

**MINUTES OF THE ORDINARY MEETING OF THE WALCHA COUNCIL  
HELD IN THE COUNCIL CHAMBERS, HAMILTON STREET, WALCHA ON  
WEDNESDAY, 27 MAY 2009 COMMENCING AT 1.35PM**

**PRESENT:** Councillor WJ Heazlett (Chairman) Mayor, together with Councillors KW Ferrier, DJ Cross, L Levingston, JM Archdale, 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 29 APRIL 2009:**

177 **RESOLVED** on the Motion of Councillors Schmutter and Cross that the Minutes of the Ordinary Meeting of the Walcha Council held on Wednesday, 29 April 2009, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

**CONFIRMATION OF THE SPECIAL MEETING MINUTES OF THE  
WALCHA COUNCIL HELD ON 13 MAY 2009:**

178 **RESOLVED** on the Motion of Councillors Woods and Ferrier that the Minutes of the Special Meeting of the Walcha Council held on Wednesday, 13 May 2009, 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 2 – DA 103-2009 as her husband has an interest in a real estate agent that may be potentially marketing the sale of the subdivision.

Councillor Woods declared an interest in Late Report Number 2 – DA 103-2009 as her parents own an adjoining property.

**SENIOR OFFICERS' REPORTS**

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

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**1. NOMINATIONS FOR JOINT REGIONAL PLANNING PANELS**

**WINT/09/657**

180 **RESOLVED** on the Motion of Councillors Archdale and Ferrier that Council write to the local Member and make representations to the Shires Association protesting the continual erosion of Councillors involvement in the planning process.

181 **RESOLVED** on the Motion of Councillors Archdale and Schmutter that Council appoint two nominees, and an alternate, for the joint regional planning panels.

182 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council refer the selection of Council nominees for the Joint Regional Planning Panels to Committee of the Whole for the reason that personnel matters concerning particular individuals will be discussed.

**2. LIVESTOCK AND BULK CARRIERS ASSOCIATION – REGIONAL WORKSHOP**

**WINT/09/662**

183 **RESOLVED** on the Motion of Councillors Schmutter and Cross that Council seek information from the Roads & Traffic Authority for possible funding sources for the establishment and upgrading of rest areas within the Walcha shire.

**3. NEW ENGLAND DRAFT DEVELOPMENT STRATEGY**

**WINT/09/656**

184 **RESOLVED** on the Motion of Councillors Levingston and Thomson that Council adopt the New England Development Strategy (March 2009) subject to the proposed amendments detailed in this Report (ie zone changes) **FURTHER**: Council advise the Department of Planning of its decision and seek the Department's endorsement of the New England Development Strategy (March 2009) and the proposed amendments outlined in this Report.

**4. CLOSURE OF OXLEY DRIVE**

**WINT/09/664**

185 **RESOLVED** on the Motion of Councillors Archdale and Woods that Council:

1. Agree to the closure of Oxley Drive immediately east of the proposed 43 Lot rural residential subdivision.
2. Refer the closure to the Traffic Committee for consideration and advice.

**5. FUNDING AGREEMENT – MINISTRY OF TRANSPORT**

**WINT/09/655**

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

- Funding Agreement with the Ministry of Transport.

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

**6. COMMITTEE OF THE WHOLE REFERRALS – TENDERS FOR THE  
SUPPLY AND DELIVERY OF BULK FUEL, LUBRICANTS AND  
HEAVY PATCHING WORK**

**WINT/09/660**

187 **RESOLVED** on the Motion of Councillors Wood and Ferrier that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matters of tenders for supply and delivery of bulk fuel and lubricants and heavy patching work be referred to be discussed in Committee of the Whole for the reason that they relate to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**AFTERNOON TEA**

Council adjourned for afternoon tea at 3.00pm and resumed at 3.30pm.

**LATE REPORTS**

**1. MARCH 2009 QUARTERLY REVIEW OF MANAGEMENT PLAN &  
BUDGET**

**WINT/09/659**

188 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council **ADOPT** the March 2009 Quarterly Management Plan Review **FURTHER THAT** Council approve the variations in Income and Expenditure votes as detailed in the March 2009 Budget review.

**2. DEVELOPMENT APPLICATION 103-2009 – SUBDIVISION OF LAND,  
APPLICATION UNDER STATE ENVIRONMENTAL PLANNING  
POLICY (SEPP) NO.1 DEVELOPMENT STANDARDS**

**WINT/09/698**

Councillors Archdale and Woods left the Council Chambers and took no part in the debate.

189 **RESOLVED** on the Motion of Councillors Cross and Ferrier that

Council support the Request for a Variation in Development Standards under State Environmental Planning Policy No.1, to vary a development standard and not require a reticulated water supply system to the development.

**FURTHER THAT** Development Application No. 103-2009 lodged by Harrison Friedman & Associates Pty Ltd to subdivide Lot 3 DP 375312 into two allotments been Lot 1 comprising 26.29Ha and Lot 2 comprising the balance area of 154.4Ha be approved subject to the following conditions:

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1. The access road from Aberbaldie Road to the eastern boundary of the proposed Lot 1 shall be sealed. The pavement formation width shall be a minimum of 8.4 metres with a minimum sealed width of 6.0 metres for the first 20 metres. The remainder of the road shall have a formation width of 6.4 metres with a minimum sealed width of 4.0 metres.

The horizontal alignment of the access road shall be designed to ensure the retention of as many trees as possible.

2. The access road shall intersect with Aberbaldie Road at 90 degrees and shall be collocated with the existing access to Lot 1 DP 756502. This access shall be upgraded to provide an access designed in accordance with Austroads Part 5 Intersections at Grade.
3. Provision shall be made for bus stops on both sides of Aberbaldie Road as per the option shown in Figure 6.62 of the Austroads Part 5. A bus shelter will not be required.
4. The road and pavement design for the intersection with Aberbaldie Road and the access road to Lot 1 DP 113334 shall be in accordance with Austroads or other industry recognised standards providing a road alignment, drainage and pavement suitable for the design estimated vehicle movements. Plans demonstrating compliance with this requirement shall be lodged with Council for approval.
5. All bitumen sealed pavements shall be sealed with a minimum of two coats of bitumen and aggregate seal.

Note: Approval to proceed with any subdivision work will require the submission of road design plans, pavement design report, traffic management plans, specifications and/or any other supporting documentation that verifies that the above requirements have been properly addressed.

The environmental impact of any work may also need to be assessed.

It should also be noted that this is not an exhaustive, comprehensive statement of subdivision requirements and does not contain the full technical details required for all elements of the engineering work required. It will be the responsibility of the developer to engage appropriately qualified consultants and/or contractors to carry out the required designs and documentation and provide the full technical details.

6. Council will require certification from telecommunication and electricity providers confirming that satisfactory arrangements have been made for the provision of telecommunications and electricity services to the created lots.

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7. Any dwellings to be constructed on the created allotments are required to have water tank/s with a minimum 20000 litre capacity in addition to the Basix requirement and be fitted with Rural Fire Services approved connections.

An approved aerated wastewater treatment and irrigated system is to be installed and operated in accordance with AS 1546 and the Performance Standards as set out in clause 47 & 48 of the Local Government (General) Regulations for new dwellings.

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

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

**Against:** Nil.

**Absent:** Nil.

**Declared Interest:** Councillor Archdale and Councillor Woods.

Councillors Archdale and Woods returned to the Meeting.

**MATTERS OF URGENCY**

1. Upton Pastoral Company - request for consideration of the sealing of Baringa Road.

190 **RESOLVED** on the Motion of Councillors Ferrier and Archdale that Council consider the matter and it was also ruled as being urgent by the Chairperson.

191 **RESOLVED** on the Motion of Councillors Ferrier and Levingston that Council authorise the General Manager to discuss the possible funding options with the proponent with the objective of including it in the 2010/2011 financial year.

**WALCHA MANAGEMENT REVIEW REPORTS**

**WINT/09/473**

192 **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.

**Committee Reports:**

- a) Late Report – Minutes of the Walcha Traffic Committee Meeting held in Council Chambers, Hamilton Street, Walcha on Monday, 11 May 2009.

**WINT/09/634**

193 **RESOLVED** on the Motion of Councillors Woods and Schmutter that Council install a 50 kph zone in the village of Nowendoc.

194 **RESOLVED** on the Motion of Councillors Woods and Cross that Council:

1. Review the 45 degree angle parking in Walcha streets and remove it where it is not required.

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2. Investigate, in consultation with the Roads & Traffic Authority as per the Oxley Highway maintenance contract, the need for and funding of edge lines along the Oxley Highway within the town of Walcha.

195 **RESOLVED** on the Motion of Councillors Woods and Thomson that Council issue the following notice for B Double routes:

**ROAD TRANSPORT (GENERAL) ACT 2005**

**Notice under Clause 20 the Road Transport (Mass, Loading and Access) Regulation, 2005**

Walcha Council, in pursuance of Division 4 of Part 2 of the Road Transport (Mass, Loading, Access) Regulation 2005, by this Notice, specify the routes and areas on or in which *25 metre B-Doubles* may be used subject to any requirements or conditions set out in the Schedule.

Jack O'Hara  
General Manager  
Walcha Council  
(by delegation from the Minister for Roads)

Date: 3 June 2009

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**SCHEDULE**

**1. Citation**

This Notice may be cited as *Walcha Council 25 Metre B-Double* route Notice No 1/2009.

**2. Commencement**

This Notice takes effect on the date of gazettal.

**3. Effect**

This Notice remains in force until **30<sup>th</sup> September 2010** unless it is amended or repealed earlier.

**4. Application**

This Notice applies to those *25 metre B-Double* vehicles which comply with Schedule 1 of the Road Transport (Mass, Loading and Access) Regulation 2005 and Schedule 2 of the Road Transport (Vehicle Registration) Regulation 2007.

**5. Routes**

Type	Road No	Road Name	Starting Point	Finishing	Conditions
25		Walcha Council Area	All Regional and Local roads outside of the township of Walcha and within the Walcha Shire with the exception of:  Mackay Ave, Walcha Road All of the streets of Woolbrook Ashfield Road, Walcha Cells River Road, Yarrawitch Chinnocks Road, Walcha		

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			<p>East Lynne Road, Walcha  Glenroy Road, Walcha Road  Hartford Road, Walcha  Cowsby Road, Niangala  Kangaroo Flat Road, Yarrowitch north of the  ramp at "Mountain View"  Kilburnie Road, Walcha  Logie Road, Nowendoc  Mooraback Road, Yarrowitch  Niangala Road, from Macdonald River to  Oxley Highway, Walcha Road  Nuggety Gully Road, Nowendoc  Reedy Creek Road, Niangala  Sillwood Road, Walcha  Surveyors Creek Road across the McDonald  River  Tia Post Office Road, Walcha  Yarrobindi Road, Yarrowitch  Yarrowitch Church Road, Yarrowitch</p> <p>Walcha Township – within the township of  Walcha, access is permitted to the following  streets:</p> <p>Derby Street (MR73) – northern town limit to  Fitzroy Street (HW11)  Derby Street (SR7719) – Fitzroy Street  (HW11) to southern town limit  Fitzroy Street (HW11) – eastern town limit to  western town limit  Jamieson Street – Derby Street (MR73) to  Ohio Road  Pakington Street – Jamieson Street to  Plumbtree Street  Ohio Road – Jamieson Street to town limit  Emu Creek Road – Angle Street/Ohio Road to  town limit  North Street – Derby Street (MR73) west to  end of street  Towers Street – Fitzroy Street (HW11) to  100m north of North Street  Middle Street – Fitzroy Street (HW11) to  Jamieson Street</p>	
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196 **RESOLVED** on the Motion of Councillors Cross and Woods that Council:

1. Relocate the children's crossing over North Street at Walcha Central School to immediately east of Angle Street.

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2. Create a “No Stopping 8.30am to 9.30am 3.00pm to 4.00pm School Days” Zone on the northern side of North Street east from the Angle Street intersection to the “No Stopping” zone at the cul-de-sac.

It was **Moved** Councillor Ferrier **Seconded** Councillor Schmutter that Council:

1. Install reflectors on the bridge railings.
2. Totally remove the trees adjacent to the bridge.

An **Amendment** was **Moved** by Councillor Archdale **Seconded** Woods that Council:

1. Install reflectors on the bridge railings.
2. Remove overhanging vegetation adjacent to the bridge.

The Amendment was put to the vote and **CARRIED**.

197 It then became the substantive Motion and was subsequently **CARRIED**.

198 **RESOLVED** on the Motion of Councillors Woods and Ferrier that Council do not provide additional “Bus Route” signs on shire roads used by school buses.

**COMMITTEE OF THE WHOLE**

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

200 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. **Tender for the supply and delivery of Bulk Fuel and Lubricants - Tender T10910NESAC**

The Committee recommended on the Motion of Councillors Archdale and Cross that Council:

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1. Accept the tender of Campbells Fuels for the supply of bulk fuel for the period of 1 July 2009 to 30 June 2011.
  2. Accept all tenders for the supply of lubricants including the Enviro Lube for the period of 1 July 2009 to 30 June 2011.
  3. Make provision for a twelve month extension of these contracts based on satisfactory supplier performance.
- 2. Tender for Panel Contract for the supply and delivery of Heavy Patching Works**

The Committee Recommended on the Motion of Councillors Cross and Schmutter that Council accept the conforming tenders of Midcoast Road Services, Accurate Asphalt & Road Repairs Pty Ltd, and Tropic Asphalts Pty Ltd, as well as the non-conforming tender of Midcoast Road Services, for inclusion on the Heavy Patching Panel Contract 2009-2013.

- 3. Appointment of Council Representatives on the Joint Regional Planning Panels**

Councillor Thomson and Councillor Woods declared an interest in this matter, having relations as possible candidates for the Committee.

The Committee Recommended on the Motion of Councillors Ferrier and Archdale that Council authorise the General Manager to approach nominated community members to be Council's nominated appointees to the Joint Regional Planning Panel.

Councillors Woods and Thomson returned to the Committee Meeting.

**ADOPTION OF COMMITTEE OF THE WHOLE**

201 **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, 27 May 2009 be **ADOPTED** by Council.

- 1. Tender for the supply and delivery of Bulk Fuel and Lubricants - Tender T10910NESAC**

202 **RESOLVED** on the Motion of Councillors Ferrier and Levingston that Council:

1. Accept the tender of Campbells Fuels for the supply of bulk fuel for the period of 1 July 2009 to 30 June 2011.
2. Accept all tenders for the supply of lubricants including the Enviro Lube for the period of 1 July 2009 to 30 June 2011.

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3. Make provision for a twelve month extension of these contracts based on satisfactory supplier performance.
2. **Tender for Panel Contract for the supply and delivery of Heavy Patching Works**

203 **RESOLVED** on the Motion of Councillors Ferrier and Levingston that Council accept the conforming tenders of Midcoast Road Services, Accurate Asphalt & Road Repairs Pty Ltd, and Tropic Asphalts Pty Ltd, as well as the non-conforming tender of Midcoast Road Services, for inclusion on the Heavy Patching Panel Contract 2009-2013.

3. **Appointment of Council Representatives on the Joint Regional Planning Panels**

Councillor Thomson and Councillor Woods declared an interest in the third matter and left the Council Chambers. Both Councillors have relations as possible candidates for the Committee.

204 **RESOLVED** on the Motion of Councillors Archdale and Cross that Council authorise the General Manager to approach nominated community members to be Council's nominated appointees to the Joint Regional Planning Panel.

Councillor Thomson and Councillor Woods returned to the Council Chambers.

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 5.10PM.**