



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 18 December 2019

at

4:02pm

at

Walcha Council Chambers

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

IN ATTENDANCE: Mrs AD Moddero – General Manager, Mrs LJ Latham – Environmental Services Manager, Mr DJM Reeves – Director - Engineering Services, Mrs RA Strobel – Chief Financial Officer and Mrs EL Hobbs – Executive Assistant.

1. APOLOGIES:

Nil.

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 27 NOVEMBER 2019:

90 **RESOLVED** on the Motion of Councillors Kealey and Lyon that the Minutes of the Ordinary Meeting held on Wednesday, 27 November 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 7.2: Program to Transition to Solar Power for Council Premises

WINT/2019/06915

Item 7.3: Proposed Truck Wash Facility Operating Model WINT/2019/06968

The General Manager declared a conflict of interest and potential pecuniary interest as her spouse has an interest in a new company being formed with the owners of Australian Water Machines, where Australian Water Machines may potentially be a Supplier to Walcha Council.

5. MAYORAL MINUTE

Nil.

CHANGE OF ORDER

91 **RESOLVED** on the Motion of Councillors Kealey and Ferrier that the Order of Business be altered so that the Closed Council is discussed before Senior Officers' Reports.

7. CLOSED COUNCIL

7A Referral to Closed Council – Tender for the Supply and Delivery of Hardware REGPRO791920 WO/2019/03102

92 **RESOLVED** on the Motion of Councillors Kealey and Heazlett that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of Tender for the Supply and Delivery of Hardware REGPRO791920 be referred to be discussed in a Closed Council and close the meeting to the public for the reasons that the reports 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.

7B Referral to Closed Council – Program to Transition to Solar Power for Council Premises WO/2019/03105

93 **RESOLVED** on the Motion of Councillors Kealey and Heazlett that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of Program to Transition to Solar Power for Council Premises be referred



to be discussed in Closed Council and close the meeting to the public for the reasons that the reports 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.

7C Referral to Closed Council – Proposed Truck Wash Facility Operating Model WO/2019/03106

94 **RESOLVED** on the Motion of Councillors Kealey and Heazlett that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of Proposed Truck Wash Facility Operating Model be referred to be discussed in Closed Council and close the meeting to the public for the reasons that the reports 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.

7D Referral to Closed Council – Access Walcha Baths & Purchase of Equipment for the Summer of 2019-2020 WO/2019/03126

95 **RESOLVED** on the Motion of Councillors Kealey and Heazlett that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of Access Walcha Baths & Purchase of Equipment for the Summer of 2019-2020 be referred to be discussed in Closed Council and close the meeting to the public for the reasons that the reports 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.

LATE REPORT Referral to Closed Council – Tender Review for tier 4 compliant Engines

96 **RESOLVED** on the Motion of Councillors Kealey and Heazlett that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of Tender Review for Tier 4 Compliant Engines be referred to be discussed in Closed Council and close the meeting to the public for the reasons that the reports 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.

IN: 4:05pm

97 **RESOLVED** on the Motion of Councillors Heazlett and Wellings that Council resolve into Closed Council and that the press and public be excluded from the entire proceedings of the Meeting of the Closed Council 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.

OUT: 5:45



98 The Meeting resumed in **OPEN** Council on the Motion of Councillors Lyon and Wellings.

The Mayor reported whilst in Closed Council 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.

**7.1 Tender for the Supply and Delivery of Hardware REGPRO791920
WINT/2019/06915**

The Committee **RECOMMENDED** on the Motion of Councillors Lyon and Kermode that Council:

1. **ACCEPT** the Tenders submitted by Bunnings Group Ltd, J Blackwood & Son Pty Ltd and Specialty Fasteners commencing 1 January 2020 through December 2022; and
2. **ACCEPT** that a provision will be allowed for a 12 month extension be awarded based on satisfactory performance, concluding 31 December 2023.

**7.2 Program to Transition to Solar Power for Council Premises
WINT/2019/06493**

The General Manager declared an interest in this matter and item 7.3 and left the Meeting.

The Committee **RECOMMENDED** on the Motion of Councillor Kealey and Wellings that the Preschool Transition to Solar Project with three quotes be presented at the February 2020 Council Meeting.

7.3 Proposed Truck Wash Facility Operation Model WINT/2019/06968

The Committee **RECOMMENDED** on the Motion of Councillors Kealey and Lyon that Council request the Environmental Services Manager seek independent legal advice on the implications of the declared Conflict of Interest of the General Manager in relation to this matter.

Clr Heazlett recorded his **VOTE AGAINST** this Recommendation.

The Committee **RECOMMENDED** on the Motion of Councillors Lyon and Kealey that Council compile a report to come back to Council outlining the lease agreement and ownership of neighbouring land potentially impacted by the project.

The General Manager returned to the Chambers and was informed of the Recommendations.

**7.4 Access to Baths and Purchase of Equipment during Summer Season 2019 –
2020
WO/2019/03086**



The Committee **RECOMMENDED** on the Motion of Councillors Lyon and Ferrier that Council reimburse season ticket holders 50% of their season ticket in Walcha dollars and that the Walcha Pool is FREE for the rest of the Season.

The Committee **RECOMMENDED** on the Motion of Councillors Kealey and Wellings that Council apply for the \$10,000 grant to purchase the water inflatable and if unsuccessful, Council will cover the costs from the General Fund.

LATE REPORT – Tender Review for Tier 4 Compliant Engines

The Committee **RECOMMENDED** on the Motion of Councillors Heazlett and Blomfield that Council **ACCEPT** the Tender for the Motor Grader John Deere with a Tier 3 engine.

The Committee **RECOMMENDED** on the Motion of Councillors Kermode and Lyon that Council **ACCEPT** the Tender for the CJD Volvo Excavator Tier 3 engine.

ADOPTION OF CLOSED COUNCIL

99 **RESOLVED** on the Motion of Councillors Lyon and Kermode that the Report and Recommendations of the Meeting of the Walcha Council Closed Council held on Wednesday, 18 December 2019 be **ADOPTED** by Council.

6. SENIOR OFFICERS REPORT

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

6.1 Development Application 10.2019.66 161 Oxley Drive, Walcha – Convert Shed to a Detached Dual Occupancy WO/2019/03046

101 **RESOLVED** on the Motion of Councillors Lyon and Ferrier That Council approve Development Application 10.2019.66 to convert a shed to a detached dual occupancy dwelling at 161 Oxley Drive, Walcha, as per the development conditions listed within the Development Assessment Report.

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

For: Councillors: Blomfield, Ferrier, Heazlett, Kealey, Kermode, Lyon, Noakes and Wellings.

Against: Nil.

Absent: Nil.

Declared Interest: Nil.

6.2 Walcha Development Control Plan Dual Occupancy Provisions

WO/2019/03052



102 **RESOLVED** on the Motion of Councillors Lyon and Kermode that Council amend the Walcha Development Control Plan 2019 by changing the minimum site area per dwelling control for R5 zoned to be:

- a) Dwellings – 1 dwelling/Minimum Lot Size
- b) Dual Occupancies – 1 dwelling/Minimum Lot Size

6.3 Draft Fraud and Corruption Prevention Policy WO/2019/02990

103 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council:

- 1. Endorse the public exhibition of the Draft Fraud and Corruption Prevention Policy for a period of 28 days; and
- 2. **ADOPT** the Draft Fraud and Corruption Prevention Policy as presented subject to no submissions received during the exhibition period.

6.4 Draft Walcha Community Participation Plan WO/2019/02884

104 **RESOLVED** on the Motion of Councillors Kermode and Heazlett that Council:

- 1. Endorse the public exhibition of the Draft Walcha Community Participation Plan for a period of 28 days; and
- 2. Send the Draft Plan to NSW Department of Planning, Industry and Environment for comment during the public exhibition period; and
- 3. Following the public exhibition period, if feedback is received, request a further report on the feedback and any amendments to the Draft Plan for consideration and adoption by Council; and
- 4. Following the public exhibition period, if no feedback is received, **ADOPT** the Draft Plan as presented.

6.5 Draft Councillor Induction & Professional Development Policy WO/2019/03085

105 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council:

- 1. Exhibit the Draft Councillor Induction and Professional Development Policy for a period of 28 days; and
- 2. **ADOPT** the Draft Councillor Induction and Professional Development Policy as presented subject to no submissions received during the exhibition period.

6.6 Pathway to Abolish Wards within Walcha Local Government Area WO/2019/03072

106 **RESOLVED** on the Motion of Councillors Lyon and Kermode that this item be **WITHDRAWN** due to additional information required.

6.7 Adoption of Preschool Fees for 2020 WO/2019/03079

106 **RESOLVED** on the Motion of Councillors Ferrier and Lyon that Council **ADOPT** the 2020 Preschool Fees below, as advertised.

Transition (Penguin) Room – 4 year olds

Full Fee \$15.00



ATSI \$ 5.00
HCC \$ 5.00

Preschool (Polar Bear) Room – (3 year olds – turning 4 after 31st July)

Full Fee \$23.00
ATSI \$ 5.00
HCC \$ 5.00

3rd or 4th day \$32.00 per day
Extended hours \$6.00 per half hour
Late Fee \$25.00 per occurrence
Enrolment Fee \$30.00 per year

6.8 Namoi Unlimited 2018 – 2019 Reports WO/2019/03083

- 107 **RESOLVED** on the Motion of Councillors Wellings and Ferrier that Council:
1. NOTE the 2018-2019 Annual Performance Report from Namoi Unlimited.
 2. NOTE the 2019-2019 Namoi Unlimited – Advocacy and Leadership Register_v2.2.

8. NOTICE OF MOTION

8.1 Notice of Motion 13: Christmas Decoration Program WO/2019/03088

It was **MOVED** Councillor Wellings that Council support the proposed budget of \$25,000 from the General Fund to go towards a customised Christmas Decoration Program for 2020.

The Motion **FAILED** to get a **Seconder** and therefore **LAPSED**

108 **RESOLVED** on the Motion of Councillors Lyon and Wellings that Council consider a report to February 2020 Council Meeting with a design, concept and scope of the Christmas Decoration Program and if endorsed by Council then the Proposal is to be considered for a budget in the 2020 – 2021 Budget.

9. MATTERS OF URGENCY

Nil.

10. MANAGEMENT REVIEW REPORT WO/2019/03023

109 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that items included in the Management Review Report, numbered 10.1 to 10.17 inclusive, be **NOTED** by Council.

11. COMMITTEE REPORTS

11.1 Minutes of the Preschool Advisory Committee Meeting held at the Walcha Preschool on Monday, 25 November 2019. WO/2019/03012



5.1 Polices for Review

110 **RESOLVED** on the Motion of Councillors Lyon and Wellings that the Preschool Policies are **ADOPTED** as presented.

1.1 Preschool Bus Service

111 **RESOLVED** on the Motion of Councillors Wellings and Kermode that Council approve a new fee for the bus service in 2020 of \$3.00 per trip (\$6.00 per day).

11.2 Minutes of the Youth Advisory Committee Meeting held at the Walcha Central School Library on Tuesday, 3 December 2019. WO/2019/03033

12. DELEGATE REPORTS

12.1 Delegates Report from Clr WJ Heazlett from the NSW Public Libraries Association 2019 Conference held at Penrith on Tuesday – Thursday, 19 – 21 November 2019. WO/2019/03092

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 6:18PM