



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 24 June 2020

at

3:47pm

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 – Director Environment & Development and Mr PR Murray – Director Infrastructure.

1. LEAVE OF ABSENCE:

Nil.

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 27 MAY 2020:

175 **RESOLVED** on the Motion of Councillors Heazlett and Ferrier that the Minutes of the Ordinary Meeting held on Wednesday, 27 May 2020, 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 7.3 – Walcha Community Gym Construction Tender WAL-2019-009 Update WINT/2020/03178

Clr Lyon declared a non-significant and non-pecuniary interest in this matter that does not require further action due to the fact that his son works as an apprentice tradesman for one of the companies that tendered for this project.

5. MAYORAL MINUTE

Nil.

6. SENIOR OFFICERS REPORT

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

6.1 Electricity Easement Creation for Walcha Truck Wash WO/2020/01967

177 **RESOLVED** on the Motion of Councillors Kermode and Kealey that Council:

1. Resolve that Proposal 1 be accepted as the best required option for the required power supply works to the Walcha Truck Wash over Lots 7031 DP 1058953 and Lot 556 DP 756502;
2. A complimentary easement be obtained by way of acquisition over Lot 7031 DP 1058953 as per the *Local Government Act 1993* to benefit Essential Energy;
3. An application be made to NSW Crown Lands for the acquisition of the easement;
4. Consultation be undertaken as per the advice of NSW Crown Lands;
5. A Native Title Search be carried out on Lot 7031 DP 1058953;
6. If there are no objections raised during the consultation period, delegation be given to the General Manager to complete the acquisition as per the advice of the NSW Office of Local Government.

6.2 Bushfire Recovery

WO/2020/01948

Motion:

It was **MOVED** Clr Ferrier Seconded Clr Kealey that Council:



1. Note the information contained in this report.
2. Waive all regulatory and associated fees under the Environmental Planning & Assessment Act 1979 and Local Government Act 1993, for the repair and replacement of dwellings and their ancillary development affected by a natural disaster.
3. Notes the funding allocation table reserves an amount of \$40,000 from the available Bushfire Recovery Funding for the purpose of implementing recommendation No.2.
4. Advertises the above-mentioned fees for public exhibition for 28 days as required under section 705 of the Local Government Act 1993 and seeks public submissions on the proposed amendments to the fees.
5. Requests the Director Environment and Development to prepare a further report to Council after the 28 days of public exhibition in the event of Council receiving submissions objecting to the proposed amendments to the building approval and inspection fees; otherwise the proposed amendments to the fees and charges are to be incorporated into Council's 2020-2021 Fees and Charges.

Amendment:

An **Amendment** was **MOVED** Clr Lyon that Council:

1. Note the information contained in this report.
2. Waive all regulatory and associated fees under the Environmental Planning & Assessment Act 1979 and Local Government Act 1993, for the repair and replacement of dwellings and their ancillary development affected by a natural disaster to a limit of \$20,000 with the funds to be sourced from General Fund and Local Land Services unpaid fees.
3. Advertises the above-mentioned fees for public exhibition for 28 days as required under section 705 of the Local Government Act 1993 and seeks public submissions on the proposed amendments to the fees.
4. Requests the Director Environment and Development to prepare a further report to Council after the 28 days of public exhibition in the event of Council receiving submissions objecting to the proposed amendments to the building approval and inspection fees; otherwise the proposed amendments to the fees and charges are to be incorporated into Council's 2020-2021 Fees and Charges.

The **Amendment FAILED** to get a **SECONDER**.

178 The **Original Motion** was put to the **VOTE** and **CARRIED**.

6.3 Fees & Charges and Budget 2020

WO/2020/02004

179 **RESOLVED** on the Motion of Councillors Wellings and Kealey that Council:

1. **EXTEND** the adopted 2019-2020 Fees & Charges to 31 July 2020;



2. **ADOPT** a Temporary Budget for July 2020 of \$1,234,003 for Operating Expenses;
3. **ADOPT** a Temporary Budget for July 2020 of \$617,613 for Capital Expenses; and
4. **REPLACE** these Temporary Budgets with the Annual 2020 – 2021 Budget when it is **ADOPTED** in July 2020.

6.4 Namoi Unlimited Values Report 2019-2020 WO/2020/01972
180 **RESOLVED** on the Motion of Councillors Lyon and Wellings that Council **NOTE** the Report.

7. CLOSED COUNCIL

7A Referral to Closed Council – Walcha Motorcycle Rally Committee Membership and Walcha Preschool Advisory Committee Membership WO/2020/01967

181 **RESOLVED** on the Motion of Councillors Kermode and Kealey that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matters of Walcha Motorcycle Rally Committee Community Nomination AND Walcha Preschool Advisory Committee Parent Nominations be referred to be discussed in Closed Council and close the meeting to the public for the reasons that the reports relate to personnel matters concerning particular individuals (other than Councillors).

7B Referral to Closed Council – Bushfire Recovery Funding Tender Evaluation AND Bushfire Recovery Funding Update AND Walcha Community Gym Update WO/2020/01977

182 **RESOLVED** on the Motion of Councillors Kermode and Kealey that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matters of Bushfire Recovery Funding Tender Evaluation AND Bushfire Recovery Funding Update AND Walcha Community Gym Update be referred to be discussed in Closed Council 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.

183 **RESOLVED** on the Motion of Councillors Kealey 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 reasons that the reports relate to personnel matters concerning particular individuals (other than Councillors) AND to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



184 The Meeting resumed in **OPEN** Council on the Motion of Kealey and Heazlett.

The Chairman publicly declared the resolutions passed by the Council whilst in Closed Council.

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 Bushfire Recovery Funding Tender Evaluation RFT-2020-001
WINT/2020/03077

CC: 43/201920 **RESOLVED** on the Motion of Councillors Kealey and Blomfield that Council:

1. **ADOPT** the Tender for Rehabilitation of Three Road Segments from Stabilised Pavements Australia for \$658,707.86; and
2. **ADOPT** the total budget allocation for this project nominated in Table 3 of this report, inclusive of all project management and contingency.

7.2 Bushfire Recovery Funding Program Update **WINT/2020/03206**

CC: 44/201920 **RESOLVED** on the Motion of Councillors Wellings and Kermode that Council:

1. **ADOPT** the estimated expenditure noted for Projects 4 and 5 in Table 1 in the body of this report regarding priority roadworks on Chinnocks Road and Nuggety Gully Road inclusive of all project management and contingency; and
2. **NOTE** the remaining funding value that is yet to be allocated.

7.3. Walcha Community Gym Construction Tender WAL-2019-009 Update
WINT/2020/03178

Clr Lyon declared a non-significant and non-pecuniary interest in this matter that does not require further action due to the fact that his son works as an apprentice tradesman for one of the companies that tendered for this project.

CC: 45/201920 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that Council:

1. **NOTE** that in accordance with the *NSW Local Government Regulation 2005* (“Regulation”), the following work is being undertaken in relation to the WAL-2019-009 Walcha Community Gym:
 - a. In accordance with Regulation clause 178(3)(e), Council has entered into negotiations with the preferred supplier with a view to entering into a contract in relation to the subject matter of the tender;
 - b. In accordance with Regulation clause 178(4)(a), Council has not decided to invite fresh tenders or applications as referred to in 178(3)(b)-(d) as there were a high number of quality tender submissions received (8 in total) from



- the original open tender with a mix of local and regional based suppliers lodging submissions; and
- c. In accordance with Regulation clause 178(4)(b), Council considers it reasonable to enter into negotiations with the preferred tenderer noting the result of the sensitivity analysis completed as part of the tender evaluation process identified the same preferred tenderer for all scenarios modelled, with an adequate margin to the second placed tenderer in every scenario.
2. **NOTE** that a door connecting the gym to the pool grassed area will not be incorporated into the final design for the Walcha Community Gym.

7.4 355 Committee – Walcha Motorcycle Rally Committee Membership Nomination WINT/2020/03094

CC: 46/201920 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that Council:

- Appoint Brad Keable as the fifth Community Member to the Walcha Motorcycle Rally Committee; and
- Amend the Membership of the Committee to: One Councillor, the Director Community & Tourism, the Tourism Manager, the Tourism Officer and 3-5 Community Members.

7.5 Walcha Preschool Advisory Committee Parent Membership Nominations WINT/2020/03185

CC: 47/201920 **RESOLVED** on the Motion of Councillors Wellings and Lyon that Council appoint Sean Pendleton to the Walcha Preschool Advisory Committee **FURTHER THAT** Council write to the other two applicants thanking them for their interest in joining the Committee.

8. NOTICES OF MOTION

8.1 Notice of Motion No.: 15: Funding Source for Walcha Waste Strategy – Clr Noakes WO/2020/01958

185 **RESOLVED** on the Motion of Councillors Noakes and Lyon that:

1. Council fund the Walcha Future Waste Strategy development with funding from the Waste Fund; and
2. The General Fund loan this amount to the Waste Fund as there are insufficient funds in the Waste Fund to cover the cost; and
3. The loan be shown as an Internal Restriction of negative \$45,000, to be paid back when the Waste Fund has sufficient available funding, as resolved by Council following the completion of any financial year.

8.2 Notice of Motion No.: 16: Community Infrastructure Projects & 355 Committees Projects and Procedure – Clr Lyon WO/2020/01996

186 **RESOLVED** on the Motion of Councillors Lyon and Wellings that all Community Infrastructure Projects within the budget categories “Housing and



Community Amenities” and “Recreation and Culture” and all Section 355 Committee Projects be referred to Council through a Project Scope document, for approval of design, concept and budget.

8.3 Notice of Motion No.: 18: Notification to Council on Overruns on Budget Allocations on Projects – Clr Lyon WO/2020/02007

Motion:

It was **MOVED** Clr Lyon Seconded Clr Wellings that Council be notified of a potential cost overrun before the budgeted allocation including any contingency is exceeded on community infrastructure projects within the categories of “Housing and Community Amenities” and “Recreation and Culture”.

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

9. MATTERS OF URGENCY

Nil.

10. MANAGEMENT REVIEW REPORTS

10.1 Office of the General Manager WO/2020/01988

187 **RESOLVED** on the Motion of Councillors Kealey and Lyon that items included in the Office of General Manager Management Review Report, numbered 10.1.1 to 10.1.3 inclusive, be **NOTED** by Council.

10.2 Infrastructure WO/2020/01993

188 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that items included in the Infrastructure Management Review Report, numbered 10.2.1 to 10.2.3 inclusive, be **NOTED** by Council.

10.3 Environment & Development WO/2020/01992

189 **RESOLVED** on the Motion of Councillors Kermode and Kealey that items included in the Environmental & Development Management Review Report, numbered 10.3.1 to 10.3.3 inclusive, be **NOTED** by Council.

10.4 Community & Tourism WO/2020/01842

190 **RESOLVED** on the Motion of Councillors Lyon and Kealey that items included in the Community & Tourism Management Review Report, numbered 10.4.1 to 10.4.4 inclusive, be **NOTED** by Council.

11. COMMITTEE REPORTS

11.1 Minutes of the Walcha Motorcycle Rally Committee Meeting held in the Council Chambers, 2W Hamilton Street, Walcha on Thursday, 11 June 2020. WO/2020/1927



191 **RESOLVED** on the Motion of Councillors Kealey and Heazlett that Council endorse a component of the \$70,000 grant funding (maximum of \$7,000) be used for casual or contract assistance to Council staff in Motorcycle Rally event organisation.

11.2 Minutes of the Walcha Council Arts Advisory Committee Meeting held in the Council Chambers, 2W Hamilton Street, Walcha on Thursday, 11 June 2020. WO/2020/01919

11.3 Minutes of the Walcha Child Care Working Group Meeting held in the Council Chambers, 2W Hamilton Street Walcha on Tuesday, 16 June 2020. WO/2020/02011

12. DELEGATE REPORTS

12.1 Draft Minutes of the Namoi Unlimited Board Meeting held in Walcha Council Chambers, 2W Hamilton Street Walcha on Tuesday, 02 June 2020. WI/2020/08294

13. QUESTIONS ON NOTICE

Nil.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 6:09PM.