



## ORDINARY MEETING OF COUNCIL

held on

Wednesday, 26 June 2019

at

2:05pm

at

Walcha Council Chambers

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

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

**1. LEAVE OF ABSENCE:**

194 **RESOLVED** on the Motion of Councillors Heazlett and Wellings that Leave of Absence be granted to Councillor Lyon, due to business commitments, and Councillor Kealey, due to family commitments.

MINUTES



**2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 29 MAY 2019:**

195 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that the Minutes of the Ordinary Meeting held on Wednesday, 29 May 2019, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record with the alteration of Minute 193 to record Councillor Lyon voting **AGAINST** this Motion.

**3. BUSINESS ARISING**

Nil.

**4. DECLARATIONS OF INTEREST**

Item 6.2 – Development Application 10.2019.44 – Freak Festival WO/2019/01361  
Councillor Ferrier declared a pecuniary interest in this item due to being a Officer Bearer on the Walcha Jockey Club.

**5. MAYORAL MINUTE**

As the Local Government Act 1993 was amended in August 2016 to include that Councillors have a responsibility “to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a Councillors,” Local Government NSW has setup an online portal to self assess individual Councillors level of skill. This is called the *PD IN A BOX*, (personal development in a box) and is available online. Hopefully all Councillors will have a copy of this by now. Council has a responsibility to offer courses to assist in this process.

Recently Walcha has run an Audit and Risk Improvement Course and Uralla the Code of Conduct Course. The collaborative approach between Councils to these opportunities, and being held locally eases the cost burden while providing enough participants to promote debate.

Council must also list in its’ Annual Report it’s expenditure and Councillor participation in these programmes. There is a list of courses that are available and the General Manager is willing to organising ones that Councillors feel they are deficient in.

Participation in these courses can only make us more productive community representatives.

196 **RESOLVED** on the Motion of Mayor Noakes that the Mayoral Minute be **NOTED**.

**6. SENIOR OFFICERS REPORT**

197 **RESOLVED** on the Motion of Councillors Heazlett and Wellings that the Senior Officers’ Reports be **RECEIVED** for further consideration.



**6.1 Development Application 10.2019.45 – D Ludwig – Breeding Kennels  
WO/2019/01362**

198 **RESOLVED** on the Motion of Councillors Heazlett and Wellings that Council approve the Development Application 10.2019.45 for Dog Breeding Kennels on Lot 19 DP 5142 being 34 Berman Street, Woolbrook subject to the conditions within the Development Assessment Report which are:

1. The proposed development is to be carried out strictly in accordance with the details set out on the application form and any other supporting information submitted with the application.

**Note:** Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the *Environmental Planning & Assessment Act, 1979* for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development application will have to be submitted to Council.

2. The breeding operation is to comply with the NSW Industry & Investment *Animal Welfare Code of Practice – Breeding dogs and cats* at all time.
3. An annual vet audit as per the Australian Association of Pet Breeders standards is to be carried out, with the results being forwarded to Council.
4. All dog waste to be collected on a daily basis and composted or disposed of at a licenced landfill on a frequency of 1 per week in summer and 1 per fortnight in winter.
5. Appropriate shelters and automatic water stations are to be provided for all animals and is to be located in all kennel areas.
6. A maximum of 6 breeding bitches, 3 breeding males and 3 litters of puppies are to be located onsite at any one time.
7. Shade cloth screening is to be erected along the dog run fence against the adjoining property.
8. Further landscaping is to be planted, including advanced species along the boundary between the two adjoining properties. This is to screen the neighbouring dwelling from the dog runs.

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

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

**Against:** Nil.

**Absent:** Kealey and Lyon.

**Declared Interest:** Nil.

**6.2 Development Application 10.2019.44 – Freak Festival WO/2019/01361**  
Clr Ferrier left the Meeting and took no part in the debate.



199 **RESOLVED** on the Motion of Councillors Kermode and Wellings that Council APPROVE Development Application 10.2019.44 being Lot 7016 DP 94120, Lot 543 DP 75602 being the Walcha Racecourse and Lot 8 DP 1167213 being John Oxley Oval and Lot 41 DP 1130075 being McHattan Park and Lots 410, 411, 412 and 413 DP 756502 and Lot 3 DP 1210503 being Bergen-Op-Zoom for a festival subject to the conditions of consent within the Development Assessment Report which are:

1. The proposed development is to be carried out strictly in accordance with the details set out on the application form and any other information submitted with the application.

**Note:** Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the *Environmental Planning & Assessment Act, 1979* for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development application will have to be submitted to Council.

## 2. Staging Detail

- a) This approval is a staged development with deferred commencement for each stage. The staging details would consist of:
  - Stage 1 – Festival to be held on 15 – 17 November 2019
  - Stage 2 – Festival to be held on (date to be confirmed) 2020
  - Stage 3 – Festival to be held on (date to be confirmed) 2021
- b) Stage 2 & 3 may only proceed after a debriefing session has been completed with all stakeholders at the end of each festival, and any issues arising have been addressed in the relevant Management Plans relating to the next stage.

## 3. Plans of Management

- a) The following Plans of Management are to be prepared, submitted to and approved by Council a minimum of 4 weeks prior to each festival commencing:
  - Operational Plan
  - Traffic Management Plan
  - Emergency Management Plan
  - Waste Management Plan
  - Food Strategy & Safe Handling
  - Communication Plan
  - Drug & Alcohol Management Plan
  - Security Plan
- b) These Plans are to detail the finer detail for all operational matters.
- c) The Emergency, Drug & Alcohol, and Security Plan will require the additional signoff of relevant emergency services prior to submission to Council for approval.



**4. Land Reinstatement**

At the end of each festival, all areas of the festival footprint, as far as practicable, will be restored to the condition in which it was before the commencement of each festival.

**5. Signage**

- a) All external and internal signage is to be installed in such a manor as to not cause a public danger.
- b) All signage is to be removed at the end of each festival.
- c) Signage is to be provided clearly marking the location of potable water.
- d) Signage is to be installed in the glamping area, clearly marking the water is bore water.
- e) A pick up and set down point is to be clearly marked for all busses, taxis and private vehicles is to be clearly signposted.
- f) A grey water disposal point is to be clearly indicated and signposted.
- g) All emergency service facilities are to be clearly signposted and marked on the Event Map.

**6. Pedestrian Safety**

- a) Pedestrian safety is to be ensured at all times.
- b) Pedestrian safety lanes are to be provided as required.

**7. Camping**

- a) A site plan is to be prepared clearly marking and numbering each site camp site.
- b) Each site is to be clearly marked, individually numbered, outlined and signposted.
- c) A register is to be kept of all occupants.
- d) A plan is to be provided for each event clearly marking Emergency Service Vehicle access through and around the camping area.
- e) No generators are to be utilised onsite.

**8. Vehicle Management**

- a) All vehicles are to be managed onsite and offsite.
- b) Access is to be clearly marked and maintained for all emergency service vehicles.
- c) A pick up and set down point is to be clearly marked for all busses, taxis and private vehicles.
- d) All vehicles are to be allowed on the septic tanks or trench areas.

**9. Water**

- a) Potable water is to be made available during the event.
- b) Provision is to be made for fire fighting during each event.



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- c) Any taps that lead to a non potable water supply are to be marked accordingly.

#### **10.Sewer**

- a) Suitable amenities are to be made available onsite.
- b) The existing septic tanks are to be pumped out, before, during and after each festival.
- c) Clear and suitable access is to be provided for the septic pump out service.
- d) A grey water disposal point is to be provided onsite.

#### **11.Waste**

- a) A recycling service is to be provided onsite.
- b) A separate garbage and recycling bay is to be provided for the storage of uncollected garbage and recycling. Provision is to be made to prevent access by the general public and it is to have a suitable safe access for collection services.
- c) All garbage and recycling is to be collected on a daily basis.

#### **12.Security & Emergency Services**

- a) Security is to be provided onsite 24 hours a day.
- b) Provision is to be made for suitable fire fighting service for each festival, onsite 24 hours a day.
- c) A clear emergency route is to be clearly marked and maintained through and around the perimeter of all events and facilities for each festival.

#### **13.Food**

- a) All food services are to comply with the provisions of the NSW Food Authority and all relevant food standards.
- b) A food shop inspection on each food stall will be carried out on the day before the festival commencement from 3:30pm. The cost of these inspections will be invoiced directly to and will be the responsibility of the Festival Organiser.
- c) Each food stall is to ensure that it has the relevant Food Safety Supervisor Certificate displayed.

#### **14.Rides**

- a) An inspection will be carried out on each amusement ride on the day before the festival commencement from 3:30pm. The cost of these inspections will be invoiced directly to and will be the responsibility of the Festival Organiser.
- b) Each amusement ride is to ensure that it has the relevant WorkCover Registration onsite.



**15. Wheelies & Stoppies**

- a) Any damage to Darjeeling Road surface is to be reinstated at the cost of the Festival Organiser, to the satisfaction of the Council.

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

**For:** Councillors: Noakes, Blomfield, Heazlett, Kermode and Wellings.

**Against:** Nil.

**Absent:** Kealey and Lyon.

**Declared Interest:** Ferrier.

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

**6.3 Development Application 10.2019.47 – John Oxley Oval Primitive Camping Ground WO/2019/01360**

200 **RESOLVED** on the Motion of Councillors Ferrier and Wellings that Council:

- a) Approve Development Application 10.2019.47 being Lot 8 DP 1167213 John Oxley Sports Field for primitive camping subject to the following conditions of consent contained within the Development Assessment:

1. The proposed development is to be carried out strictly in accordance with the details set out on the application form and any other information submitted with the application.

**Note:** Any proposal to modify the terms or conditions of this consent, whilst still maintaining substantially the same development to that approved, will require the submission of a formal application under Section 4.55 of the *Environmental Planning & Assessment Act, 1979* for Council's consideration. If amendments to the design result in the development not remaining substantially the same as that approved by this consent, a new development application will have to be submitted to Council.

2. There is to be no camping on the sports fields.
3. There is to be no parking outside of the grounds. All parking is to be contained within the camping area.
4. Each event is to have a site plan clearly marking and numbering each site.
5. Each site is to be clearly marked, individually numbered, outline and signposted.
6. A plan is to be provided for each event clearly marking Emergency Service Vehicle access through and around the camping area.
7. A register is to be kept of all occupants by booking group.
8. The entry and exit location, and bus and taxi pick up and set down point, is to be approved per event.
9. Signage is to be erected on ground in a clear location, indicating the nearest RV Dump point.



10. A grey water disposal point is to be clearly indicated and signposted for each event.
  11. Potable water is to be provided onsite, and is to be clearly signposted.
  12. Provision is to be made for fire fighting during each event.
  13. Pedestrian safety lanes are to be provided as required.
  14. Security is to be provided onsite 24 hours a day.
  15. An application is to be made under Section 68 of the *Local Government Act, 1993* for a primitive camping ground.
- b) Given delegation to the General Manager to prepare a commercial agreement tailored as per the individual requirements of each event, to be utilised for each event booking.

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

**For:** Councillors: Noakes, Blomfield, Ferrier, Heazlett, Kermodé and Wellings.

**Against:** Nil.

**Absent:** Kealey and Lyon.

**Declared Interest:** Nil.

#### 6.4 Draft Walcha Strategic Heritage Action Plan 2019 – 2029

WO/2019/01347

- 201 **RESOLVED** on the Motion of Councillors Ferrier and Wellings that Council:
1. **ADOPT** the Draft Walcha Strategic Heritage Action Plan (2019-2029); and
  2. Send an expression of appreciation to NSW Office of Environment & Heritage for the grant funding and acknowledgement of the quality of the future strategic direction the Walcha Strategic Heritage Action Plan (2019-2029) present stakeholders within the Walcha Local Government Area.

#### 6.5 Adoption of Draft 2019 – 2020 Operational Plan including 2019 -2020 Budget, Fees & Charges and Rates & Charges

WO/2019/01421

202 **RESOLVED** on the Motion of Councillors Blomfield and Wellings that in accordance with the provisions of Section 405 and 406 of the *Local Government Act 1993* Council **ADOPT** the 2019 – 2020 Draft Operational Plan which includes the 2019 – 2020 Revenue Policy and 2019 – 2020 Fees & Charges.

203 **RESOLVED** on the Motion of Councillors Blomfield and Wellings that in accordance with Section 494 of the *Local Government Act 1993*, Council make and levy the Rates and Charges for 2019 – 2020 for the General, Water and Sewerage Funds, and Waste Management Charges as detailed in the Report **FURTHER THAT** the General Manager be authorised to arrange for the preparation and the service of the 2019 – 2020 rate notices.





**6.6 Local Government NSW Annual Conference WO/2019/01357**  
204 **RESOLVED** on the Motion of Councillors Kermode and Heazlett that the Mayor and the General Manager attend the Local Government NSW Annual Conference.

**6.7 Water Fund 2018 – 2019 Income Budget WO/2019/01421**  
205 **RESOLVED** on the Motion of Councillors Kermode and Wellings that the Report be **NOTED**.

**6.8 Audio Webcasting of Council Meetings WO/2019/01426**  
206 **RESOLVED** on the Motion of Councillors Kermode and Wellings that Council delays making a decision to install an audio recording system until the Office of Local Government Consultation is complete and distributed.

**6.9 Depot Stocktake as at 28 May 2019 WO/2019/01431**  
207 **RESOLVED** on the Motion of Councillors Wellings and Heazlett that stock value adjustments totalling \$362.95 write on be made to inventory items detailed in the schedule.

**7. NOTICE OF MOTION**

**7.1 Notice of Motion Number 11 – Christmas in July WO/2019/01436**  
208 **RESOLVED** on the Motion of Mayor Noakes that Council provide a budget allocation of \$2,000 from Working Funds for a *Christmas in July* function to thank all staff for their efforts over the previous twelve months.

**7.2 Notice of Motion Number 12 – Walcha Lions Park WO/2019/01449**  
209 **RESOLVED** on the Motion of Councillors Wellings and Kermode that the General Manager investigate the cost of engaging an architect to redesign the Lions Park playground and toilet block and report back to Council at the next meeting.

**8. MATTERS OF URGENCY**

**Golf Club Request for Council to be Sponsor for *My Community Project* Funding**  
The Chairperson declared this matter a Matter of Urgency.

210 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that the matter of Council being the Sponsor for the Walcha Golf Club Limited Project under the *My Community Projects* Funding be considered as a matter of urgency.

211 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that Council **AGREE** to be the Sponsor for the Walcha Golf Club Limited Project application under the *My Community Projects* Funding.



**9. MANAGEMENT REVIEW REPORTS**

**WO/2019/01311**

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

**10. COMMITTEE REPORTS**

Nil.

**Afternoon Tea**

The Meeting adjourned at 3:30pm for afternoon tea and reconvened at 4:00pm.

**11. DELEGATE REPORTS**

**11.1 Clr Heazlett Delegates Report from New England Zone NSW Public Libraries Meeting held in Armidale on Thursday, 30 May 2019.**

**WO/2019/01490**

**11.2 New England Bush Fire Management Committee Meeting Minutes held at the New England Fire Control Centre Armidale on Tuesday, 21 May 2019.**

**WI/2019/06130**

**11.3 Minutes of the Country Mayors Association Meeting held at Parliament House, Sydney on Friday, 31 May 2019.**

**WI/2019/06625**

**12. COMMITTEE OF THE WHOLE**

**12.1 Referral to Committee of the Whole – Doubtful Debts to be Written Off**  
**WO/2019/01437**

213 **RESOLVED** on the Motion of Councillors Kermode and Heazlett that, in accordance with the provisions of Section 10 of the *Local Government Act, 1993*, the matters of Doubtful Debts to be Written Off be referred to be discussed in Committee of the Whole and close the Meeting to the public for the reason that the report relates to the personal hardship of any resident or ratepayer.

**12.2 Referral to Committee of the Whole – Truck Signage Promotion and Truck Wash Bay Tender**  
**WO/2019/01459**

214 **RESOLVED** on the Motion of Councillors Kermode and Heazlett that, in accordance with the provisions of Section 10 of the *Local Government Act, 1993*, the matters of Truck Signage Promotion and Truck Wash Bay Tender be referred to be discussed in Committee of the Whole and close the Meeting to the public for the reason 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.



**12.3 Referral to Committee of the Whole – Serious Breach of Privacy**

**WO/2019/01457**

215 **RESOLVED** on the Motion of Councillors Kermode and Heazlett that, in accordance with the provisions of Section 10 of the *Local Government Act, 1993*, the matter of Serious Breach of Privacy be referred to be discussed in Committee of the Whole and close the Meeting to the public for the reason that the report relates to personal matters concerning particular individuals (other than Councillors).

216 **RESOLVED** on the Motion of Councillors Wellings 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 a report relates to the personal hardship of a resident or ratepayer; two 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; and a report relates to personal matters concerning particular individuals (other than Councillors).

217 The Meeting resumed in **OPEN** Council on the Motion of Councillors Kermode 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.

**2.1 Write off Bad Debts** **WINT/2019/03597**

The Committee **RECOMMENDED** on the Motion of Ferrier and Blomfield that Council write-off the balance of the accounts listed within the Report.

**2.2 Truck Signage Promotion** **WINT/2019/03608**

The Committee **RECOMMENDED** on the Motion of Kermode and Wellings that Council place a sign on one of the hard sided truck owned by Rob Dale and the matter be referred back to Council's Tourism Advisory 355 Committee to design a suitable logo.

**2.3 Serious Breach of Privacy** **WINT/2019/03453**

The Committee **RECOMMENDED** on the Motion of Kermode and Wellings that Council **NOTE** the Report.



**2.4 Tender for the Construction of the Walcha Truck Wash Bay**

**WINT/2019/03680**

The Committee **RECOMMENDED** on the Motion of Wellings and Kermode that Council authorise the General Manager to award the Construction of the Walcha Truck Wash Bay Tender to JTM Earthmoving Pty Ltd **FURTHER THAT** allocate \$150,480 from Council's Infrastructure Reserve for expenditure within the 2019-2020 Financial Year.

**ADOPTION OF COMMITTEE OF THE WHOLE**

218 **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, 26 June 2019 be **ADOPTED** by Council.

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

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 4:45PM.**