



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 24 April 2019

at

3:45pm

at

Walcha Council Chambers

PRESENT: Clr EH Noakes (Chairman) Mayor together with Councillors PR Blomfield, KW Ferrier, WJ Heazlett, JM Kealey, CM Lyon and RL Wellings.

IN ATTENDANCE: Mr JG O'Hara, General Manager, Mr DJM Reeves, Director – Engineering Services and Ms EIM Cumming, Contract Planner.

1. APOLOGIES:

145 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that the apology received from Clr Kermode, being on annual leave, be **ACCEPTED**.

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 24 APRIL 2019:

146 **RESOLVED** on the Motion of Councillors Ferrier and Wellings that the Minutes of the Ordinary Meeting held on Wednesday, 24 April 2019, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

3. BUSINESS ARISING

Nil.

4. DECLARATIONS OF INTEREST

Item: Late Report 1 – My Community Project – Sponsor of Applications

WO/2019/00859

Clr Ferrier declared a pecuniary interest in this matter as he is a Director of the Walcha Bowling Club.

Item: 12.1 – Request for Assistance – Walcha Senior & District Rugby League Club

WO/2019/00727

Clr Lyon declared a pecuniary interest in this matter due to being a sponsor of the Walcha Senior & District Rugby League Club and a member of the Walcha Rugby Union Club.

5. MAYORAL MINUTE

Nil.

6. SENIOR OFFICERS REPORT

147 **RESOLVED** on the Motion of Councillors Lyon and Kealey that the Senior Officers' Reports be **RECEIVED** for further consideration.

6.1 Draft Walcha Strategic Heritage Action Plan 2019 – 2029

WO/2019/00781

148 **RESOLVED** on the Motion of Councillors Kealey and Ferrier that Council:

1. Endorse the Draft Walcha Strategic Heritage Action Plan 2019-2029 (the Plan);
2. Place the plan on public exhibition for a period of 28 days;
3. Hold a Councillor Workshop after the exhibition period and prior to the Plan being adopted by Council; and
4. Following the exhibition, report the matter back to Council for consideration of submissions and any proposed changes to the Plan for adoption.

6.2 Draft Amendment Walcha Local Environmental Plan 2012

WO/2019/00823



- 149 **RESOLVED** on the Motion of Councillors Kealey and Heazlett that Council:
1. Adopt Amendment 1 to the *Walcha Local Environmental Plan 2012*.
 2. Delegate the General Manager to make *Walcha Local Environmental Plan 2012 Amendment 1* as per the provisions of the *Environmental Planning & Assessment Act 1979*.

Ms EIM Cumming, Contract Planner, left the Meeting at 4:10pm.

6.3 Draft Budget 2019 – 2020 WO/2019/00728

150 **RESOLVED** on the Motion of Councillors Ferrier and Lyon that the Draft Budget for the year 2019 – 2020 be **ADOPTED** by Council and placed on public exhibition for a period of 28 days **FURTHER THAT** the Budget be included in the annual Operational Plan **STILL FURTHER THAT** the Draft 2019 – 2020 Operational Plan be placed on public exhibition in accordance with the provisions of the Local Government Act 1993, Section 405(3).

6.4 Adoption of the new Model Code of Meeting Practice for Local Councils in NSW WO/2019/00719

151 **RESOLVED** on the Motion of Councillors Kealey and Ferrier that Council **ADOPT** the Walcha Council Draft Model Code of Meeting Practice as presented for Council.

6.5 Draft Dog Control Policy WO/2019/00777

152 **RESOLVED** on the Motion of Councillors Wellings and Lyon that Council **ENDORSE** the Draft Dog Policy **FURTHER THAT** allocate a budget of \$5,000 to provide the signage and off-leash areas.

**Public Order & Safety Policies
Draft Dog Control Policy**

Objective:

To educate the public on the correct use of all public areas associated within our town limits in regards to dogs. This policy will promote the off leash area whilst clarifying the Companion Animal Act 1998 requirements in public areas.

Scope

This policy applies at all times to:

- any resident of Walcha or persons visiting the Walcha Council area;*
- dog owners, carers or persons responsible for the control of a dog at any time.*
- All children's play areas, food preparation/consumption areas, school grounds, child care centres, recreational areas (including parks, sporting, public bathing), shopping and wildlife protection areas in each of the townships in the Walcha Council area.*

POLICY



This policy demonstrates Council's commitment to uphold the requirements of the Companion Animals Act 1998. In accordance with Part 3 Section 14 of the Act, dogs are prohibited in the following public areas:

- 1. within 10 metres of any children's play area.*
- 2. within 10 metres of any food preparation/consumption area (unless it is a public thoroughfare. ie: road, footpath or pathway), except cafes or restaurants whose owners permit dogs (not restricted or declared dangerous dogs) in their outdoor dining areas.*
- 3. School grounds.*
- 4. Child Care centres.*
- 5. Any recreation area, public bathing area, shopping area or wildlife protection area where dogs have been prohibited by Council and signage is displayed.*

In accordance with Part 3 Section 13(6) of the Act, there must at all times be at least one (1) public place in the area of a local authority that is an off-leash area. The leash area is defined and signposted at John Oxley Oval, Darjeeling Road, Walcha. This off-leash area is not to be used while public events are being held.

Exemptions:

- 1. A dog is not prohibited in a place that is a food preparation / consumption area if the place is a public thoroughfare (such as a road, footpath or pathway).*
- 2. A dog is not prohibited in a school ground or child care centre if it is there with the permission of the person controlling the school ground or child care centre.*
- 3. A dog is not prohibited in a place within a shopping area if it is there:*
 - a) in a vehicle that is secured in such a way as to prevent the dog from escaping from it,*
or
 - b) with the permission of the person controlling the place, or*
 - c) for the purpose of being taken to or from a pet shop, the premises of a veterinary practitioner or a similar establishment.*
- 4. A dog is not prohibited in any off-leash areas declared by Council.*
- 5. This policy does not apply to a dog being exhibited for show purposes, a police dog, a corrective services dog or a dog which is an assistance animal been used bona fide by a person with disability to assist the person.*

Pets in Public Places:

A dog that is in a public place must be under the effective control of some competent person by means of an adequate chain, leash or cord that is attached to the dog and that is being held by (or secured to) the person.

A dog is not considered to be under the effective control of a competent person if the person has more than 4 dogs under his or her control.

If you fail to comply with this requirement, you or if you are not present, the person in control of your dog, if s/he is aged 16 or over, may be liable for a maximum penalty of \$1,100 or \$11,000 in the case of a restricted dog, dangerous or menacing dog.

This requirement does not apply to a dog:



- ◆ *in an off-leash area (but only if the total number of dogs of which its owner has control does not exceed 4) or*
- ◆ *a dog engaged in droving, tending or working of stock or*
- ◆ *a dog being exhibited for show purposes or*
- ◆ *a dog participating in an obedience class, trial or exhibition or*
- ◆ *a police dog or*
- ◆ *a corrective services dog or*
- ◆ *a dog secured in a cage or vehicle or tethered to a fixed object or structure.*

All dog owners and controllers must remove all dog faeces that may be deposited by the dog under their control. Penalties apply if you don't.

Associated Legislation:

*Companion Animals Act 1998
Companion Animals Regulations 2018*

Responsibilities:

*General Manager is responsible for the overall control and implementation of this policy.
Directors & Managers – to ensure that any new or existing public areas as specified in the policy display the appropriate signage advising on the restriction of dogs.
Supervisors – to ensure that the Ranger has the training, support and equipment required to carry out inspections and enforcement of this policy.
Ranger – is responsible for the enforcement of this policy including educating the public on the details of the policy and the Act.
General Public – must act in accordance with this policy and any Orders posted at all times*

Review:

Environmental Services Manager – review every two years.

LATE REPORTS:

1. My Community Project – Sponsor of Applications WO/2019/00859

Clr Ferrier left the Meeting and took no part in the debate.

153 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council agree to be the Nominated Sponsor for the Walcha Bowling Club application under the *My Community Project*.

Clr Ferrier returned to the Meeting and was advised of the resolution.

154 **RESOLVED** on the Motion of Councillors Kealey and Lyon that Council agree to be the Nominated Sponsor for the Walcha Ex-Services Memorial Club application under the *My Community Project*.



7. NOTICE OF MOTION

Nil.

8. MATTERS OF URGENCY

Clr Kealey raised the matter of purchasing additional accommodation as a matter of urgency.

155 **RESOLVED** on the Motion of Councillors Kealey and Lyon that the matter of possible purchase of additional accommodation be discussed as a matter of urgency.

The Chairman declared the matter a Matter of Urgency.

156 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council authorise the General Manager to investigate purchasing an additional dwelling.

9. MANAGEMENT REVIEW REPORTS

WO/2017/

157 **RESOLVED** on the Motion of Councillors Lyon and Wellings that Council write to Ian Notley of Ete Services Pty Ltd thanking him for his donation of the lights for Walcha Oval.

158 **RESOLVED** on the Motion of Councillors Lyon and Wellings that items included in the Management Review Report, numbered 9.1 to 9.16 inclusive, be **NOTED** by Council.

10. COMMITTEE REPORTS

10.1 Minutes of the Rural Women's Gathering Committee Meeting held in Council Chambers, Hamilton Street, Walcha on Monday, 11 March 2019.

WI/2019/04081.

10.2 Minutes of the Walcha Council Youth Advisory Committee Meeting held at Walcha Central School on Tuesday, 26 March 2019. WO/2019/00612

10.3 Minutes of the Walcha Council Aboriginal Advisory Committee Meeting held in Council Chambers, Hamilton Street, Walcha on Thursday, 28 March 2019. WO/2019/00626

4.1 Welcome to Country

159 **RESOLVED** on the Motion of Councillors Lyon and Wellings that at Council functions where a *Welcome to Country* is included in the program Council liaise with the Amaroo Local Aboriginal Land Council to ensure a suitable person performs the *Welcome to Country* and protocols are followed appropriately.

10.4 Minutes of the Walcha Council Community Care Meeting held at the Community Care Office, Middle Street, Walcha on Monday, 8 April 2019.

WO/2019/00726



10.5 Minutes of the Walcha Council Audit, Risk & Improvement Committee Meeting held in the Council Chambers, Hamilton Street, Walcha on Tuesday, 9 April 2019. WO/2019/00750

11. DELEGATE REPORTS

11.1 Minutes of the New England Tablelands (Noxious Plants) County Council Meeting held at the Armidale Office, Rusden Street, Armidale on Tuesday,

19 February 2019. WI/2019/02358

11.2 Minutes of the Walcha & District Historical Society Inc Meeting held in the Caretakers Cottage at the Museum on Saturday, 23 February 2019.

WI/2019/03478

11.3 Minutes of the New England Bush Fire Management Committee Meeting held at the New England Fire Control Centre on Tuesday, 5 March 2019.

WI/2019/03555

11.4 Delegate Report from Clr Heazlett of the Walcha & District Historical Society Inc Meeting held at the Caretakers Cottage at the Museum on Saturday, 23 March 2019. WO/2019/00652

12. COMMITTEE OF THE WHOLE

Committee of the Whole Referral – Request for Assistance by Walcha Senior & District Rugby League Club AND Installation of Relocatable Site Office at Depot WO/2019/000822

160 **RESOLVED** on the Motion of Councillors Lyon and Kealey that, in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993, the matter of Request for Assistance by Walcha Senior & District Rugby League Club AND Installation of Relocatable Site Office at Depot 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.

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

162 The Meeting resumed in **OPEN** Council on the Motion of Councillors Lyon and Heazlett.

PRESENT: Present and IN Attendance were the same as listed in the Minutes of the Ordinary Meeting with the exception of the press and the public.



The Mayor reported whilst in Committee of the Whole the following matters were discussed:

- 12.1 Request for Assistance – Walcha Senior & District Rugby League Club
WO/2019/00727
- 12.2 Installation of Relocatable Site Office at Depot WINT/2019/02321

ADOPTION OF COMMITTEE OF THE WHOLE

- 12.1 Request for Assistance – Walcha Senior & District Rugby League Club
WO/2019/00727

Clr Lyon left the Meeting and took no part in the debate of this matter.

163 **RESOLVED** on the Motion of Councillors Kealey and Heazlett that Council contribute one third of the cost to the purchase and installation of the new Public Address System at Walcha Oval which would be the amount of \$3,488 resolution.

- 12.2 Installation of Relocatable Site Office at Depot WINT/2019/02321

164 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that Council authorise the reallocation of \$47,339 from current depot improvement funds to fund the purchase and installation of a transportable site office at the Walcha Depot.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 6:10PM.