



## ORDINARY MEETING OF COUNCIL

held on

Wednesday, 15 February 2017

at

4.00pm

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:** Mr JG O'Hara, General Manager, Mr DJM Reeves, Director – Engineering Services, and Mrs LJ Latham, Environmental Services Manager.

### **1. APOLOGIES:**

Nil.

MINUTES



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**2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON 14 DECEMBER 2016:**

108 **RESOLVED** on the Motion of Councillors Ferrier and Kermode that the Minutes of the Ordinary Meeting held on Wednesday, 14 December 2016, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

**CONFIRMATION OF THE EXTRA ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 11 JANUARY 2017:**

109 **RESOLVED** on the Motion of Councillors Kealey and Ferrier that the Minutes of the Extra Ordinary Meeting held on Wednesday, 11 January 2017, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

**3. BUSINESS ARISING**

Minute 91/20162017 – Pandora Rehabilitation and Impact from Adjacent Trees WO/2016/02064

It was **MOVED** Clr Blomfield Seconded Clr Kealey that Council postpone the removal of the trees until alternative solutions are investigated by the Director – Engineering Services.

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

**4. DECLARATIONS OF INTEREST**

Nil.

**5. MAYORAL MINUTE**

Nil.

**6. SENIOR OFFICERS REPORT**

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

**6.1 Draft Community Strategic Plan – Walcha 2027 WO/2017/00148**

111 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that Council in accordance with the provisions of the Local Government Act 1993, and the Integrated Planning & Reporting Framework Council place the Draft Community Strategic Plan – Walcha 2027 on public exhibition for a period of 35 days inviting public submissions until Friday, 24 March 2017.



**6.2 Livestock Loading Scheme**

**WO/2017/00133**

112 **RESOLVED** on the Motion of Councillors Lyon and Kermode that Council authorise the General Manager to provide consent to the Roads & Maritime Services for Livestock Loading Scheme Vehicles to access Council’s Local Roads.

**6.3 Draft Roadside Vegetation Policy**

**WO/2017/00134**

113 **RESOLVED** on the Motion of Councillors Ferrier and Heazlett that Council **ADOPT** the Roadside Vegetation Policy as presented.

**TRANSPORT & COMMUNICATIONS POLICIES**  
**Roadside Vegetation Policy**



**Objective**

To ensure the provision of an efficient, safe and environmentally aware road reserve that aims to protect the road users, the environment and the staff that work within it.

**Policy**

This policy aims to ensure clarity when Council is undertaking activities within road and other infrastructure reserves, public land and private lands. In addition to Councils activities, this policy aims to clarify the requirements of the public when their work borders Council or public land.

**Road Reserves:**

Council, under the Roads Act 1993 is the “Roads Authority”. The Roads Authority has a duty of care to ensure that risks are managed appropriately within the road reserve, this includes vegetation. Section 88 of the Roads Act, a powerful excerpt states that:

*“A Roads Authority may, despite any other Act or Law to the contrary, remove or lop any tree or other vegetation that is on or overhanging a public road if, in its opinion, it is necessary to do so for the purpose of carrying out road work or removing a traffic hazard”.*

While this is a powerful piece of legislation, it is important that the decision point regarding the opinion of the Road Authority is recorded. All Council staff should ensure that the appropriate approval is gained prior to removing any mature vegetation (greater than ten years of age). An approval called “Walcha Council Environmental Sign Off” should always be produced and filed appropriately when removing mature vegetation.

**Private Land Owners Clearing Adjacent to Council Land:**

The Native Vegetation Act Division 2 has a series of “Permitted Activities” in which are all concerned with farming. Of most importance is Routine Agriculture Management Activities (RAMAs). RAMAs permit a landholder to conduct a specified amount of clearing around important infrastructure, as follows for Boundary Fences:

<b><i>Northern Tableland Local Land Services Guidelines, Properties over 10 Hectares</i></b>	
Permanent Boundary Fence	10 metres either side (With approval from neighbours)
<b><i>Northern Tableland Local Land Services Guidelines, Properties Under 10 Hectares</i></b>	
Permanent Boundary Fence	6 metres either side (With approval from neighbours)



It is important to note that approval must be sought from the neighbouring landowner. When a property boundaries the road reserve, permission from Council must be sought by the landowner prior to commencing work. With a growing emphasis on preserving native vegetation within the road reserve, 10 metres is considered an excessive amount of clearing. For the purpose of general enquiries, the following clearing limits are enforced.

<i>Walcha Council Permitted Clearing, Properties over 10 Hectares</i>	
Permanent Boundary Fence	5 metres either side

<i>Northern Tableland Local Land Services Guidelines, Properties Under 10 Hectares</i>	
Permanent Boundary Fence	2 metres either side

It is important to note that, on occasions more clearing than the above stated distances will be required. In order to gain permission to clear further than three metres into a Council road reserve, the landowner must request an inspection by a Council Staff member, with further clearing to be at the discretion of the Director – Engineering Services.

Other Council Existing Infrastructure:

The State Environmental Planning Policy (Infrastructure) 2007, has provisions for other Council infrastructure such as underground utilities. Other existing Council Infrastructure including but not limited to water, sewer and stormwater mains, footpaths and sporting complexes are managed in the same manner as stated in Road Reserves, an internal approval is required prior to removing mature vegetation.

New Construction Works:

New construction works, particularly when constructing on greenfield sites will always require a Review of Environmental Factors (REF). Works cannot proceed until an REF has been completed and reviewed by the Director – Engineering Services. This work is not covered within this Policy.

**Policy Review**

**The Policy may be amended at any time and must reviewed at least twelve months since its adoption (or latest amendment).**



**6.4 Walcha Tourism Advisory Committee Membership WO/2017/00146**

114 **RESOLVED** on the Motion of Councillors Lyon and Kermode that Council the revised Walcha Council Tourism Advisory Committee Roles and Structure **FURTHER THAT** the current members be endorsed by Council **STILL FURTHER THAT** Council advertise for citizen representatives for the current vacancies.



**6.5 Delivery Program Six Monthly Review 2013/2014 – 2016/2017**

**WO/2017/00115**

115 **RESOLVED** on the Motion of Councillors Ferrier and Lyon that in accordance with the provisions of the Local Government Act, 1993, Council adopt the Delivery Program 2013/2014 – 2016/2017 December 2016 Six Monthly Review.

**6.6 Adopt Community Engagement Strategy**

**WO/2017/00078**

116 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that Council **ADOPT** the Community Engagement Strategy as presented as per the Integrated Planning and Reporting legislation.

**LATE REPORTS:**

**1. Quarterly Review of 2016/2017 Budget as at December 2016**

**WO/2017/00112**

117 **RESOLVED** on the Motion of Councillors Ferrier and Kealey that Council **ADOPT** the December 2016 Quarterly Budget Review Statements **FURTHER THAT** Council approve the variations in Income and Expenditure votes as detailed.

**2. Committee of the Whole Referral – Intention to Enforce Order under Inclosed Lands Protection Act 1901 – Walcha Oval, Skate Park & Captain Cook Park**

**WO/2017/00269**

118 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that, in accordance with the provisions of Section 10 of the Local Government Act, 1992, the matter of Intention to enforce Order under Inclosed Lands Protection Act 1901, be referred to be discussed in Committee of the Whole for the reason that it could affect the security of Council property.

**COMMITTEE OF THE WHOLE**

119 **RESOLVED** on the Motion of Councillors Kealey and Kermode 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 could affect the security of Council property.

120 The Meeting resumed in **OPEN** Council on the Motion of Councillors Ferrier and Blomfield.

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.

**2.1 Intention to Enforce Order under Inclosed Lands Protection Act 1901 – Walcha Oval, Skate Park & Captain Cook Park WINT/2017/00376**

The Committee **RECOMMENDED** on the Motion of Ferrier and Kermode that Council delegate authority to the General Manager to issue the Order under the *Inclosed Lands Protection Act 1901* on the identified individual to prohibit him from entering Council premises known as Walcha Oval, Skate Park and Captain Cook Park for a period of three months.

**ADOPTION OF COMMITTEE OF THE WHOLE**

121 **RESOLVED** on the Motion of Councillors Heazlett and Kermode that the Report and Recommendations of the Meeting of the Walcha Council Committee of the Whole held on Wednesday, 15 February 2017 be **ADOPTED** by Council.

Councillor Lyon recorded his **VOTE AGAINST** the Motion.

The Chairman publicly declared the recommendations passed by the Committee whilst in Committee of the Whole.

**7. NOTICE OF MOTION**

Nil.

**8. MATTERS OF URGENCY**

Clr Ferrier raised the matter of the membership of the Festival Committee.

122 **RESOLVED** on the Motion of Councillors Blomfield and Kealey that consideration of the matter of Membership of the Festival Committee be made as a matter of urgency.

123 **RESOLVED** on the Motion of Councillors Kealey and Lyon that the Tourism Officer be added to the structure of the committee.

**9. MANAGEMENT REVIEW REPORTS** **WO/2017/00078**

124 **RESOLVED** on the Motion of Councillors Lyon and Kealey that items included in the Management Review Report, numbered 1 to 17 inclusive, be **NOTED** by Council.



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## **10. COMMITTEE REPORTS**

### **10.1 Minutes of the Walcha Town & District Beautification & Tidy Towns Committee Meeting held on Wednesday, 21 December 2017. WO/2017/00152**

#### **4.1.1 Rural Fire Service Building – Oxley Highway**

125 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council liaise with the Rural Fire Service regarding the state of the building, encouraging a new paint job, with the colour to be determined by the Rural Fire Service and Council.

#### **4.1.2 Walcha Hospital – Concrete Retaining Wall**

126 **RESOLVED** on the Motion of Councillors Lyon and Wellings that the state of the concrete retaining wall at the Walcha Hospital be addressed, in consultation with the hospital, suggesting hedges or shrubs, **FURTHER THAT** the dead trees be removed and replaced in consultation with the Walcha Hospital.

#### **4.1.3 Angle Street Aboretum**

127 **RESOLVED** on the Motion of Councillors Lyon and Blomfield that Council slash the Angle Street Aboretum more frequently.

#### **4.1.5. Sempill Crescent**

128 **RESOLVED** on the Motion of Councillors Lyon and Wellings that the trees at Sempill Crescent be removed and replaced with appropriate trees to be determined by the Urban Works Supervisor.

#### **4.1.7 Ohio North Park Area**

129 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that Council prepare a budget allocation to place a BBQ, plant trees, install seats and tables, plant hedging along the northern fence and improve the condition of the turning circle.

#### **4.1.8 Derby Street near the inspection with Hill Street**

130 **RESOLVED** on the Motion of Councillors Lyon and Wellings that a budget item be prepared to extend the existing rock wall in order to remove the need to mow the steep embankment.

#### **4.1.10 McHattan Park**

131 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council improve the state of the garden in front of McHattan Park toilets by removing any weeds and planting a range of colourful species in the garden bed.



4.1.11 Nivison Fountain

132 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that Council budget for a number of treatments to the Nivison Fountain located on Oxley Highway, including a barrier around the rocks, investigate the possibility of installing a mesh barrier to prevent drownings and to investigate the quality of the current pump and the possibility of replacement **FURTHER THAT** Council write to the Roads & Maritime Services regarding the possibility of installing a safety rail on the Oxley Highway Bridge.

4.2 Garden Competition Awards

133 **RESOLVED** on the Motion of Councillors Lyon and Blomfield that the Garden Competition Awards be conducted in Autumn and Spring only **FURTHER THAT** the judging to be conducted in May for the Autumn Award and November for the Spring Award.

4.3 Long Term Tree Plan for Walcha

134 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that the Long Term Tree Plan be for four years.

4.6 Pots on Derby Street

135 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council make contact with the business owners to determine which businesses would like to retain and maintain the pots directly in front of their business and those that would like Council to remove them.

4.7 Additional Item – Community Garden

Council **NOTED** the Report and referred it back to the Committee.

**11. DELEGATE REPORTS**

Nil.

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 5:05PM.**