



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 28 August 2013

at

12.45 pm

at

Walcha Council Chambers

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

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

1. APOLOGIES:

NIL

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON 31 JULY 2013:

21 **RESOLVED** on the Motion of Councillors Levingston and Heazlett that the Minutes of the Ordinary Meeting held on Wednesday, 31 July 2013, 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

**7.1 Walcha Races – Local Public Holidays or Local Event Day
WO/2013/01164**

Councillor Ferrier declared an interest as he is an executive of the Jockey Club.

**7.8 Committee of the Whole Referral – Woolbrook Sawmill –
Commencement of Legal Proceedings WINT/2013/01425**

Councillor Woods declared an interest in this matter as her father previously had an interest in the Sawmill.

5. MAYORAL MINUTE

Nil.

6. RECISSION MOTION

22 **RESOLVED** on the motion of Councillors Schmutter, Lyon and Heazlett to rescind Motion Number 10 2013/2014 in relation to proposed improvements to the Aboriginal section of the Walcha Cemetery.

23 **RESOLVED** on the motion of Councillors Schmutter and Lyon that the plan for improvements to the Aboriginal section of the Walcha Cemetery be referred back to the Aboriginal Community for comment with a meeting to be chaired by the Mayor. The plan will then be referred to the Arts Council and the Ministers Fraternal prior to submissions to Council.

7. SENIOR OFFICERS REPORT

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



7.1 2014 Walcha Races – Local Public Holidays or Local Event Day
WO/2013/01164

Councillor Ferrier declared an interest and left the Chambers and took no part in the debate.

25 **RESOLVED** on the Motion of Councillors Schmutter and Lyon that Council propose a Part Day Public Holiday, from 12 noon to 6pm, for the Walcha Races 2014 and invite the community to submit comments on this option before the September 2013 Ordinary Council Meeting.

Councillor Ferrier returned to the Meeting and was informed of Council’s decision.

7.2 DRAFT Swimming Pool Inspection Program **WO/2013/01421**

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

1. That the information provided in the report be noted.
2. That the enclosed draft swimming pools inspection program is placed on public exhibition for 28 days and submissions be invited from the public.
3. That following the period of public exhibition and consideration of any submissions received, the draft swimming pools inspection program be reported back to Council for further consideration.

7.3 NSW Biosecurity Strategy 2013-2021 **WO/2013/01385**

27 **RESOLVED** on the Motion of Councillors Heazlett and Schmutter that Council write to the Minister through our local Member to express the concerns of Council with the NSW Biosecurity Strategy.

Councillor Woods recorded her vote against the motion.

7.4 Bus Stop Funding **WO/2013/01383**

It was **MOVED** by Councillor Heazlett **Seconded** Councillor Levingston that Council:

1. Accepts Roads and Maritime Services funding of \$25,000 for projects under the 2013/14 Road Safety & Traffic Management Program.
2. Match these funds using existing funding provided in 2013/14 for Thunderbolts Way and Local Sealed Rural Roads.

An **AMENDMENT** was **MOVED** Councillor Thomson **Seconded** Councillor Schmutter that Council only accepts Roads and Maritime Service funding for \$10,000 to construct school bus stop and widen road shoulders at “Invergowrie” under the 2013/14 Road Safety & Traffic Management Program and carry out the Invergowrie project with the \$10,000 Council funding coming from existing funding for Thunderbolts Way.



The Amendment on being put to the **VOTE** was **LOST**.

Councillor Heazlett withdrew the original motion.

It was **MOVED** by Councillor Heazlett and **Seconded** Councillor Levingston that Council:

1. Accepts Roads and Maritime Services funding of \$7,500 to construct school bus stop and widen road shoulders at “Dumby Downs” under the 2013/14 Road Safety & Traffic Management Program.
2. Accepts \$10,000 to construct school bus stop and widen road shoulders at “Invergowrie” under the 2013/14 Road Safety & Traffic Management Program.
3. Match these funds using existing funding provided in 2013/14 for Thunderbolts Way and Local Sealed Rural Roads.

On being put to the **VOTE** the motion was **LOST**.

7.5 Pecuniary Interest Returns for the Period 1 July 2012 to 30 June 2013
WO/2013/01389

28 **RESOLVED** on the Motion of Councillors Ferrier and Thomson that Council formally records that the Ordinary Returns of Pecuniary Interest required to be submitted by Councillors, the General Manager and Designated Staff, for the period 1 July 2012 to 30 June 2013 have been submitted as required and have been tabled in accordance with the provisions of Section 450A of the Local Government Act, 1993.

7.6 Review of Donations Policy **WO/2013/01417**

29 **RESOLVED** on the Motion of Councillors Schmutter and Levingston that Council adopt the policy as tabled.

ADMINISTRATION
DONATIONS POLICY



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

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

Category 4

An annual donation of \$5,000 will be made to the Tamworth Branch of the Westpac Rescue Helicopter Service.

Category 5

An annual contribution be made to assist with the running costs of the Community Halls. The amount to be set in conjunction with the annual operating plan.

Approved Organisations

*Woolbrook Hall Committee
Yarrowitch Hall Committee
Nowendoc Hall Committee
Niangala Hall Committee
Walcha Multipurpose Hall Committee*

Category 6

A pool of funds for Junior Sporting Development will be provided annually with the amount to be determined in conjunction with the annual operating plan. Grant funds will only be made available to defray the cost of providing coaches and/or instructors. Preference shall be given to coaching clinics where the participants contribute to the cost. Grant funds shall not be provided for ongoing programs and must be spent within 12 months. Grant funds shall not be provided for clinics that are already completed. Funds will be made available for coaching clinics held for the benefit of the children of Walcha ratepayers. Application for funding will be advertised annually.

Category 7

A pool of funds to assist the outlying schools with the cost of transporting students to Walcha will be provided annually with the amount to be determined in conjunction with the annual operating plan

Approved Schools

*Woolbrook School
Yarrowitch Hall School
Nowendoc Hall School
Niangala School*



Category 8

A contribution will be made annually to pay Niangala Hall & Walcha Anglican Church Hall hire fees for the families attending the Gubi Gabun Children's Mobile Service early childhood program.

Category 9

Council will meet the cost of transporting the Life Education Van and the admittance fee for every child

Approved Schools

- Walcha Central School*
- St Patrick's Primary School*
- Woolbrook Public School*
- Niangala Public School*
- Nowendoc Public School*
- Yarrowitch Public School*

Category 10

An annual contribution be made to assist with the maintenance costs of the Walcha Showgrounds. The amount to be set in conjunction with the annual operating plan

Category 11

Donations to other Organisations shall only be made by specific Resolution of Council. The General Manager shall determine what applications shall be reported to Council for consideration based on the following considerations:

- ❖ *The organisation must be based in Walcha or be able to demonstrate that it provides benefit to the Walcha Community.*
- ❖ *The ability of the organisation to raise their own funds*

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 August, 1997 - Minute No. 49/97.*
- Amended Council Meeting 28 August, 2013 - Minute No. 29/13.*

7.7 Committee of the Whole Referral – Namoi Councils Meeting Minutes including Tender for Panel of Conduct Reviewers WO/2013/01379

30 **RESOLVED** on the Motion of Councillors Heazlett and Thomson that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of Namoi Councils Meeting Minutes which includes Tenders for a Panel of Conduct Reviewers 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.



7.8 Committee of the Whole Referral – Woolbrook Sawmill Commencement of Legal Proceedings **WO/2013/01425**

31 **RESOLVED** on the Motion of Councillors Heazlett and Thomson that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of Woolbrook Sawmill Commencement of Legal Action which contains advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

7.9 Review of Payment of Expenses and Provision of Facilities for Councillors & Staff Policy for Adoption **WO/2013/01422**

32 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that Council **ADOPT** the “Payment of Expenses and the Provision of Facilities for Mayors, Councillors & Staff” Policy as presented.

LATE REPORT

1. Strategic Direction of Council **WO/2013/01437**

The Report was **NOTED** by Council.

8. MATTERS OF URGENCY

Councillor Lyon requested the following items be considered as matters of urgency.

1. McHattan Park Toilets Upgrade

33 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that the matters be considered.

The Chairperson ruled the matter as a Matter of Urgency.

34 **RESOLVED** on the motion of Councillor Lyon and Ferrier that Council carry out the refurbishment of the ladies and men’s toilets conjointly and appropriate signage be displayed.

9. MANAGEMENT REVIEW REPORTS **WO/2013/01108**

35 **RESOLVED** on the Motion of Councillors Thomson and Levingston that items included in the Management Review Report, numbered 1 to 9 inclusive, be **NOTED** by Council.



10. COMMITTEE REPORTS

Nil.

11. DELEGATE REPORTS

11.1 Minutes of the Ordinary Meeting of Namoi Councils held on Thursday, 8 August 2013 at Gunnedah Shire Council Chambers WI/2013/04765

11.2 Minutes of the Walcha Traffic Committee Meeting held in the Walcha Council Chambers on Thursday, 15 August 2013 WO/2013/01394

36 **RESOLVED** on the Motion of Councillors Schmutter and Ferrier that Council create a “No Stopping” zone in front of the Walcha Fire Station to ensure that access to and from the Station is not impeded.

37 **RESOLVED** on the Motion of Councillors Schmutter and Lyons that Council remove the rear-to-kerb parking in the 90 degree angle parking area located in Croudace Street north of the Bowling Club.

11.3 Minutes of the Uralla Shire Council Tablelands Community Transport Advisory Committee Meeting held on Tuesday, 18 June 2013 WI/2013/04774

11.4 Minutes of the Meeting of the Namoi Water Alliance Technical Advisory Committee held on Wednesday, 10 July 2013 WI/2013/0518

12. COMMITTEE OF THE WHOLE

38 **RESOLVED** on the Motion of Councillors Schmutter 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

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 the press and the public.



ADOPTION OF COMMITTEE OF THE WHOLE

12.1 Minutes of the Namoi Councils Meeting held at Gunnedah Shire Council Chambers on Thursday, 8 August 2013 WINT/2013/04765

40 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that in relation to the Minutes of the Namoi Councils Meeting that the Shared Panel of Conduct Reviewers as outlined in the Namoi Councils minutes be **ACCEPTED**.

12.2 Woolbrook Sawmill DW & GE & PJ Bailey Commencement of Legal Proceedings.

Councillor Woods declared an interest and left the Chambers and took no part in the debate.

41 **RESOLVED** on the Motion of Councillors Schmutter and Ferrier that Council commence legal proceedings to have all timber waste removed from Lots 159, 160, 161 and 162 in DP 753846 on premises known as the Woolbrook Sawmill.

Councillor Woods returned to the meeting and was informed of the Committees decision.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 2:30PM.