

**MINUTES OF THE ORDINARY MEETING OF THE WALCHA COUNCIL  
HELD IN THE COUNCIL CHAMBERS, HAMILTON STREET, WALCHA ON  
WEDNESDAY, 28 MAY 2008 COMMENCING AT 1.02PM**

**PRESENT:** Councillor WJ Heazlett (Chairman) Mayor, together with Councillors PR Blomfield, JM Archdale, L Levingston, KW Ferrier, RS Thomson and MJ Woods.

**IN ATTENDANCE:** Mr JG O'Hara (General Manager), Mr GA Moran (Director – Environmental Services) and Mr SJ Roberts (Acting Director – Engineering Services).

**APOLOGIES:**

374 **RESOLVED** on the Motion of Councillors Thomson and Levingston that the apology received from Councillor Cross due to being on an overseas holiday be **ACCEPTED**.

**CONFIRMATION OF THE ORDINARY MEETING MINUTES OF THE  
WALCHA COUNCIL HELD ON 23 APRIL 2008:**

375 **RESOLVED** on the Motion of Councillors Woods and Ferrier that the Minutes of the Ordinary Meeting of the Walcha Council held on Wednesday, 23 April 2008, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

**DECLARATIONS OF INTEREST**

Item 2

Councillor Archdale declared a pecuniary interest in item 2 as her spouse has an interest in a real estate firm that will be possibly be involved in the sale of the subdivision.

**SENIOR OFFICERS' REPORTS**

376 **RESOLVED** on the Motion of Councillors Ferrier and Levingston that the Senior Officers' Reports be received for further consideration.

The Meeting agreed to bring item 2 forward due to the applicant being in the public audience.

**2. DEVELOPMENT APPLICATION 26-2008  
BATH STEWART & ASSOCIATES**

**WINT/08/1283**

Councillor Archdale left the Council Chambers.

It was **Moved** Councillor Thomson **Seconded** Councillor Levingston that Development Application 26-2008 lodged by Bath Stewart & Associates to develop Lots 126, 237, 238, 240, 241, 424 & 533 in DP 756502 and Lot 1 in DP 259953, Lot

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1 in DP 1088574, and Lot 1 in DP 406145 comprising approximately 205 ha to be subdivided into 43 Rural Residential allotments ranging in size from 2.51ha to 17.21ha with an average size of 4.6ha be approved as a “Deferred Commencement” consent subject to the following conditions:

1. That this consent is not to operate until the applicant satisfies Council to all matters specified in this consent.
2. The development is to comply with the following conditions provided by the NSW Rural Fire Services:
  - a. The development proposal is to comply with the plan of proposed subdivision Ref. 07057, Issue No. 2 dated 14/12 2007 as prepared by Bath Stewart & Associates Pty Ltd.
  - b. Water electricity and gas are to comply with Section 4.1.3 of Planning for Bush Fire Protection 2006.
  - c. Public Road Access shall comply with Section 4.1.3 (1) of Planning for Bush Protection 2006. In this regard the following design standards for public roads are to be incorporated into the development.
  - d. Property Access Roads shall comply with Section 4.1.3 (3) of Planning for bush Fire Protection 2006.
  - e. Fire trails shall comply with Section 4.3.3. (3) of Planning for Bush Fire Protection 2006.
3. In accordance with the requirements of State Environmental Planning Policy (SEPP) No. 44 Koala Habitat Protection a Plan of Management is to be prepared in accordance with Part 3 of the SEPP.
4. The proposal which may involve work/activity over public land, is to be protected by public liability insurance with a minimum cover of \$10 million or such other amount as may be advised by Council. Evidence of adequate cover to be submitted with the application for a Construction Certificate.
5. Suggested (and reasons) for the name of the new road should be submitted at least three months before the submission of an application for a subdivision certificate for the development. Street name signs and posts are to be erected by the applicant.
6. Road design and construction is to ensure the retention of as many existing trees as possible. All trees proposed to be removed are to be clearly identified by survey and shown on detailed construction plans prior to a Construction Certificate being issued for the development. All trees to be retained are to be appropriately marked and protected during construction works.
7. Provision of a bus stop at the intersection of Oxley Drive and unnamed road. The bus stop bay is to be designed to meet relevant Austroads Guidelines, and to include a shelter for users.
8. The existing seal section of the Oxley Drive to be extended by the construction of a two lane road sealed 6 metres wide with a two coat seal and with 0.6 metre wide gravel shoulders each side to the eastern boundary of Lot 31 and the proposed new road to Lot 36. The roads are to include a

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sealed turning circle of 12 metres minimum outer radius at the terminating ends in accordance with the requirements of Planning for Bush Fire Protection 2006. Engineering design plans are to be prepared by a suitably qualified consultant and include details of hydraulic drainage calculations, geometry, pavement design and construction specifications. Plans are to be approved by Council prior to the issue of a Construction Certificate.

9. The extension of Oxley Drive is to be designed for traffic speeds of between 60kph and 80kph and the horizontal alignment to follow the existing road as closely as possible in order to preserve the rural character of the site and to preserve, as much of the existing vegetation as possible
10. The intersection of the Oxley Highway and Oxley Drive is to be upgraded in accordance with the requirements of the RTA. Costs for the upgrade to be apportioned on the following basis:
  - a. Council to meet the costs commensurate with the impact of traffic from the current level of development in the area and
  - b. The applicant to meet the costs commensurate with the impact of traffic generated by the new subdivision.
  - c. On this basis the Council would be required to contribute 37.7% (26 of 69) and the developer 62.3% (43 of 69) to the cost of the engineering design and construction costs of the intersection upgrade.
  - d. Subject to this development proceeding the construction of the intersection of Oxley Drive and the Oxley Highway be undertaken in the 2011-2012 year.
11. Access to proposed Lot 43 if provided from the Oxley Highway, is to be upgraded to RTA standards.
12. Water reticulation mains are to be provided from the northern side of the Oxley Highway to the proposed new reservoir and servicing the development. This will include a pumping station and rising main to be installed. The infrastructure is to be designed and installed in accordance with technical specification "Water Supply Code of Australia" (Technical reference: WSA 03-2002 published by the Water Services Association of Australia). NOTE: following the final design Council may give consideration to meeting the cost difference in upsizing critical components in order to make provision for future extension of the system into neighbouring areas. In addition Council may consider contributing to the cost of works which can be shown to augment or improve the existing water supply which is not required to service the development.
13. Council will require an application to be lodged for a Certificate of Compliance pursuant to Section 64 of the Local Government Act 1993 and Chapter 6 of the Water Management Act 2000 and such application to be approved.
14. The proposed new road is to be dedicated as a Public Road.
15. An Erosion and Sediment Control Plan is to be submitted to Council with design plans. Before construction commences on the site and throughout the construction phase of the development, identified erosion control measures are

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to be installed to prevent soil erosion, water pollution, or the discharge of loose sediment on surrounding land, including:

- a. Divert contaminated run-off away from disturbed areas
  - b. Erect silt fences along the downhill side of the property boundary,
  - c. Prevent tracking of sediment by vehicles onto roads by limiting access to the site.
  - d. Stockpile all topsoil, excavate material and construction debris from the site, erecting silt fencing around the piles where appropriate.
16. One set of “works as executed” plans are to be provided to Council for works carried out on council property or benefiting council.
17. All civil engineering and utility service works undertaken pursuant to this consent are to be inspected and tested upon completion, and details provided for the approval of council.
18. Every residential building will be required to install an Aerated On-Site Wastewater System and irrigation system and to be operated and installed in accordance with AS/NZS 1546.3.2001 and AS/NZS 1547.2000 and the performance standards as detailed in the Local Government (General) Regulations 2005. Further:
- a. The system is to be maintained at all times in a satisfactory manner
  - b. The system is to be operated so that no discharge of sewage or treated effluent is discharged into any watercourse or onto any other property.
  - c. A report prepared by an appropriate person, shall be submitted to Council every three months demonstrating that the system is operating in accordance with the approval and an operators manual incorporating a service record must be provided with the aerated system. The date of each service must be entered on the record sheet.
  - d. Council may carry out inspections of any premises, facilities or records related to the operation of the system in order to assess compliance with these conditions.
  - e. On sale of the property the purchaser will need to register their ownership details with Council so that approval may be given for them to operate the system.
  - f. Where irrigation is to be carried out using sub surface installed irrigation line, upon the completed installation lines a detailed site plan must be submitted to Council indicating the depth and location of the lines including the location of any service or flushing points, air break valves, the capacity and location of any pumps.
  - g. Sub-surface irrigation must be carried out with a minimum of six metres if the area is up gradient and three metres if the area in down gradient boundaries driveways and buildings.
  - h. Surface water, roof stormwater including the overflow from the stormwater tanks must be diverted away from the irrigation disposal area and discharged without causing a nuisance to any habitable structure or adjoining property.

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- i. Adsorbent topsoil is to be spread or used over the full length of the irrigation trenches.
  - j. No food for human consumption is to be grown within the effluent irrigation disposal area.
  - k. The approved system to be operated so that it does not contaminate any domestic water supply.
  - l. Where above ground irrigation is used the area irrigated by effluent is not to be used for passive or active recreation.
  - m. Signage, complying with AS 1319 is to be provided advising the use of reclaimed effluent.
19. That the applicant conduct soil test for contaminants on Lot 43 where stock husbandry has been carried out.

An **Amendment** was **Moved** by Councillor Woods **Seconded** by Councillor Blomfield that Development Application 26-2008 lodged by Bath Stewart & Associates to develop Lots 126, 237, 238, 240, 241, 424 & 533 in DP 756502 and Lot 1 in DP 259953, Lot 1 in DP 1088574, and Lot 1 in DP 406145 comprising approximately 205 ha to be subdivided into 43 Rural Residential allotments ranging in size from 2.51ha to 17.21ha with an average size of 4.6ha be approved as a “Deferred Commencement” consent subject to the following conditions:

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  - c. Public Road Access shall comply with Section 4.1.3 (1) of Planning for Bush Protection 2006. In this regard the following design standards for public roads are to be incorporated into the development.
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  - e. Fire trails shall comply with Section 4.3.3. (3) of Planning for Bush Fire Protection 2006.
3. In accordance with the requirements of State Environmental Planning Policy (SEPP) No. 44 Koala Habitat Protection a Plan of Management is to be prepared in accordance with Part 3 of the SEPP.
4. The proposal which may involve work/activity over public land, is to be protected by public liability insurance with a minimum cover of \$10 million or such other amount as may be advised by Council. Evidence of adequate cover to be submitted with the application for a Construction Certificate.

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5. Suggested (and reasons) for the name of the new road should be submitted at least three months before the submission of an application for a subdivision certificate for the development. Street name signs and posts are to be erected by the applicant.
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10. The intersection of the Oxley Highway and Oxley Drive is to be upgraded in accordance with the requirements of the RTA. Costs for the upgrade to be apportioned on the following basis:
  - a. Council to meet the costs commensurate with the impact of traffic from the current level of development in the area and
  - b. The applicant to meet the costs commensurate with the impact of traffic generated by the new subdivision.
  - c. On this basis the Council would be required to contribute 37.7% (26 of 69) and the developer 62.3% (43 of 69) to the cost of the engineering design and construction costs of the intersection upgrade.
  - d. Subject to this development proceeding the construction of the intersection of Oxley Drive and the Oxley Highway be undertaken in the 2011-2012 year.
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development. This will include a pumping station and rising main to be installed. The infrastructure is to be designed and installed in accordance with technical specification "Water Supply Code of Australia" (Technical reference: WSA 03-2002 published by the Water Services Association of Australia). NOTE: following the final design Council may give consideration to meeting the cost difference in upsizing critical components in order to make provision for future extension of the system into neighbouring areas. In addition Council may consider contributing to the cost of works which can be shown to augment or improve the existing water supply which is not required to service the development.

13. Council will require an application to be lodged for a Certificate of Compliance pursuant to Section 64 of the Local Government Act 1993 and Chapter 6 of the Water Management Act 2000 and such application to be approved.
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  - a. Divert contaminated run-off away from disturbed areas
  - b. Erect silt fences along the downhill side of the property boundary,
  - c. Prevent tracking of sediment by vehicles onto roads by limiting access to the site.
  - d. Stockpile all topsoil, excavate material and construction debris from the site, erecting silt fencing around the piles where appropriate.
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  - a. The system is to be maintained at all times in a satisfactory manner
  - b. The system is to be operated so that no discharge of sewage or treated effluent is discharged into any watercourse or onto any other property.
  - c. A report prepared by an appropriate person, shall be submitted to Council every three months demonstrating that the system is operating in accordance with the approval and an operators manual incorporating a service record must be provided with the aerated system. The date of each service must be entered on the record sheet.

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- d. Council may carry out inspections of any premises, facilities or records related to the operation of the system in order to assess compliance with these conditions.
  - e. On sale of the property the purchaser will need to register their ownership details with Council so that approval may be given for them to operate the system.
  - f. Where irrigation is to be carried out using sub surface installed irrigation line, upon the completed installation lines a detailed site plan must be submitted to Council indicating the depth and location of the lines including the location of any service or flushing points, air break valves, the capacity and location of any pumps.
  - g. Sub-surface irrigation must be carried out with a minimum of six metres if the area is up gradient and three metres if the area in down gradient boundaries driveways and buildings.
  - h. Surface water, roof stormwater including the overflow from the stormwater tanks must be diverted away from the irrigation disposal area and discharged without causing a nuisance to any habitable structure or adjoining property.
  - i. Adsorbent topsoil is to be spread or used over the full length of the irrigation trenches.
  - j. No food for human consumption is to be grown within the effluent irrigation disposal area.
  - k. The approved system to be operated so that it does not contaminate any domestic water supply.
  - l. Where above ground irrigation is used the area irrigated by effluent is not to be used for passive or active recreation.
  - m. Signage, complying with AS 1319 is to be provided advising the use of reclaimed effluent.
19. Dwellings constructed in the subdivision be required to have a water tank/s with a minimum of 20,000 litres capacity in addition to the Basix requirements and be fitted with Rural Fire Service connections.

On being put to the vote the **Amendment** was **CARRIED** it then became the **Substantive Motion**.

377 It was put to the vote again and was **CARRIED**.

Councillor Archdale returned to the Meeting.

**1. THREE-YEAR PLAN OF MANAGEMENT – 2008/2009 – 2010/2011**

**WINT/08/1227**

378 **RESOLVED** on the Motion of Councillors Ferrier and Archdale that the Draft Plan of Management for the three year period 2008/2009 – 2010/2011 be **ADOPTED**

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by Council and placed on public exhibition in accordance with the provisions of Section 405 of the Local Government Act, 1993.

**3. MARCH 2008 MANAGEMENT PLAN COST REVIEW WINT/08/1268**

379 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council adopt the March 2008 Quarterly Management Plan Review **FURTHER THAT** Council approve the variations in Income and Expenditure votes as detailed in the March 2008 budget review.

**4. PROPOSED IMPLEMENTATION OF 40KPH HIGH PEDESTRIAN  
ACTIVITY ZONE WINT/08/1286**

It was Moved Councillor Blomfield Seconded Councillor Levingston that Council proceed with the implementation of a 40kph High Pedestrian Activity zone as follows:

- ❖ In Fitzroy Street from the Pakington Street intersection to South Street, and
- ❖ In Derby Street from Apsley Street to Walsh Street.

and **FURTHER THAT** the Roads and Traffic Authority be advised accordingly.

This Motion was then **WITHDRAWN**.

380 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council proceed with the implementation of a 40kph High Pedestrian Activity zone as follows:

- ❖ In Fitzroy Street from the eastern approach to the Apsley River bridge to South Street, and
- ❖ In Derby Street from Apsley Street to Walsh Street.

and **FURTHER THAT** the Roads and Traffic Authority be advised accordingly.

**AFTERNOON TEA**

Council adjourned for afternoon tea at 3.10pm and resumed at 3.32pm.

**5. PLANNING REFORM WINT/08/1277**

The Report was **NOTED** by Council.

**6. MID WEIGHT OF LOADS GROUP – RENEWAL OF MEMBERSHIP WINT/08/1287**

381 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council advise the Group that it supports absorbing the budgeted deficit from accumulated funds for 2008/2009 only and reassessing the situation again next year.

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**7. GST COMPLIANCE CERTIFICATE**

**WINT/08/1290**

382 **RESOLVED** on the Motion of Councillors Woods and Archdale:

- (a) That Council certify for the period 1 May 2007 to 30 April 2008 that:
- ❖ Voluntary GST has been paid by Walcha Council for the period 1 May 2007 to 30 April 2008.
  - ❖ Adequate management arrangements and internal controls were in place to enable the Council to adequately account for its GST liabilities and recoup all GST input tax credits eligible to be claimed.
  - ❖ No GST non-compliance events by the Council were identified by or raised with the Australian Taxation Office.
- (b) That Council authorise the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign such certification on Council's behalf.

**8. COMMITTEE OF THE WHOLE REFERRAL – RENT ON 225E  
CROUDACE STREET**

**WINT/08/1289**

383 **RESOLVED** on the Motion of Councillors Levingston and Thomson that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of closure of rent on 225E Croudace Street, 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 ITEMS**

**1. REGIONAL MEETINGS**

The General Manager advised that he was having difficulty in arranging the regional meetings for June and it is proposed that these be held in late September early October after the forthcoming Local Government Election.

**WALCHA MANAGEMENT REVIEW REPORTS**

**WINT/08/1225**

384 **RESOLVED** on the Motion of Councillors Ferrier and Thomson that the General Manager be authorised to take legal action against Lehman Brothers to recover the amount of the Federation CDO.

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

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**Committee Reports:**

- a) Minutes of the Walcha HACC Advisory Committee Meeting held at Walcha Council Chambers on Monday, 5 May 2008. WINT/08/1276
- b) Minutes of the Walcha Traffic Committee Meeting held at the Walcha Council Chambers on Tuesday, 20 May 2008. WINT/08/1282

**COMMITTEE OF THE WHOLE**

386 **RESOLVED** on the Motion of Councillors Woods and Thomson 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.

387 The Meeting resumed in **OPEN** Council on the Motion of Councillors Levingston and Archdale.

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 Councillor Cross and the press and the public.

**1. RENT ON 225E CROUDACE STREET TO DR NYUGEN**

It was **Moved** Councillor Thomson **Seconded** Councillor Woods that the Committee recommend that Council offer Dr Tuan Nyugen Council's house at 225E Croudace Street, Walcha for the rental amount of \$220 per week.

This was then **WITHDRAWN**.

It was **Moved** Councillor Archdale **Seconded** Councillor Ferrier that the Committee recommend that Council offer Dr Tuan Nyugen Council's house at 225E Croudace Street, Walcha for the rental amount of \$150 per week.

An **Amendment** was the **Moved** by Councillor Thomson **Seconded** Councillor Woods that the Committee recommend that Council offer Dr Tuan Nyugen Council's house at 225E Croudace Street, Walcha for the rental amount of \$200 per week.

The **Amendment** on being put to the vote it was **LOST**.

The **Original Motion** then became the **Substantive Motion** and was put to the vote and **CARRIED**.

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**ADOPTION OF COMMITTEE OF THE WHOLE**

388 **RESOLVED** on the Motion of Councillors Woods and Levingston that the Report and Recommendations of the Meeting of the Walcha Council Committee of the Whole held on Wednesday, 28 May 2008 be **ADOPTED** by Council.

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

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 4.35PM.**