

**MINUTES OF THE ORDINARY MEETING OF THE WALCHA COUNCIL
HELD IN THE COUNCIL CHAMBERS, HAMILTON STREET, WALCHA ON
WEDNESDAY, 17 DECEMBER 2008 COMMENCING AT 1.04PM**

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

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 ORDINARY MEETING MINUTES OF THE
WALCHA COUNCIL HELD ON TUESDAY 26 NOVEMBER 2008:**

104 **RESOLVED** on the Motion of Councillors Levingston and Ferrier that the Minutes of the Ordinary Meeting of the Walcha Council held on Tuesday, 26 November 2008, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

DECLARATIONS OF INTEREST

Councillor Archdale declared an interest in Late Report number 6 Development Application 644-2008 being her husband has an interest in a real estate agent that may be potentially marketing the sale of the dwellings.

SENIOR OFFICERS' REPORTS

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

**1. REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE
PROGRAM 2008/09** **WINT/08/2334**

106 **RESOLVED** on the Motion of Councillors Archdale and Ferrier that Council allocate the \$100,000 provided by the Australian Government's Regional and Local Community Infrastructure Program (RLCIP) as follows:

Walcha Pool	Repair Tiling	\$25,000
	Repair Filters	\$10,000
Cycleways	Showground to John Oxley, Section 7	\$38,000
	Wet areas of Sections 3 & 4	\$14,000

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Walcha Oval Cricket Upgrade nets \$13,000
Nets

**2. REQUEST FOR FUNDING FOR ROCK SCULPTURE ARTIST TO
WORK IN WALCHA** WO/08/1131

107 **RESOLVED** on the Motion of Councillors Archdale and Ferrier that Council to agree to contribute \$4,500 to engage Andreas Buisman to work on approximately five basalt crystals with the provision that Council have input into the final location of the sculptures.

3. REQUEST FOR ASSISTANCE WITH CAMPDRAFT AND RODEO WINT/08/2330

108 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council provide the following assistance to the Walcha Campdraft and Rodeo Association Inc at no cost:

1. The loan of recycling bins, orange web fencing and signs.
2. The use of a 9 tonne truck, water tank and water provided it is operated by a qualified Council staff member willing to volunteer their time to the Association.
3. Mow that part of the showground not normally maintained by Council.

4. REVIEW OF COUNCIL POLICIES WO/08/1140

109 **RESOLVED** on the Motion of Councillors Ferrier and Thomson that Council reaffirm the following policies as amended:

- ❖ Asset Management Policy.
- ❖ Credit Cards Policy.
- ❖ Disposal of Assets Policy.
- ❖ Employee Assistance Policy.
- ❖ Employee Assistance Policy.
- ❖ Fraud Control Policy.
- ❖ Grievance Procedure.
- ❖ Insurances Policy.

The previous Banking Policy is repealed.

ASSET MANAGEMENT



OBJECTIVE:

To ensure that adequate provision is made for the long-term replacement of infrastructure assets.

PURPOSE:

To set guidelines for implementing consistent asset management processes throughout Council.

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POLICY:

Council shall apply the following principles for the implementation of consistent asset management processes throughout Council

- A consistent asset management strategy must exist for implementing systematic asset management and appropriate asset management best-practice throughout all departments of Council.
- All relevant legislative requirements together with political, social and economic environments are to be taken into account in asset management.
- Asset management principles will be integrated within existing planning and operational processes.
- An inspection regime will be used as part of asset management to ensure agreed service levels are maintained and to identify asset renewal priorities.
- Asset renewals required to meet agreed service levels and identified in infrastructure and asset management plans and long term financial plans will be fully funded in the annual budget estimates.
- Service levels agreed through the budget process and defined in infrastructure and asset management plans will be fully funded in the annual budget estimates.
- Asset renewal plans will be prioritised and implemented progressively based on agreed service levels and the effectiveness of the current assets to provide that level of service.
- Systematic and cyclic reviews will be applied to all asset classes and are to ensure that the assets are managed, valued and depreciated in accordance with appropriate best practice and applicable Australian Standards.
- Future life cycle costs will be reported and considered in all decisions relating to new services and assets and upgrading of existing services and assets.
- Future service levels will be determined in consultation with the community.

Approved Council Meeting 27 February 2008 – Minute No.: 333/2007-08

Reaffirmed Council Meeting 17 December 2008 – Minute No.:109/2008-09

CREDIT CARDS



Objective

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

Policy

That employees holding the following positions with Council shall be issued with Credit Cards to operate on Council's Business Card Expense Account for use on official Council business:

<u>Position</u>	<u>Set Limit of Card</u>
General Manager	\$6000
Director – Engineering Services	\$6000
NESAC Engineering & Works Accountant	\$3000
Works Manager	\$3000
Asset Services Manager	\$3000
Director – Environmental Services	\$3000
Preschool Director	\$1000
HACC Co-ordinator	\$1000
HACC Co-ordinator (ATSI)	\$1000
Storeman	\$2000

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Reason

To reduce the administration and financial costs associated with the payments of accounts primarily resulting from employees carrying out Council business outside the Walcha Council area, through the efficient use of credit cards.

Approved Finance Committee Meeting 29 August 1990 – Minute No. 376/90

Reaffirmed Council Meeting 1 July 1993 – Minute No.226/93

Amended Council Meeting 27 August 2003 – Minute No.:318/2003

Amended Council Meeting 29th September 2004 – Minute No.:54/04

Amended Council Meeting 28 November 2007 – Minute No.:299/2007/08

Reaffirmed Council Meeting 17 December 2008 – Minute No.:109/2008-09

DISPOSAL OF ASSETS POLICY



Council, in the course of its general business, may have to dispose of Council assets. The following policy addresses the proper procedures to be adhered to in that process.

OBJECTIVE: To ensure compliance with legislative and statutory requirements, for procedural transparency and fairness and to ensure that Council has in place a process for the sale of its surplus/redundant assets.

FUNCTIONS: In order to achieve this objective, staff and Councillors shall not be offered an opportunity to purchase surplus assets that are not available to the general public.

Engineering – Sale of Plant/Materials/Stores

Procedures

To ensure an open and transparent process is followed, the Responsible Officer will adopt the following procedures:

1. Replacement items:
 - Plant items are to be replaced in accordance with the 10 year rolling Plant Replacement Program.
 - Tenders or quotations are to be called which offer the existing plant or vehicles for trade in.
 - Plant items may also be offered for private sale by advertising in local and/or regional newspapers. Selection of successful purchasers will be decided on the most advantageous offer to Council.
2. Surplus Plant, Stores and Materials
 - To be advertised in local and/or regional newspapers, Council's newsletter and/or sold through public auction.

Engineering

3. Sundry Stock
 - Materials may be purchased from time to time from the Council store by the public. Charges for these items are as set in Council's Management Plan.
 - Control of stock is monitored through the stocktake process.

Administration Sale of Council Land and Buildings

Procedures

To ensure an open and transparent correct process is followed, the Responsible Officer will adopt the following procedures:

- Ensure land is classified as "Operational".
- Seek resolution from Council regarding approval and method for sale of the Council property.

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If Council resolves to dispose of property by way of public auction Council will seek expressions of interest from agents to act on Council's behalf for any public auctions. The agent will receive a fee for service upon the successful sale of the property. The fee comprises the agents commission fee plus advertising costs associated with the property. If the property is not sold, then advertising costs will be the only fee paid to the agent.

If Council resolves to dispose of property by private treaty the property will be offered to all local real estate agents.

Finance – Sale of Land for Unpaid Rates

Procedures

To ensure the correct process is followed, the Responsible Officer will refer and follow the Local Government Act Division 5 Sale of land for unpaid Rates. S715 – S726 which outlines the requirements under the act for the sale of land for unpaid rates.

**Information Technology – Sale of Computers, Surplus IT Equipment and Sundry office
Equipment**

Procedures

As the items are generally of low or nil value to Council, the Responsible Officer shall adopt the following procedures:

1. From time to time it may be appropriate to donate Council's obsolete IT hardware to community groups, such as the Computer Bank New England or Technical Aid for the Disabled, GALA etc.
2. Items are not to be offered to staff or Councillors prior to sale. Items are generally sold by way of public auction, advertised via local/regional newspaper.

Approved Council Meeting 28 March 2007 – Minute No.:171/2006-2007

Reaffirmed Council Meeting 17 December 2008 – Minute No.:109/2008-09

EMPLOYEE ASSISTANCE POLICY



Objectives

The Employee Support Services Program is intended to provide Council Employees and Councillors and their immediate family living at home, eg, partners and children, with on-site support to help them deal with any work related or personal issues which may affect their job performance and overall well being. The service should be easily accessible, independent, professional and confidential.

Policy

Walcha Council provides its Employees and Councillors and their immediate family living at home, eg., partners and children, with on-site support to help them deal with any work related or personal issues which may affect their job performance and overall well being.

Issues may involve:

- ❖ Personal Matters
- ❖ Work Related Issues
- ❖ Marriage/Relationship/Family
- ❖ Financial, Emotional Concerns eg. Stress, Anxiety, Depression
- ❖ Alcohol and Drug Dependence
- ❖ Grief, Loss, Bereavement,
- ❖ Trauma.

The cost of Counselling program with Council's appointed independent counsellor is borne by Council after approval of the General Manager.

Referrals by Council's appointed Counsellor to other specialists for consultations are at the employee's cost.

Ref: WO/09/358

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*Approved Council Ordinary Meeting 24 April 2007 – Minute No.:189/2006-2007
Amended Council Meeting 17 December 2008 – Minute No.:109/2008-09*

FRAUD CONTROL POLICY



Objectives

This policy is established to facilitate the development of controls which will aid in the detection and prevention of fraud against Walcha Council.

SCOPE OF POLICY:

This policy applies to any fraud, or suspected fraud, involving Councillors, Council employees as well as consultants, vendors, contractors and other outside agencies conducting business with Walcha Council.

POLICY

Management is responsible for the detection and prevention of fraud, misappropriations, and other inappropriate conduct. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury.

Council's commitment to eliminate fraud or the opportunities to provide an environment where fraud might be possible, Walcha Council, as part of its membership of the New England Strategic Alliance of Councils, will appoint an internal auditor and set up an internal audit committee across the Alliance. The purpose of this committee and the Internal Auditor, in part, is to detect, identify and eliminate the opportunity for fraud to occur.

DEFINING FRAUD:

The following actions are considered to constitute fraud:

- Any dishonest or fraudulent act.
- Forgery or alteration of a cheque, bank draft, or any other financial document.
- Misappropriation of funds, securities, supplies, or other assets.
- Impropriety in the handling or reporting money or financial transactions.
- Profiteering as a result of insider knowledge of Council activities.
- Disclosing confidential and proprietary information to unauthorized personnel.
- Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to Council.
- Destruction, removal or inappropriate use of records, furniture fixtures, equipment and stores.
- Any similar or related inappropriate conduct.

OTHER INAPPROPRIATE CONDUCT

Suspected improprieties concerning an employee's moral, ethical or behavioral conduct, should be resolved by Council's General Manager, Department Manager or Human Resource Department.

INVESTIGATION RESPONSIBILITIES

The General Manager has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. If the investigation substantiates that fraudulent activities have occurred, the General Manager will issue reports to appropriate designated personnel and, if appropriate, to Councillors.

Decisions to prosecute or refer the examination results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final decisions on disposition of the case.

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CONFIDENTIALITY

The General Manager treats all information received confidentially. Any employee who suspects dishonest or fraudulent activity must notify the General Manager immediately, and should not attempt to personally conduct investigations or interview/interrogations related to any suspected fraudulent act.

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect Council from potential liability.

AUTHORISATION FOR INVESTIGATING SUSPECTED FRAUD

Members of the Investigation Team will have:

- Free and unrestricted access to all Council records and premises; and
- The authority to examine, copy and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigation.

REPORTING PROCEDURES

Great care must be taken in the investigation of suspected improprieties or wrongdoings so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

An employee who discovers or suspects fraudulent activity must contact the General Manager immediately. The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual, his or her attorney or representative, or any other inquirer should be directed to Council's Legal representative. No information concerning the status of an investigation will be given out.

The reporting individual should be informed of the following:

- Do not contact the suspected individual in an effort to determine facts or demand restitution.
- Do not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by Council's Legal representative.

TERMINATION

If an investigation results in a recommendation to terminate an individual, the recommendation will be reviewed for approval by the General Manager, Human Resources and Council's Legal representative, and if necessary, by outside counsel, before any such action is taken.

ADMINISTRATION

The General Manager is responsible for the administration, revision, interpretation, and application of this policy. The policy will be reviewed annually and revised as needed.

Approved Council Meeting 28 February 2007 – Minute No.: 147/06-07

Reaffirmed Council Meeting 17 December 2008 – Minute No.: 109/2008-09

GRIEVANCE PROCEDURE



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2. What is a Grievance?
3. What to do if you have a Grievance.
4. Appeals.

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5. Go to an External Agency.
6. Where do you go for more Information.

1. Purpose Of Internal Grievance Procedure

This grievance procedure has been established for the following reasons:

- to encourage staff to bring forward grievances which, while not being so significant as to warrant handling by external methods, nevertheless cause distress and discomfort which in turn leads to lower job satisfaction and performance.
- to encourage staff to solve their own problems before job satisfaction and performance are severely affected.

The Grievance procedure is:

- **Completely confidential** - Only people directly involved in making or investigating a complaint will have access to information about the complaint.
- **Impartial** - Both sides will have a chance to tell their side of the story. No assumptions will be made and no action will be taken until all relevant information has been collected and considered.
- **Free of repercussions** - No action will be taken against anyone for making a genuine complaint or helping someone to make a complaint. Management will take all necessary steps to ensure that no victimisation occurs against anyone who makes a complaint.
- **Timely** - All complaints will be dealt with as quickly as possible. The aim is to resolve all complaints within 4 weeks if possible.

This grievance Procedure sets out the way we will handle a complaint.

Please use it if you need to.

2. What Is A Grievance ?

A grievance is any type of problem, concern or complaint related to work or the work environment which causes concern or distress and which is believed by the person raising them to effect their work or progress. A grievance may arise from any decision, act or omission which is perceived as wrong, unjust or discriminatory.

A grievance should not be confused with a *Protected Disclosure* which may be made under the provisions of the *Protected Disclosures Act, 1994*. Protected Disclosures relate to complaints concerning corrupt conduct, maladministration and serious and substantial waste. Council has adopted a separate policy and procedure for the making of protected disclosures.

To facilitate operation of this Grievance Procedure grievances are divided into two categories, namely:

Less serious grievances which are defined as those grievances:

- a) where the facts are accurately known or easily established; and/or
- b) where the matter falls within the scope or responsibility of the complainant's supervisor; and
- c) where the matter is of a less serious kind.

More serious grievances (less easily resolved) which are defined as those grievances:

- a) where the facts are strongly disputed and/or difficult to establish; or
- b) where the grievance is against the complainant's supervisor or beyond the scope of the supervisor's responsibilities; or
- c) where the complainant suffers from serious physical or emotional stress or may otherwise require the help of counselling; or

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- d) where the grievance arises due to the continuance of unacceptable behaviour by other party(s) despite past warnings and counselling.

3. What To Do If You Have A Grievance

a) Try to sort it out directly with the person involved - Sometimes people do not mean to hurt or offend others. This does not mean that it is OK. However, it does mean that if you can, you should tell the person who is acting in a hurtful or unsuitable way that his or her behaviour is not acceptable so that they have the chance to stop or to change what they're doing.

b) If this doesn't work, or you don't think that you can sort it out directly yourself, go to your supervisor - Your supervisor is in charge of your immediate work area and can help sort out problems at a local level. There are some situations where you may not wish to take your complaint to your supervisor, for example, if the complaint is of a sexual nature and the supervisor is the opposite sex, or the complaint is about or directly involves the supervisor. If that is the case, take your complaint to the next level of management. (See point c) below).

c) Go to your manager or departmental head - Your manager is the next level up from your supervisor and is the person you should approach if you wish to make a formal complaint.

If you have tried to complain to your manager and it hasn't worked or you don't feel comfortable talking to your manager, you can complain to one of the Contact People. Contact People have been selected and trained by management to be an additional first point of contact for complaints. They are Mrs Karen Kermode and Mr Tom Chandler and the external contact persons are Mrs Caroly Laurie and the Rev Freddie Miller.

Your manager or the contact person will work out who is the right person to handle your complaint. If they are biased or have a conflict of interest because of their relationship with the person making the complaint or with the person who the complaint is about, or, they do not have the power to handle the complaint, they will take the complaint (with your consent) to the General Manager.

In a very serious case, a complaint may be taken directly to the General Manager.

THE PERSON WHO DEALS WITH THE COMPLAINT WILL THEN TAKE THE FOLLOWING STEPS:

a) Explain the grievance handling procedure including:

- what may happen if there is enough evidence to support your complaint, or what may happen if there is not enough evidence to support your complaint.
- where you can go if you are not happy with the way Management is dealing with the complaint.
- where to go for more information.

b) Take a written record of the complaint

c) Talk to the other person / people involved separately and impartially to hear their side of the story.

d) Tell you what the other person / people said and discuss what should be done to sort out the complaint.

e) Make sure whatever you have agreed / decided upon happens.

f) Follow up, including periodical assessments of the effectiveness of the agreed strategies.

4. Appeals

You can only ask management to review a decision if they have not followed the procedure set out above or you think they didn't do something properly. A review of a decision will be carried out by someone other than the person who first handled the complaint.

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5. Go To An External Agency

If your complaint has not been properly dealt with by management, you may wish to take it to an external agency to see if they can help.

6. Where To Go For More Information

- a) At Walcha Council you can contact Mrs Karen Kermode or Mr Tom Chandler.
- b) Council's external contact: If requested Council will source a suitably qualified mediator acceptable to all parties.
- c) Interpreters
 - Ethnic Affairs Commission - (02) 6716224
 - Telephone Interpreting Service - (02) 2211111
 - Deaf Sign Interpreter Service - (02) 7162248
- d) Your Union or the Walcha Council Staff Consultative Committee.
- e) Anti-Discrimination Board - (02) 9318 5444 or 1800 670 812 Fax (02) 9310 2235.

Adopted by Council on 28th January 1998 – Minute No.:186/198

Reviewed 25/11/98

Reviewed 27th February 2002.

Amended by Council on 31 July 2002 – Minute No. 16/2002-2003.

Amended by Council on 24 August 2005 – Minute No.: 39/2005-2006

Amended Council Meeting 17 December 2008 – Minute No.:109/2008-09

INSURANCES POLICY



Objective

To continue to improve planning and management techniques in order to achieve Council's objectives and involve Staff and the community in the process.

Policy

Council shall carry out a comprehensive review of its Insurance Portfolio every two (2) years.

Council's Senior staff will carry out the valuation of properties for insurance purposes in an endeavour to reduce costs.

Reason

To ensure Council is adequately insured.

Approved Council Meeting 30 April 1987 – Minute No.: 124/87

Amended Council Meeting 28 January 1988 – Minute No.: 2/88

Reaffirmed Council Meeting 1 July 1993 – Minute No.: 226/93

Reaffirmed Council Meeting 17 December 2008 – Minute No.:109/2008-09

5. CANCEL JANUARY 2009 COUNCIL MEETING

WO/08/1130

110 **RESOLVED** on the Motion of Councillors Ferrier and Woods that the January 2009 Ordinary Council Meeting be cancelled.

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6. NSW FLOODPLAIN MANAGEMENT PROGRAM 2008-09

WINT/08/2337

111 **RESOLVED** on the Motion of Councillors Schmutter and Levingston that Council:

1. Accept the offer of \$5,000 from the NSW State Floodplain Management Program 2008-09
2. Provide \$2,500 from net current assets to fund the 50 percent contribution required to match the Grant.

**7. APPLICATION TO CLOSE PUBLIC ROAD THROUGH LOTS 10, 17
AND 46 DP 755346 NIANGALA**

WINT/08/2332

112 **RESOLVED** on the Motion of Councillors Archdale and Schmutter that Council not agree to the closure of the public road passing through and adjacent to Lots 10, 17 and 46 DP 755346 **AND FURTHER THAT** Council continue to not accept responsibility for the maintenance of the road.

AFTERNOON TEA

Council adjourned for afternoon tea at 2.58pm and resumed at 3.35pm. During the afternoon tea break presentations were made by the Mayor to the winners of the 2008 New England & North West Country Energy Christmas Lights Competition.

LATE REPORTS

1. PROPOSED CLOSURE OF GADEN TROUT HATCHERY

WINT/08/2345

113 **RESOLVED** on the Motion of Councillors Levingston and Woods that Council make representations through the local member to the Premier and the Minister for Primary Industries objection to the closure of the Gaden Trout Hatchery.

**2. VARIATION OF DEVELOPMENT STANDARDS – STATE
ENVIRONMENTAL PLANNING POLICY NO. 1**

WINT/08/2348

The Report was **NOTED** by Council.

**3. LEGISLATIVE COUNCIL – INQUIRY INTO THE NSW PLANNING
FRAMEWORK**

WINT/08/2347

The Report was **NOTED** by Council.

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**4. FUNDING AGREEMENT – DEPARTMENT OF AGEING DISABILITY
AND HOME CARE** **WINT/08/2346**

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

- ❖ Funding Agreement with the Department of Ageing Disability and Home Care.

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

**5. EXPRESSION OF INTEREST FOR PRESCHOOL CONVERSION TO
LONG DAY CARE GRANT** **WINT/08/2349**

115 **RESOLVED** on the Motion of Councillors Schmutter and Cross that Council approves the Walcha Preschool Parents Sub-Committee to submit an Expression of Interest for grant money to enable the erection of a room to accommodate 2-3 year old children and to renovate the existing space to make separate rooms for the older children and upgrade staff facilities.

**6. DEVELOPMENT APPLICATION 644-2008 – SUBDIVISION OF LAND,
APPLICATION UNDER STATE ENVIRONMENTAL PLANNING
POLICY (SEPP) NO.1 DEVELOPMENT STANDARDS**

WINT/08/2358

Councillor Archdale declared an interest in this matter and left the meeting and took no part in the debate.

116 **RESOLVED** on the Motion of Councillors Ferrier and Schmutter that Development Application No. 466-2008 lodged by DT & VL Hoy to:

1. Request a Variation in Development Standards under State Environmental Planning Policy No.1 to permit the subdivision of Lot A DP 158151 into two lots being proposed Lot 181 comprising 477.7 square metres and proposed Lot 182 comprising 555.6 square metres.
2. Subdivide Lot A DP 158151, 18N Pakington Street Walcha into two allotments being proposed Lot 181 comprising 477.7 square metres and proposed Lot 182 comprising 555.6 square metres
3. Construct a brick veneer dwelling on the created allotments

Be approved subject to the following:

1. Council support the Request for a Variation in Development Standards under State Environmental Planning Policy No.1, to permit Lot A DP 158151 to be subdivided two lots comprising 477.7 sq. metres and 555.6 sq. metres.

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2. The development must take place in accordance with the approved plans and documents submitted with the application and drawn by Jeremy Allen Planning and Design and Baxter Geo Consulting Pty Ltd. and subject to the conditions of this consent.
3. The external finishes of the buildings are to be of colours blending with the landscape and not reflective in nature to ensure that the building is visually integrated with its environment.
4. All sewer and drainage works associated with the development are to comply with the requirements of AS 3500 and be undertaken by a licensed plumber and drainer.
5. A landscape plan is to be lodged with Council for approval. Council will require the landscaping to be substantially completed prior to an Occupation Certificate being issued.
6. The proposal which will involve work/activity over public land is to be protected by public liability insurance with a minimum cover of \$10 million.
7. The provision of a sewer yard gullies and inspection riser is required for both dwellings. The sewer yard gully must be located so that the top of the gully is a minimum 150mm below the floor level and a minimum 75mm above the finished ground level.
8. Detailed plans including Section 88 Instruments is to make satisfactory provision for Rights of Carriageway and easements for all services to the created allotments. Provision is to be made for the ongoing management/maintenance of the carriageway and easements and services including clear details of the responsibilities of all affected parties, including mechanisms for the resolution of conflicts between affected parties.
9. An erosion and sediment control plan is to be lodged with Council for approval, prior to works commencing.
10. Details of the method of transporting stormwater from the development to the kerb are to be lodged with Council. This will include water collected from the overflow from the rain water tanks, driveways and hard standing areas. Special attention is directed to the need to obtain fall from the block to Pakington Street.
11. No storage of building materials, soil or equipment, is to occur on Council's property.
12. All building work must be carried out between 7:00am and 6pm Monday to Fridays and 8:00am to 5:00pm Saturdays excluding public holidays.
13. All demolition work to be carried out in accordance with AS2601 Demolition of Structures to ensure that work is undertaken safely and as required.
14. Any damage to the footpath or kerb and guttering is to be repaired prior to an Occupation Certificate being issued.
15. A new vehicular crossing, including layback, over the full width of the footpath, to provide an effective all-weather access to the site and a safe and nuisance free surface over Council's footpath is to be provided in accordance with the requirements of the Council's Engineering Department.

**MINUTES OF THE ORDINARY MEETING OF THE WALCHA COUNCIL
HELD IN THE COUNCIL CHAMBERS, HAMILTON STREET, WALCHA ON
WEDNESDAY, 17 DECEMBER 2008 COMMENCING AT 1.04PM**

16. An Occupation Certificate for the dwellings will not be issued until the conditions relating to the subdivision of land has been completed.
17. Standard conditions relating to the buildings being added under delegated authority.

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

For: Councillors, Heazlett, Schmutter, Levingston, Woods, Ferrier, Thomson and Cross.

Against: Nil.

Absent: Nil.

Declared Interest: Councillor Archdale.

Councillor Archdale returned to the Meeting.

7. DEVELOPMENT APPLICATION 8-04/05 – MIRUS WINDS PTY LTD
WINT/08/2357

It was **Moved** Councillor Ferrier **Seconded** Schmutter that Council approve the amendment to Development Application No. 8/04-05 to permit the Wind Monitoring Mast at Lot 81 DP 756504 to be increased to 90 metres high **FURTHER THAT** conditions placed on the original Notice of Determination of Development Consent are still valid.

An Amendment was **Moved** by Councillor Woods **Seconded** Councillor Thomson that Council approve the amendment to Development Application NO.8/04-05 to permit the Wind Monitoring Mast at Lot 81 DP 756504 to be increased to 90 metres high **FURTHER THAT** conditions placed on the original Notice of Determination of Development Consent are still valid **STILL FURTHER THAT** the Approval was subject to CASA concurrence.

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

117 It then became the substantive Motion and was put to the vote again and was **CARRIED**.

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

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

Against: Nil.

Absent: Nil.

Declared Interest: Nil.

**MINUTES OF THE ORDINARY MEETING OF THE WALCHA COUNCIL
HELD IN THE COUNCIL CHAMBERS, HAMILTON STREET, WALCHA ON
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**8. REFERRAL TO COMMITTEE OF THE WHOLE – COMPLAINT
WALCHA GOURMET MEATS** **WINT/08/2360**

118 **RESOLVED** on the Motion of Councillors Ferrier and Cross that Council that in accordance with the provisions of Section 10A of the Local Government Act, 1993, the matter of the complaint regarding Walcha Gourmet Meats be referred to be discussed in Committee of the Whole for the reason that it relates to advice concerning litigation, or advise that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

MATTERS OF URGENCY

1. Letter of Support for a new Library in Armidale under the Commonwealth Governments Regional and Local Community Infrastructure Program.
2. A request from Sesqui Centenary Committee for \$750 to purchase water bottles.

119 **RESOLVED** on the Motion of Councillors Ferrier and Levingston that the matters were of urgency and also ruled by the Chairperson that they be considered.

1. Letter of Support for new Armidale Library

120 **RESOLVED** on the Motion of Councillors Ferrier and Archdale that Council supply a letter of support to Armidale Dumaresq Council for the application for funding under the Commonwealth Government's Regional and Local Community Infrastructure Program.

2. A request from Sesqui Centenary Committee for \$750 to purchase water bottles.

The Meeting decided that the School Committee be advised that Council request a formal application.

MANAGEMENT REVIEW REPORTS

WIO/08/1127

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

Committee Reports:

Nil.

Delegate Reports:

- a) Minutes of the New England Tablelands (Noxious Plants) County Council Meeting held in Armidale on Tuesday, 28 October 2008. WI/08/6494
- b) Minutes of the Mid North Weight of Loads Group held at Gloucester on Monday 3 November 2008. WI/08/6495

**MINUTES OF THE ORDINARY MEETING OF THE WALCHA COUNCIL
HELD IN THE COUNCIL CHAMBERS, HAMILTON STREET, WALCHA ON
WEDNESDAY, 17 DECEMBER 2008 COMMENCING AT 1.04PM**

- c) Minutes of the Armidale Economic Development Committee Meeting held in Armidale on Wednesday, 3 December 2008. WI/08/6498

COMMITTEE OF THE WHOLE

122 **RESOLVED** on the Motion of Councillors Ferrier 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 it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

123 The Meeting resumed in **OPEN** Council on the Motion of Councillors Ferrier and Levingston.

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. COMPLAINT: WALCHA GOURMET MEATS WINT/08/2360

The Committee recommended on the Motion of Woods and Ferrier that Council advise Walcha Gourmet Meats that they are not to operate the game meat chiller until the noise reduction remediation work has taken place **FURTHER THAT** Council write to the complainant advising that at this stage there will be no further action on the possible pollution of the Apsley River due to the minimal level of contamination that could occur.

ADOPTION OF COMMITTEE OF THE WHOLE

124 **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 Wednesday, 17 December 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 4.45PM.