion of Councillors Schmutter and Heazlett that Council adopt the September 2012 Quarterly Budget Review Statements **FURTHER THAT** Council approve the variations in Income and Expenditure votes as detailed in the September 2012 Income and Expenses and Capital Expenditure Statements.

7.10 Fees & Charges 2012 – 2013 Amendments WO/2012/01490

106 **RESOLVED** on the Motion of Councillors Heazlett and Levingston that the amended Fees & Charges 2012-2013 be **ADOPTED** by Council and placed on public exhibition in accordance with the provisions of the Local Government Act 1993 Section 610F (3)(b).

7.11 Delegation to Council of Functions under the Plumbing and Drainage Act 2012 WO/2012/01612

107 **RESOLVED** on the Motion of Councillors Heazlett and Levingston that Council approve the affixing of the Common Seal to the following legal document:

- ❖ Instrument of Delegation with the Department of Fair Trading.

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

7.12 Arrangements for Christmas 2012 – Outdoor Staff WO/2012/01620

108 **RESOLVED** on the Motion of Councillors Woods and Schmutter that Council allow the Staff Christmas Party to be held during working hours on 20 December 2012 commencing at 12:30pm **FURTHER THAT** a donation of \$700 be made towards the cost of the function.

7.13 Request for Donation towards Indoor Christmas Function WO/2012/01616

109 **RESOLVED** on the Motion of Councillors Woods and Schmutter that Council make a donation of \$500 towards the cost of the function.

7.14 Options for Wood Smoke Control in New South Wales WO/2012/01600

110 **RESOLVED** on the Motion of Councillors Thomson and Levingston that Councils with no wood smoke problem in their local area can choose to take no action and therefore Walcha Council is taking no action.



7.15 Referral to Committee of the Whole – Recruitment Strategy and Action Plan for Securing General Practitioners Services with VMO Rights to Practice in Walcha AND Woolbrook Bridge WO/2012/01623

111 **RESOLVED** on the Motion of Councillors Woods and Thomson that, in accordance with the provisions of Section 10 of the Local Government Act 1993, the matter of “Recruitment Strategy and Action Plan for Securing General Practitioners Services with VMO Rights to Practice in Walcha AND Woolbrook Bridge” be referred to be discussed in Committee of the Whole for the reason that they relate 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. Change of Meeting Date for December 2012 WO/2012/01631

Motion:

It was Moved Councillor Woods Seconded Councillor Ferrier that the December 2012 Ordinary Council Meeting be held on Wednesday, 19 December 2012 **FURTHER THAT** the January 2013 Ordinary Council Meeting be cancelled and the February 2013 Ordinary Council Meeting be held on Wednesday, 15 February 2013.

Amendment

An Amendment was Moved by Councillor Lyon Seconded Councillor Heazlett that the Ordinary Council Meetings be changed to Tuesday, 18 December 2012 and Tuesday, 14 February 2013.

The Amendment was subsequently **WITHDRAWN**.

Amendment

A further Amendment was moved Councillor Lyon Seconded Councillor Heazlett that the Ordinary Council Meetings be changed to Tuesday, 18 December 2012 and Wednesday, 13 February 2013.

On being put to the vote the **Amendment** was **CARRIED**.

112 It then became the Substantive Motion and was put to the **Vote** again and **CARRIED**.

2. Tree Destruction Application WO/2012/01644

The Report was **NOTED** by Council.

8. MATTERS OF URGENCY

Nil.



9. MANAGEMENT REVIEW REPORTS

WO/2012/01593

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

10. COMMITTEE REPORTS

Nil.

11. DELEGATE REPORTS

- 11.1 Minutes of the Australia Day Committee AGM held at Council Chambers, Hamilton Street, Walcha on 10 October 2012. WI/2012/05836
- 11.2 Minutes of the Australia Day Committee Meeting held at Council Chambers, Hamilton Street, Walcha on 10 October 2012. WI/2012/05836
- 11.3 Minutes of the Namoi Councils Meeting held at Tamworth Regional Council on Thursday, 1 November 2012. WI/2012/05750
- 11.4 Minutes of the Mid North Weight of Loads Group Meeting held at Gloucester Shire Council on Monday, 5 November 2012. WI/2012/05872

12. COMMITTEE OF THE WHOLE

114 **RESOLVED** on the Motion of Councillors Heazlett and Levingston 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 they relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

115 The Meeting resumed in **OPEN** Council on the Motion of Councillors Thomson and Lyon.

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.

12.1 Recruitment Strategy and Action Plan for Securing General Practitioners Services with VMO Rights to Practice in Walcha WINT/2012/02057

The Committee **RECOMMENDED** on th Motion of Woods and Levingston that a report back to Council at the February 2013 Meeting with a view to establish a scholarship for medical trainee doctors with a view to have them obligated to Walcha.



12.2 Woolbrook Bridge

The General Manager advised Council of the ongoing negotiations with the preferred tenderer for the Woolbrook Bridge with the potential costs now rising to \$600,000.

The Committee **RECOMMENDED** on the Motion of Woods and Levingston that Council provide an additional \$100,000 for the project and that Councils seek additional loan funding and interest subsidy for that amount.

ADOPTION OF COMMITTEE OF THE WHOLE

116 **RESOLVED** on the Motion of Councillors Levingston and Lyon that the Report and Recommendations of the Meeting of the Walcha Council Committee of the Whole held on Wednesday, 28 November 2012 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 5:25PM.