

**MINUTES OF THE ORDINARY MEETING OF THE WALCHA COUNCIL  
HELD IN THE COUNCIL CHAMBERS, HAMILTON STREET, WALCHA ON  
TUESDAY, 28 OCTOBER 2008 COMMENCING AT 2.00PM**

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

Councillor Cross arrived at the Meeting at 2.15pm.

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

**APOLOGIES:**

NIL.

**CONFIRMATION OF THE SPECIAL MEETING MINUTES OF THE  
WALCHA COUNCIL HELD ON WEDNESDAY, 24 SEPTEMBER 2008**

55 **RESOLVED** on the Motion of Councillors Levingston and Woods that the Minutes of the Special Meeting of the Walcha Council held on Wednesday, 24 September 2008, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record with the following amendments.

**3. List of Delegates & Committees Members**

**WO/08/830**

The following three Committees members read as:

**Central Northern Libraries Committee**

Delegate – Clr WJ Heazlett

**Arts North West**

Representative – Clr SJ Schmutter

**Walcha Council Preschool Advisory Committee**

Representative – Clr WJ Heazlett

Director – Environmental Services – Gerry Moran

Director Walcha Preschool – Lesley Mouton

Parent/Citizen Representatives (4):

- ❖ Serah Nivison
- ❖ Karen Kermode
- ❖ Michelle Power
- ❖ Carley McLaren

The following two can attend Meetings but do not have voting rights:

- ❖ Clerical Assistant – Trish Christie
- ❖ Early Intervention Officer – Rhonda Barnett.

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**CONFIRMATION OF THE ORDINARY MEETING MINUTES OF THE  
WALCHA COUNCIL HELD ON WEDNESDAY, 24 SEPTEMBER 2008:**

56 **RESOLVED** on the Motion of Councillors Levingston and Woods that the Minutes of the Ordinary Meeting of the Walcha Council held on Wednesday, 24 September 2008, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

**SENIOR OFFICERS' REPORTS**

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

**1. RURAL FIRE FIGHTING FUND ESTIMATES 2009/2010**

WINT/08/1862

58 **RESOLVED** on the Motion of Councillors Ferrier and Archdale that Council approve the 2009/2010 Rural Fire Fighting Fund Estimates as prepared by the Fire Control Officer.

**2. REVIEW OF PAYMENT OF EXPENSES AND THE PROVISION OF  
FACILITIES FOR MAYORS, COUNCILLORS AND STAFF**

WINT/08/1998

59 **RESOLVED** on the Motion of Councillors Woods and Schmutter that the amended policy "Payment of Expenses and the provision of facilities for Mayors, Councillors and Staff" be placed on public exhibition inviting public submissions for a period of 28 days.

**PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES FOR MAYORS &  
COUNCILLORS AND STAFF**

*Part 1 Introduction*

- ***Title***  
*Payment of Expenses and the provision of facilities for Mayors & Councillors and Staff*
- ***Purpose of the Policy***  
*The purpose of the policy is to ensure that there is accountability and transparency in the reimbursement of expenses incurred by councillors and staff. The policy also ensures that the facilities provided to assist Councillors to carry out their civic duties are reasonable.*
- ***Objectives and coverage of the Policy***  
*To identify those Conferences at which Council will be represented and to identify expenses that will be paid and facilities that will be provided to Councillors and Staff.*
- ***Legislative requirements***  
*Local Government Act 1993 and Local Government (General) Regulation) 2005.*
- ***Other NSW Government policy provisions***  
*Department of Local Government Circulars  
Department of Local Government Guidelines  
The Model Code of Conduct for Local Council in NSW*

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*ICAC Publication – No Excuses for Misuse, preventing the misuse of council resources*

**Part 2 Policy**

1. *Council shall pay to or on behalf of its members and Staff reasonable out-of-pocket allowances towards their necessary out-of-pocket expenses for conveyance and subsistence in travelling on Council business and all such payments to Councillors, and payment of fees, shall be in accordance with the provisions of the Local Government Act, 1993.*
2. *Separate votes shall be established in Council's annual Budget to provide for the cost of attendance by Councillors and Staff at all regular Conferences (as detailed in 3 below) together with estimates of the probable expenditure on non-recurrent or extraordinary Conferences, Seminars or the like.*
3. *Council may provide, on the request of the Councillor or Staff Member, an advance payment to meet re-disbursable out of pocket expenses not able to be covered by Council order, prepayment or invoice for authorised attendance as delegate or to seminars, conferences and inspections which have been approved by Council and in accordance with this Policy.*
4. *Claims for reimbursement of out of pocket expenses must be made within three months of the expenditure. These reimbursements must be on the Councillor's Claim form and accompanied by the appropriate receipts and/or tax invoices.*
5. *Council will, wherever possible provide a Council car, for the use of Councillors in attending Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council.*

*Where the aforementioned provision of a Council car is not possible, Council will reimburse Councillors for the cost of using their own vehicle to travel to and from Council Meetings, Meetings of Committees to which they have been elected as delegates and to seminars, conferences and inspections which have been approved by Council or Council's authorised delegate and at which the Councillor is officially representing Council; at a rate of 54c per kilometre for vehicles with engine capacity less than 2.5L and 62c per kilometre for vehicles with engine capacity greater than 2.5L.*

*The driver is personally responsible for all traffic or parking fines incurred while travelling in private or council vehicles on council business.*

6. *For the purposes of this policy the following shall be considered as regular Conferences at which Council may be represented and the relevant Staff permitted to attend:-*
  - a) *The Annual Conference of the Shires Association of New South Wales.*

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- b) *The Annual Conference of the Local Government Managers Australia (New South Wales Division).*
- c) *The Annual Conference of Institute of Public Works Engineering Australia and associated Field Days.*
- d) *The Annual Conference of the Environmental Health and Building Surveyors Association.*
- e) *The Annual Conference of the Country Libraries Association of NSW.*
- f) *Attendance at Conferences, Seminars, etc., other than those listed in this policy, may be approved under the following circumstances:-*
  - i) *the General Manager may, from time to time, approve the attendance of staff at conferences, seminars, etc., as part of Council's Staff Training Program, provided that all associated costs can be absorbed within existing, approved expenditure votes.*
  - ii) *the attendance of Councillors at conferences, seminars, etc., other than those detailed in this policy, will be permitted from time to time, providing that all associated costs can be absorbed within existing, approved expenditure votes.*
  - iii) *Council must, for its information, be notified of any proposal to attend any conference, seminar, etc., as provided in ii) above.*
  - iv) *Prior to attendance at any conference, seminar, etc., the agenda for such conference, seminar, etc., will be reviewed by the General Manager and Senior Staff or the Mayor, General Manager and Senior Staff as appropriate, to ensure that the conference, seminar, etc., is relevant and appropriate and justifies attendance.*

*As far as is possible, a schedule of conferences, seminars, etc., proposed to be attended in the forthcoming year, together with proposed training programs, will be included for consideration in conjunction with Council's Plan of Management.*

7. *Representation at these Conferences shall be as follows:-*
- a) *The Annual Conference of the Shires Association of New South Wales:-  
Mayor as Delegate.  
General Manager  
Two (2) Councillors as Observers.*
  - b) *The Annual Conference of the Local Government Managers Australia:  
The General Manager for the full Conference and one (1) other appropriate qualified or near qualified Staff member for two (2) days.*
  - c) *The Annual Conference of Public Works Engineering Australia and associated Field Days:  
The Director - Engineering Services for the full Conference and the Project Engineer for two (2) days. In addition, Council's Plant Committee and other Staff, as determined by the Director - Engineering Services, from time to time, be permitted to attend the Field Days.*
  - d) *The Annual Conference of the Environmental Health and Building Surveyors Association:  
The Director - Environmental Services.*
  - e) *The Annual Conference of the Country Libraries Association of NSW:  
One (1) elected member and Council's Librarian.*

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8. *At all times travel is to be by Council vehicle unless Council determines another mode of travel is to be used as circumstances may, from time to time, warrant.*
9. *The spouses of Councillors and Staff be permitted to travel to regular or approved Conferences, Seminars, etc., in Council vehicles, however, Council will not be responsible for any other expenses of spouses.*
10. *Allowances for travelling and sustenance are to be based on reimbursement for actual costs incurred as follows:-*
  - a) *Accommodation: Up to, but not exceeding a standard equivalent to that of ♦♦♦♦ Motel classification. Council may however take advantage of negotiated tariffs irrespective of the motel/hotel classification, provided that such tariffs are no greater than those applicable to the abovementioned classification.*
  - b) *Out-Of-Pocket Expenses: To be paid in addition to accommodation, to a maximum of One hundred dollars (\$100.00) per day. If this limit is exceeded a request for reimbursement must be made to the full Council.*
11. *No expenses will be paid or reimbursed unless incurred in accordance with this policy.*
12. *The Council shall provide to Councillors, at the expense of Council, suitable facsimile machines to assist them in carrying out the duties of civic office. Council will also provide, at its expense, all consumables associated with the provision of such facsimile machines.*
13. *The Council shall provide a mobile phone and laptop computer to the Mayor and meet the cost of all official calls and communication costs.*
14. *Council will provide the opportunity, and encourage Councillors to undertake, training and education as provided by Local Government and Shires Association's Learning Solutions as provided in the annual budget and authorised by Council.*
15. *Council will provide access for Councillors with special needs, such as sight and hearing impairment and physical disabilities that will facilitate the Councillor's normal civic duties; as the need arises.*
16. *Council will provide all reasonable sustenance, etc., to Councillors as is appropriate to their carrying out the duties of civic office.*
17. *Legal Advice/Expenses:-  
That in the event of:-*
  - (1) *any enquiry, investigation or hearing by any of:-*
    - *the Independent Commission Against Corruption;*
    - *the Office of the Ombudsman;*
    - *the Department of Local Government and Co-Operatives;*
    - *the Police;*

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- *the Director of Public Prosecutions; or*
  - *the Local Government Pecuniary Interest Tribunal,*
  - *Any other properly constituted authority*  
*into the conduct of a Councillor; or*
- (2) *legal proceedings being taken against a Councillor, arising out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor, Council shall reimburse such Councillor, after the conclusion of the enquiry, investigation, hearing or proceeding, for all legal expenses properly and reasonably incurred, given the nature of the enquiry, investigation, hearing or proceeding, on a solicitor/client basis, PROVIDED THAT:-*
- (a) *the amount of such reimbursement shall be reduced by the amount of any moneys that may be or are recouped by the Councillor on any basis; and*
  - (b) *that the enquiry, investigation, hearing or proceeding results in a finding substantially favourable to the Councillor.*
18. *Council shall provide insurances against public liability and professional indemnity for Councillors for matters arising out of the performance of their civic duties and the exercise of their Council function.*

**3. REVIEW OF DELEGATED AUTHORITIES**

**WINT/08/2012**

60 **RESOLVED** on the Motion of Councillors Archdale and Ferrier that Council reaffirm the General Manager's Delegations of Authority.

**TO THE GENERAL MANAGER, MR JOHN GREGORY O'HARA**

To perform on behalf of Council the following powers, authorities, duties and functions, within the terms of the Local Government Act 1993 and Regulations thereunder:-

**Finance and Administration**

1. The authority to approve, but not disapprove, in conjunction with the Director - Environmental Services, applications for subdivision of land which do not involve the opening of new roads or streets and which otherwise comply with the Walcha Local Environmental Plan 2000 and Council's Policy.
2. The authority to, in conjunction with the Mayor, make recommendations to Council in all Office matters in dispute which cannot be satisfactorily resolved administratively.
3. The authority to re-arrange and re-organise Administration Staff.
4. The authority to generally authorise any action within the Council's Policies.
5. The authority to incur normal and everyday expenses in the administration of Council's Office (such as advertising, printing and stationery, repairs of Office equipment, etc,...) but only within the sums voted by Council for this purpose.
6. The authority to instruct appropriate Senior Officers to take the necessary action in connection with any complaints or requests received. Provided that where any expenditure by Council is involved this must be within the sum voted by Council for

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- the particular purpose; and the actions so directed are to comply with any Policy of the Council and/or the provisions of the appropriate Act of Parliament.
7. The authority to reply to all routine correspondence.
  8. The authority to apply to wages and salaries any automatic wage variation or cost of living adjustments that have been approved by the Local Government & Shires Associations of NSW.
  9. The authority to arrange for legal action for recovery of outstanding Rates and Debtor Accounts and approve applications for extension of time to pay Rates and Accounts where an acceptable case is presented.
  10. The authority to determine whether Council is satisfied with any application received under Section 585 of the Local Government Act 1993 seeking postponement of part of Rates and the General Manager shall be authorised to determine the applications and forward the same to the Valuer General for a Valuation of the attributable part.
  11. The authority, in accordance with Section 562 of the Local Government Act, in relation to payment of Rates by Instalments, to determine if extenuating circumstances exist when Instalment payments are not made by the due date and be given authority to decide whether the Instalment will be accepted as a bona-fide payment.
  12. The authority to approve Street Stalls, raffle competitions, and the like.
  13. The authority to approve applications for use of Council Chambers, Library and other Council buildings and facilities to approved organisations.
  14. The authority to issue Certificates under Section 172 and Section 603 of the Local Government Act and Section 149 of the Environmental Planning and Assessment Act (i.e., Building Certificate of Compliance, Rates Certificate and Town Planning Certificate).
  15. The authority to approve, in consultation with the Mayor, CBD Small Grant Programme Applications for Assistance, in accordance with adopted guidelines.
  16. The authority to approve Business Christmas Decorations Incentive Grant Programme Applications for Assistance, in accordance with adopted guidelines.
  17. The authority to serve notices under Section 66 of the Rural Fires Act 1997.
  18. The authority to inspect, or cause to be inspected, at least once each year, all fire fighting apparatus in each Bush Fire Brigade District.
  19. The authority to arrange for the opening of tenders (received) after the advertised closing date, in conjunction with the Senior Officer involved.
  20. The authority to determine the source of Council investments, taking into consideration interest rates and borrowing requirements, in accordance with Council Policy.
  21. The authority to determine opening hours for the Walcha Branch Library.
  22. The authority to appoint temporary Clerical Staff as and when required to aid in Office work in emergency situations.
  23. Nothing in the Delegations shall imply that legal proceedings can be instituted against any person unless expressly contained within the Delegation and/or unless expressly authorised by Resolution/Policy of Council. Provided that in all circumstances a right of appeal to the Mayor and/or Council will apply.
  24. The authority to accept Grants on behalf of Council.
  25. The authority to, in conjunction with the Pool Manager, determine the dates and times of usage of the Walcha Swimming Pool by the local Schools, the Swimming Club and approved Instructors.

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26. The authority to approve the issuing of temporary Grazing Permits by the Rural Lands Protection Board over roads under Council's control in accordance with the provisions of the Rural Lands Protection Act and Regulations and Council Policy.
27. The authority to approve funding of specific locally based projects for local Schools as provided for in Council's "Isolated Schools - Financial Assistance" Policy and in accordance with budgetary provisions.
28. The authority to handle all matters relating to Weight of Loads offences committed within the Council area.
29. The authority to authorise selected employees to supervise inspections of Council's Minute Books in accordance with the provisions of Section 12, Chapter 4, Part 2 of the Local Government Act 1993.
30. The authority, in conjunction with the Mayor, to approve the admittance of new Councils to the Mid-North Weight of Loads Group.
31. The authority to process applications received pursuant to the Freedom of Information Act 1989.
32. The authority to adjudicate on or to grant approvals as appropriate under the terms of the adopted Code of Conduct for Local Government provided that in all cases, a right of appeal to the full Council shall exist.
33. The authority to recover costs for damage to Council property or property under Council control, in accordance with Council Policy.
34. That Council resolve to authorise John Gregory O'Hara as an Authorised Officer for the purpose of administering the relevant provisions of the Environmental Offences and Penalties Act, 1989. This authorisation shall extend to the service of Penalty Notices and Instigation of Legal Action in relation to the Environmental Offences and Penalties Act, 1989.
35. The authority to consider and determine Council's response to representations seeking leniency or outlining extenuating circumstances from persons who have been served with a Penalty Notice. This determination shall extend only to those representations referred through the New South Wales Police Service Infringement Processing Bureau.
36. The authority to authorise the use of Council's resources for the purpose of providing work experience opportunities for local students, as pressure of work permits.
37. The authority to authorise the Director - Engineering Services/Assistant General Manager to act as Assistant General Manager during periods of absence of the General Manager and to authorise the Director-Corporate Services - Acting General Manager to act as Acting General Manager during periods of absence of the General Manager and the Director - Engineering Services/Assistant General Manager.
38. The authority, in conjunction with the Mayor, to witness the affixing of the Council's Common Seal and also in conjunction with the Mayor to sign the attestation attaching to the affixing of the Common Seal.
39. The authority to approve the Walcha Jockey Club's application for the granting of a public half-day holiday in the Walcha Shire on the Friday afternoon of the Walcha Cup Carnival.
40. The authority, in accordance with the provisions of Clause 43(1) of the Local Government (Meetings) Regulation, to keep the Common Seal of the Council of Walcha.
41. The authority to issue approvals, in future years if necessary, to the Walcha Branch of the RSL Women's Auxiliary to conduct a normal Street Stall on the Friday prior to

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Remembrance/Poppy Day as well as sell badges/poppies on Remembrance/Poppy Day.

42. The authority to perform such other duties as are imposed by Council from time to time.
43. Authority to Proceed:  
By virtue of the powers conferred on me by Section 687 of the Local Government Act, 1993, I William John Heazlett, Mayor of the Council of Walcha, hereby appoint John Gregory O'Hara, a servant of the said Council, to represent the Council in all respects as though he were the party concerned, and to institute and carry on any proceedings which the Council is authorised to institute and carry on under the said Act, in any proceedings in any Court of Petty Sessions or before any Justice.
44. That Council resolve to authorise John Gregory O'Hara as an Authorised Officer for the purpose of administering the relevant provisions of the Environmental Offences and Penalties Act, 1989. This authorisation shall extend to the Service of Penalty Notices and Instigation of Legal Action in relation to the Environmental Offences and Penalties Act, 1989.

**Works**

45. The authority to carry out private works, and carry out construction works for approved authorities and render accounts.
46. The authority to make recommendations to Council on industrial disputes which cannot be satisfactorily resolved administratively.
47. The authority to exercise control of the lighting of fires in public places and the use of explosives.
48. Be appointed as an "Authorised Person" under the provisions of the Environmental Penalties and Offences Act, 1989 (Depositing of Litter).
49. The authority to appoint other Council Officers as "Authorised Persons" in accordance with the provisions of the Environmental Penalties and Offences Act, 1989 (Depositing of Litter).
50. The authority to act on behalf of Council for the purpose of carrying out survey work, obtaining gravel samples and removing road making material under Section 192 and relevant Regulations of the Local Government Act, 1993.
51. The authority to endorse Council's recommendation on "Proceeding Reports" attached to all Weight of Loads Breach Reports issued within the Walcha Council area.
52. The authority to approve conditionally or refuse applications under Council's Tree Preservation Order. Provided that any application which in the opinion of the General Manager may generate significant public controversy, and any application refused and submitted for reconsideration shall be determined by Council.
53. The authority to carry out the requirements of the Impounding Act, 1993, as regards the removal and disposal of vehicles standing upon a public place or public reserve where it appears that the vehicle has been abandoned.
54. The authority to sign, on behalf of Council, the Agreement for Pipe Crossing of a Council Road and Agreement to Use or Occupy a Public Place, as appropriate.
55. The authority to assess whether an activity, other than those activities listed below, would have significant environmental impact or has no significant impact, pursuant to Part V of the Environmental Planning and Assessment Act, 1979:-  
Shoulder Grading  
Street Gutter Cleaning

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Bridge Maintenance  
Bitumen Maintenance  
Bitumen Resealing  
Bitumen Road Pavement Restoration  
Gravel Resheeting  
Drain Cleaning  
Levee Bank Maintenance  
Footpath Maintenance  
Street Tree Maintenance  
Grass Mowing  
Water and Sewer Main and Manhole Maintenance  
New Water and Sewerage Services  
Sewerage Treatment Works Maintenance  
Sewer Pumping Station Maintenance  
Water Pumping Station Maintenance  
Water Reservoirs Maintenance  
Rural Road Construction Within Existing Road Reserve Alignment  
Urban Road Construction Within Existing Road Reserve Alignment  
Kerb and Gutter Construction Within Existing Road Reserves  
Drainage Construction Within Road Reserves or Urban Properties  
Water Main Construction Within Road Reserves or Urban Properties  
Sewerage Main Construction Within Road Reserves or Urban Properties  
Noxious Weed Control, Either by Chemical or Biological Means.

56. The authority to exercise the functions under Section 4D (Traffic Control Signs) of the Traffic Act, 1993.
57. The authority to approve of house numbering and carry out revision of house numbers from time to time.

**Environmental Services**

58. The authority to approve, but not disapprove, applications for the subdivision of land which do not involve the opening of new roads or streets and which otherwise comply with the Environmental Planning & Assessment Act 1979, Walcha Local Environment Plan and Council's Policy.
59. The authority to approve, but not disapprove Development Applications for Class IA to Class 10 Buildings, provided they comply with the provisions of the Building Code of Australia, the Walcha Local Environmental Plan 2000 and Council Policies and Clause 52 of the Local Government (Approvals) Regulation, 1993.
60. To issue Construction Certificates under the Environmental Planning and Assessment Act, 1979, for development that has received Development consent under that Act.
61. The authority to approve of fences on the boundary alignment within Council policy.
62. The authority to approve variations to building alignments for new buildings, additions, carports, garages, pergolas and the like provided it is applied for in accordance with the requirements of the Environment Planning & Assessment Act and Regulations Act.
63. The authority to approve carports, awnings, pergolas and similar structures extending to the boundary provided the adjoining owners provide no objections and the amenity of the neighbourhood is not materially affected, and the survey is correct.

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64. The authority to issue Certificates of Occupation under the Environmental Planning & Assessment Act, 1979:-
  - a) 1) Upon completion of a building;
  - 2) Upon the giving of approval to occupy an incomplete building;
  - b) The authority to revoke a Certificate of Occupation where required by the Environmental Planning & Assessment Act, 1979 prior to the issue of a further Certificate of Occupation.
65. The authority to determine applications for Building Certificates by issuing Building Certificates to applicants under the Environmental Planning & Assessment Act, 1979.
66. The authority to grant extension of time to a Development Application and Construction Certificate for a period not exceeding twelve (12) months for any Development Application which does not require additional development consent.
67. The authority to cancel Development Applications and Construction Certificates and to authorise refund of building fees only on the formal request of the holder of such a Permit or Approval or the applicant for Development approval.
68. The authority to issue Notices or Orders under the Local Government Act requiring work to be done or not to be done relating to buildings in urgent or dangerous cases only, i.e., Orders 3, 5.
69. The authority to approve the demolition or removal of buildings in accordance with the Environmental Planning & Assessment Act, 1979.
70. The authority to issue Orders or serve Notices under the Local Government Act, 1993, Protection of the Environmental Operations Act, 1961, which are considered necessary in regard to repairs to premises, sanitation of premises or for the preservation of health and hygiene or securing the wholesomeness and purity of goods and drugs or the abatement of any nuisance, obstruction or interference with public health, safety or convenience.
71. The authority to approve applications for the installation of septic tanks and other like appliances approved by the New South Wales Department of Health in accordance with the Local Government Act, 1993.
72. The authority to issue plumbing, draining and water fitting permits in accordance with Acts and Regulations and Policy of Council and serve Notices to connect to sewer.
73. The authority to approve but not refuse advertising on private premises under the Environmental Planning & Assessment Act 1979 and the Walcha Local Environmental Plan.
74. The authority to approve issue of registrations under the Companion Animals Act and issue Notices to Register Dogs.
75. The authority to control and manage all Waste Disposal Facilities within the Budget control.
76. The authority to lay information and complaints and take, institute or commence all proper proceedings, actions and prosecutions against all persons committing an offence under the Companion Animals Act and Regulations.
77. The authority to issue on-the-spot notices to persons contravening the Protection of the Environmental Operations Act, Part 2 of the Local Government Act, 1993 and Regulations relating to litter control.
78. The authority to carry out the requirements of Dog Control Policy and approve of special dispensation.

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79. The authority to carry out the requirements of the Impounding Act, 1993 as regards the removal and disposal of vehicles standing upon a public place or public reserve where it appears that the vehicle has been abandoned.
80. Food Act, 2003 -  
Pursuant to Section 377(1) of the Local Government Act 1993 the power to appoint authorized officers under Section 114 of the Food Act 2003;  
Pursuant to Section 377 (1) of the Local Government Act 1993 the power to serve Prohibition Orders under Section 60 of the Food Act 2003;  
Pursuant to Section 378 (2) of the Local Government Act 1993 and conditional upon advice from the NSW Food Authority, to sub-delegate the power to serve Prohibition Orders under Section 60 of the Food Act 2003 to the Director – Environmental Services;  
Pursuant to Section 381 (3) of the Local Government Act 1993, to approve the NSW Food Authority’s delegation to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code’s Standard 3.2.2 (Clause 15 and 17) and Standard 3.2.3 (Clauses 10 and 14).  
Pursuant to Section 109E (3) of the Food Act 2003 and conditional upon approval from the NSW Food Authority to sub-delegate the power to provide written approvals for dispensations and alternative methods of compliance in regard to the Food Standards Code’s Standard 3.2.2 (Clause 15 and 17) and Standard 3.2.3 (Clause 10 and 14 to the Director – Environmental Services.
81. Legal Proceedings:  
Authorised to carry on any proceedings in any Court of Petty Sessions or before any Justice which Council is authorised to institute and carry on under the following Acts:-  
\* Public Health Act, 1991, as amended.  
\* Food Act, 1989, as amended.  
\* Protection of the Environmental Operations Act.  
\* Environmental, Planning and Assessment Act, 1979, as amended.  
\* Local Government Act, 1993 and Regulations made thereunder.  
\* Companion Animals Act and Amendments thereunder.  
\* Companion Animals Act Regulations and Amendments thereunder.
82. Power of Entry – Companion Animals Act:  
Authorised to enter, for the purposes of the Companion Animals Act, upon any land or premises situate within the area at all reasonable times.
83. Power of Entry - Public Health Act:  
Authorised, in pursuance of the powers vested in Council by Section 72 of the Public Health Act, as Director - Environmental Services to enter and examine any premises situate within the Shire between the hours of eight (8) o'clock in the forenoon and eight (8) o'clock in the afternoon or at all hours during which business is in progress or is usually carried out in the premises.
84. Power of Entry - Local Government Act, 1993:  
Authorised to:-  
a) Enter upon any land or building at all reasonable hours in the daytime and at any hour during which business is in progress or is usually carried on in the premises.  
b) Enter in or upon any land or building to make inspections, and for that purpose upon any ground and remove any flooring and take such measures as may be

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- necessary to ascertain the character and condition of the land or building and or any pipe, sewer, drain, well and fitting in connection therewith.
- c) Inspect any premises, food, matter or thing.
85. Caravan Parks and Camping Grounds - Inspections:  
Authority to carry out inspections and to serve Notices of Irregularity in accordance with the Local Government, 1993 and relevant Regulations.
86. Swimming Pools Act, 1990:  
Appointed as Authorised Officer under Section 27 of the Swimming Pools Act, 1992.
87. The authority to investigate and prepare Notices on behalf of Council with respect to Noise Control Notices under the Protection of the Environmental Operations Act of New South Wales, on:-
- a) Non-Schedule Premises.  
b) Public Places.  
c) Lawful Sporting Activities involving the use of motor cycles.  
(Note: Such Notices to be signed by the General Manager.)
88. The authority to exercise the Delegation of Powers by the Director-General, New South Wales Department of Health under Part 4, Division 2 of the Food Act 1989.
89. To act as the Authorised Officer to exercise the functions under the delegations from the Director-General of the Planning NSW.
90. The authority to sign annual Environmental Protection Authority declarations certifying that the terms of Council's Landfill Licences have been complied with.
91. The authority to sign annual Environment Protection Authority declarations certifying that the terms of Council's Sewerage Treatment Plant and the Water Treatment Plant licences have been complied with.
92. The Authority to sign Home and Community Care funding agreements.

*Adopted Council Meeting 25th August, 1993 - Minute No. 308/93.  
Amended Council Meeting 23rd December, 1993 - Minute No. 470/93.  
Amended Council Meeting 25th May, 1994 - Minute No. 127/94.  
Amended Council Meeting 31st August, 1994 - Minute No. 37/94.  
Amended Council Meeting 29th March, 1995 - Minute Nos. 223 & 229/95.  
Reaffirmed Council Meeting 27th September, 1995 - Minute No. 54/95.  
Amended Council Meeting 27th March, 1996 - Minute No. 223/96.  
Amended Council Meeting 24<sup>th</sup> July, 1996 - Minute No. 9/96.  
Amended Council Meeting 19<sup>th</sup> March, 1997 - Minute No. 192/97.  
Amended Council Meeting 29<sup>th</sup> July, 1997 - Minute Nos. 4/97, 5/97 & 10/97.  
Reaffirmed Council Meeting 24<sup>th</sup> September, 1997 - Minute No. 82/97.  
Amended Council Meeting 24<sup>th</sup> September, 1997 - Minute No. 88/97.  
Amended Council Meeting 26<sup>th</sup> November, 1997 - Minute No. 141/97 & 143/97.  
Amended Council Meeting 13 February, 2001 – Minute No. 178/00  
Amended Council Meeting 26<sup>th</sup> September 2001 – Minute No. 70/01  
Amended Council Meeting 31 July 2002 – Minute No.: 13/2002.  
Amended Council Meeting 27 November 2002 – Minute No.: 122/02  
Delegated to Mr John O'Hara Council Meeting 25 June 2003 – Minute No.: 281/03  
Amended Council Meeting 22 February 2005 – Minute No.:151/05  
Amended Council Meeting 27 July 2005 – Minute No.: 4/2005-2006  
Reaffirmed Council Meeting 28 October 2008 – Minute No.: 69/2008-2009*

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**4. CONTRACT FOR THE MAINTENANCE OF THE OXLEY HIGHWAY**

**WINT/08/2013**

70 **RESOLVED** on the Motion of Councillors Thomson and Levingston that Council enter into a Road Maintenance Council Contract with the Roads and Traffic Authority for the provision of maintenance services on the Oxley Highway.

**5. REVIEW OF COUNCIL POLICIES – VARIOUS**

**WO/08/1007**

71 **RESOLVED** on the Motion of Councillors Woods and Schmutter that Council reaffirm the following policies as presented:

- ❖ Contribution to Works
- ❖ Capital Asset Sales
- ❖ Councillors – Response by Facsimile or Email
- ❖ Cost Recovery – Damage to Council Property
- ❖ Defence Force Reserves
- ❖ Donations
- ❖ Homeowners – First Home Owners – Concrete Discounts.

**ADMINISTRATION POLICIES**



**CONTRIBUTION TO WORKS**

**Objective**

To maintain a stable and secure financial structure in order to effectively and efficiently deliver services and provide facilities to the community.

**Policy**

Progress payments on Contributions to Works be allowed up to six (6) months in the case of ordinary landowners and up to twelve (12) months in the case of pensioners. This policy is confined to kerb and guttering constructed as a part of Council's Annual Works Program. It does not include works required as part of a new development.

**Reason**

To assist residents to meet the costs of kerb and gutter and footpath construction.

*Reaffirmed Council Meeting 1st July, 1993 - Minute No. 226/93.*

*Amended Council Meeting 28 October 2008 – Minute No. 71/0809*

**ADMINISTRATION POLICIES**



**CAPITAL ASSET SALES**

**Objective**

To maintain a stable and secure financial structure in order to effectively and efficiently deliver services and provide facilities to the community.

**Policy**

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That the proceeds of all future sales of capital assets, with the exception of plant, be applied to the Land and Development Reserve and that the balance held in this Fund be dispersed in accordance with Council Resolution.

Each year an amount equivalent to the annual depreciation cost of the total plant fleet, together with the proceeds of the sale of any surplus plant items will be transferred to the Plant Replacement Reserve.

**Reason**

To make adequate provision for asset replacement.

*Approved Works Committee Meeting 23rd February, 1984 - Minute No. 66/84.*

*Amended Works Committee Meeting 26th February, 1987 - Minute No. 33/87.*

*Reaffirmed Council Meeting 1st July, 1993 - Minute No. 226/93.*

*Amended Council Meeting 29<sup>th</sup> January, 1997 - Minute No. 161/97.*

*Reaffirmed Council Meeting 28 October 2008 – Minute No. 71/0809*

**ADMINISTRATION POLICIES**



**COUNCILLORS – RESPONSE BY FACSIMILE or EMAIL**

**Objective**

To provide a framework for the efficient and effective administration of Council and ensure that the community is well informed of Council decisions.

Items of business forwarded to Councillors by facsimile or email will be endorsed by Council's Staff with a proposed course of action. If a response to the proposed course of action is not received from any Councillor by the close of business (4.30pm) on the next business day following the day of issue of the facsimile or email message, then the proposed course of action will be deemed by the Officer concerned to be appropriate and will proceed accordingly.

If a Councillor expresses a dissenting view the matter will be brought before a full Council Meeting.

A summary of recommendations attaching to each report issued by facsimile or email, other than those reports submitted for information only, will be presented to Council for formal adoption, at the first Ordinary Council meeting following the issue of the report.

**Reason**

To establish clear guidelines for the conduct of Council business by facsimile.

*Adopted Council Meeting 24th November, 1993 - Minute No. 432/93.*

*Amended Council Meeting 27<sup>th</sup> November, 1996 - Minute No. 112/96.*

*Amended Council Meeting 28 October 2008 – Minute No. 71/2008-2009*

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**ADMINISTRATION POLICIES**



**COST RECOVERY – DAMAGE TO COUNCIL PROPERTY**

**Objective**

To maintain a stable and secure financial structure in order to effectively and efficiently deliver services and provide facilities to the community.

**Policy**

Council actively endeavour to recover costs of repairs of damages to Council property from the responsible person or organisation. This is to include damages to property under Council's control.

**Reason**

To minimise the financial impact on Council and its Ratepayers caused through damage to Council property.

*Approved Committee of the Whole Meeting 24th May 1990 - Minute No. 205/90.*

*Reaffirmed Council Meeting 1st July 1993 - Minute No. 226/93.*

*Reaffirmed Council Meeting 28 October 2008 – Minute No. 71/0809*

**ADMINISTRATION POLICIES**



**Defence Force Reserves**

**Objective**

To provide optimum salary levels and conditions for Staff commensurate with levels of responsibility and performance and within the framework of Council's resources.

**Policy**

1. This organisation encourages enlistment in the Defence Force Reserves. It recognises that Reserve service is of National importance, is an economical method of providing defence forces in peacetime and can be a valuable addition to employee development within the organisation.
2. Leave not exceeding two (2) weeks in any one year will be granted to employees who are members of the Defence Force Reserves for the purpose of undergoing training in camp or equivalent continuous duty. This leave will normally be in addition to annual holiday leave.
3. Special consideration will be given to an employee requiring leave for Reserve military training purposes in excess of ten (10) days in any one year.
4. Except on unusual circumstances military leave granted under this policy will be treated as unbroken service when calculating annual leave, long service leave and sick leave or any other entitlements.
5. Where applicable, but subject to the organisation's policy, employees granted Reserve training leave under this policy will be required to make up any missed contributions to superannuation pension schemes which fall due during their period of absence.
6. Personnel occupying quarters will pay normal rental during their absence.
7. This policy is to be made known throughout the organisation and announced in its publications and through other existing means of communications.

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**Reason**

To facilitate and encourage Staff participation in the Defence Force Reserves.

*Approved Council Meeting 26th July, 1984 - Minute No. 376/84.*

*Reaffirmed Council Meeting 1st July, 1993 - Minute No. 226/93.*

*Reaffirmed Council Meeting 28 October 2008 – Minute No. 71/0809*

**ADMINISTRATION POLICIES**



**Donations**

**Objective**

To maintain and, where possible, enhance Council's role in the planning, co-ordination and provision of human services to meet the changing social needs of the community.

**Policy**

That Council make donations to the organisations listed below, upon application and after payment of Rates levied, such donations to be calculated as follows:

**Category 1**

- A. Total of General Purpose Rates levied; plus or minus.
- B. Difference between Rateable Sewerage Charges and the applicable Non-Rateable Charge which would have been made for Sewerage Services.

**Approved Organisations**

Walcha District Tennis Association  
Walcha & District Historical Society  
Walcha Gun Club Incorporated

**Category 2**

- A. Total of General Purpose Rates levied; plus or minus.
- B. Difference between Water Occupied Charges Levied and the Unoccupied Charge set by Council for that year; plus or minus.
- C. Difference between Occupied Sewerage Rate/Charge levied and the applicable Non-Rateable Charge which would have been levied for Sewerage Services.

**Approved Organisations**

Walcha Boy Scouts Association  
Country Women's Association

**Category 3**

- A. All Rates charged on the Walcha and District Youth Club Hall each year.

**Category 4**

Donations to Charitable Organisations shall only be made by specific Resolution of Council. The General Manager shall determine what applications shall be reported to Council for consideration.

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**Reason**

To rationalise Council's donations to approved organisations.

*Approved Council Meeting 28th October, 1982 - Minute No. 655/82.*

*Approved Finance Committee Meeting 29th June, 1988 - Minute No. 241/88.*

*Amended Finance Committee Meeting 28th August, 1991 - Minute No. 294/91.*

*Reaffirmed Council Meeting 1st July, 1993 - Minute No. 226/93.*

*Amended Council Meeting 27<sup>th</sup> August, 1997 - Minute No. 49/97.*

*Amended Council Meeting 28 October 2008 – Minute No.: 71/2008-2009*

**ADMINISTRATION POLICIES**



**Homeowners – First Home Owners – Concrete Discounts**

**Objective**

To initiate and participate in entrepreneurial activities to raise revenue in order to decrease the burden on Ratepayers for the efficient delivery of services to the community.

**Policy**

Council offers a fifteen per cent (15%) discount off the price of ready mix concrete supplied to qualified First Home Owners subject to:-

- a) The homeowners providing documentary evidence of their qualification for assistance under the Federal Government's First Home Owner's Scheme.
- b) The discount being available in respect of existing homes as well as new dwellings.
- c) The discount being available for a period of six (6) months following occupancy of the dwelling.
- d) The discount being paid by way of refund, on application of the homeowner, after all outstanding concrete accounts owing to Council have been paid.

**Reason**

To assist first homeowners.

*Approved Council Meeting 22nd February, 1989 - Minute No. 72/89.*

*Reaffirmed Council Meeting 1st July, 1993 - Minute No. 226/93.*

*Reaffirmed Council Meeting 28 October 2008 – Minute No. 71/0809*

**6. DEVELOPMENT APPLICATION – O & L MACKAWAY “TUMBLE  
DOWNS” – MOTOR CYCLE TRACK WINT/08/2016**

72 **RESOLVED** on the Motion of Councillors Ferrier and Levingston that Development Application No. 411-2008 lodged by O & L Mackaway to develop and operate a Motor Cycle Track at Lot 130 DP 756499 be approved as a “Deferred Commencement Approval” 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

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2. Council will require the following documentation to be lodged :
  - a. A copy of the Track Approval by Motorcycling Australia.
  - b. A copy of the Track Licence issued by Motorcycling Australia.
  - c. Full details of the insurance policy for the proposal.
  - d. Copy of permits to conduct race meetings issued by Motorcycling Australia.
3. Activities are to be conducted in accordance with the requirements of the Protection of the Environment Operations Act
4. Details of all signs are to be provided to Council for approval.
5. Access to the property from Brakendale Road is to be in accordance with the requirements of the Council's Engineering Department.
6. All food preparation areas, food storage and handling is to be in accordance with the Food Act and Regulations.
7. The development is to operate so that soil erosion is kept to a minimum.
8. An application for an Onsite Waste Management System is to be lodged with Council for approval.

**AFTERNOON TEA**

Council adjourned for afternoon tea at 3.04pm and resumed at 3.25pm

Councillor Ferrier left the Meeting at 3.50pm and returned to the Meeting at 4.30pm.

**7. ADOPTION OF WALCHA COUNCIL'S CODE OF MEETING  
PRACTICE** **WO/08/950**

73 **RESOLVED** on the Motion of Councillors Cross and Woods that Council place the Draft Walcha Council Code of Meeting Practice on public exhibition for a period of 28 days.

**8. SCAN ACCEPTANCE OF FUNDING TERM 4 2008 – AFFIX COMMON  
SEAL** **WO/08/991**

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

- ❖ Acceptance of Funding for Walcha Preschool – New England SCAN – Supporting Children with Additional Needs Term 4 2008.

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

**9. COMMITTEE OF THE WHOLE REFERRAL – TRANSFER OF STOCK  
RESERVE TO COUNCIL MANAGEMENT** **WINT/08/2002**

75 **RESOLVED** on the Motion of Councillors Woods and Thomson that, in accordance with the provisions of Section 10A of the local Government Act, 1993, the

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matter of transferring a stock reserve to Council, be referred to be discussed in Committee of the Whole for the reason that it relates to information that would, if disclosed, prejudice the commercial position of the person who supplied it.

**LATE REPORTS**

**1. REQUEST FOR A DONATION TOWARDS GOAL POSTS AT JOHN  
OXLEY SPORTSGROUND** **WO/08/1014**

76 **RESOLVED** on the Motion of Councillors Archdale and Schmutter that Council contribute \$1,500 towards the purchase and installation of the Rugby/Soccer goal posts at John Oxley Sportsground providing the Club is successful in gaining the Department of Sport & Recreation Grant.

**WALCHA MANAGEMENT REVIEW REPORTS** **WO/08/954**

77 **RESOLVED** on the Motion of Councillors Schmutter and Archdale that items in the Management Review Report, numbered 1 to 8 inclusive, be **NOTED** by Council.

**Committee Reports:**

a) Minutes of the Walcha Preschool Advisory Committee Meeting held at the Walcha Preschool on Tuesday, 21 October 2008. **WINT/08/2017**

**Delegate Reports:**

- a) Minutes of the NamoiROC Meeting held at Gunnedah on Thursday, 21 August 2008. **WI/08/5011**
- b) Minutes of the NESAC Equal Employment Opportunities Committee Meeting held at Guyra Shire Council Chambers on Thursday, 21 August 2008. **WI/08/5425**
- c) Minutes of the NamoiROC Meeting held at Armidale on Thursday, 9 October 2008. **WI/08/5679**

**COMMITTEE OF THE WHOLE**

78 **RESOLVED** on the Motion of Councillors Woods and Cross 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, prejudice the commercial position of the person who supplied it.

79 The Meeting resumed in **OPEN** Council on the Motion of Councillors Thomson and Levingston.

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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. TRANSFER OF STOCK RESERVE TO COUNCIL MANAGEMENT**

**WINT/08/2011**

The Committee recommended on the Motion of Woods and Ferrier that Council formally request the Armidale Rural Lands Protection Board to transfer the management of the stock reserve located east and north of the Walcha Sewerage Treatment Plant to Council.

**ADOPTION OF COMMITTEE OF THE WHOLE**

80 **RESOLVED** on the Motion of Councillors Ferrier and Levingston that the Report and Recommendations of the Meeting of the Walcha Council Committee of the Whole held on (day and date of Meeting) 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 5.03PM.**