



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 30 March 2016

at

3:05pm

at

Walcha Council Chambers

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

IN ATTENDANCE: Mr JG O'Hara, General Manager and Mr R Ranjit, Director – Engineering Services.

1. APOLOGIES:

115 **RESOLVED** on the Motion of Councillors Heazlett and Thomson that the apology received from Clr Ferrier, being away on leave, and the apology received from Clr Schmutter being LATE due to work commitments be **ACCEPTED**. Clr Schmutter subsequently arrived at the Meeting at 3:45pm.

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY 17 FEBRUARY 2016:

116 **RESOLVED** on the Motion of Councillors Levingston and Heazlett that the Minutes of the Ordinary Meeting held on Wednesday, 17 February 2016, 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: Late Report 1: Town Water Supply Proposal

WO/2016/00382

Clr Woods declared a pecuniary interest due to her in-laws being the owners of one of the subject properties.

Item: Committee of the Whole Item: 2.2: Review of Assistance to General Practitioners Policy – Requested by Dr Genevieve Freer WINT/2016/00701

Clr Archdale declared a non-serious non-pecuniary interest in this matter due to her husband has an interest the real estate business that previously rented premises to the Doctor.

5. MAYORAL MINUTE

117 **RESOLVED** on the Motion of Councillor Archdale that the Mayoral Minute below, be **ADOPTED**.

Councillors it is with frustration that I present this Mayoral Minute to you today. The process of Local Government Reform has given this Council the opportunity to consider, assess, implement and achieve. Sadly the point of the reform process appears to have become reactive and is doing little to gain the confidence of councils and communities across the state.

The predatory nature of councils putting forward alternate merger proposals, the fact that Councillors and General Managers must now put forward an Expression of Interest in being involved in a merged council transition process prior to the announcement of mergers is confusing to say the least. These latest developments have the ability to pit council against council and councillors against councillors, however we must put our frustration to the side and follow due process to ensure the very best possible outcome for our community.

The Armidale Dumaresq Council instigated proposal to merge Guyra, Uralla and Walcha defies belief and it is just one of around 10 that has been accepted by the Office of Local Government and is to be run concurrently with the Government merger proposals, though with a much tighter time frame.



Greg Wright has been appointed as the Delegate to the Armidale proposal and the Walcha Public Inquiry will be held on Thursday, 7 April at 2pm, written submissions will close on Friday 15 April.

Today again, we will workshop our written proposal to this merger and again, we will be asking our community to show up and write in. The time, money and drain on resources this has cost Walcha Council and community is of great concern. Effectively we have been taken away from being able to commit 100% of our time to this community and when the i's were dotted and the t's crossed for the Tamworth Walcha proposal I was relieved that we could now get on with business. The Armidale proposal has certainly ensured that this has not happened. The Walcha community has made its feelings very clear through public meetings, submissions and council surveys that it is not remotely interested in a merger involving Armidale. In our submission addressing the Armidale Merger proposal it is vital that we convey the feelings of our community in the strongest possible terms.

6. SENIOR OFFICERS REPORT

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

119 **RESOLVED** on the Motion of Councillors Levingston and Heazlett that the Order of Business be amended and that the Late Report: Town Water Supply Proposal be considered first.

Late Report:

1. Town Water Supply Proposal

WO/2016/00382

Clr Woods left the Meeting and took no part in the debate.

It was **MOVED** Councillor Lyon **Seconded** Clr Levingston that Council write to the Hon Barnaby Joyce MP, Kevin Anderson MP and Kevin Humphries MP acknowledging their offers of support for the construction of a dam on the Apsley River **FURTHER THAT** request the financial support to carry out investigations of the dam on the Apsley River and also the brief to include the possible use of the Tia and McDonald Rivers in low flow periods.

Clr Heazlett **FORESHADOWED** a Motion that Council write to the Hon Barnaby Joyce MP, Kevin Anderson MP and Kevin Humphries MP acknowledging their offers of support for the construction of a dam on the Apsley River **FURTHER THAT** request the financial support to carry out investigations for this project.

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



6.1 Delivery Program Six Monthly Review 2013/2014 - 2016/2017 as at December 2015 WO/2016/00403

121 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that in accordance with the provisions of the Local Government Act 1993, Council **ADOPT** the Delivery Program 2013/2014 – 2016/2017 December 2015 six monthly review.

6.2 Request for Leave of Absence by Councillor Woods WO/2016/00361

122 **RESOLVED** on the Motion of Councillors Lyon and Levingston that Council approve Councillor Woods request for leave of absence for May, June and July 2016 Meetings.

Afternoon Tea

Afternoon tea was held at 3:30pm and resumed the Meeting. Councillor Schmutter subsequently arrived during afternoon tea. Council resumed the Meeting at 4:00pm.

6.3 Concerns about the New Emergency Services Property Levy WO/2016/00364

123 **RESOLVED** on the Motion of Councillors Lyon and Schmutter that Council write to the NSW Treasurer and the Minister for Emergency Services advising of Council's concerns about the proposed operation of the Emergency Services Property Levy.

6.4 Timber Bridges Update WO/2016/00311

The Report was **NOTED** by Council.

6.5 Request for Assistance with Legal Costs for Cowra Shire Council WO/2016/00343

124 **RESOLVED** on the Motion of Councillors Schmutter and Heazlett that Council agree in principle to contribute to the Cowra Shire Council's legal costs as requested by Local Government NSW once the matter is resolved and the costs of the proceedings have been determined.

6.6 Regional Roads Working Group Meeting Update WO/2016/00327

The Report was **NOTED** by Council.



6.7 Committee of the Whole Referral – Walcha Preschool Advisory Committee Membership Nominations **Wo/2016/00331**

125 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of “Preschool Advisory Committee Membership” be referred to be discussed in Committee of the Whole for the reason that it relates to personnel matters concerning particular individuals (other than Councillors).

6.8 Committee of the Whole Referral – Request by Dr Genevieve Greer to Review Assistance to General Practitioners Policy **WO/2016/00385**

126 **RESOLVED** on the Motion of Councillors Heazlett and Lyon that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of “Request by Dr Freer to review assistance to General Practitioners Policy” be referred to be discussed in 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.

COMMITTEE OF THE WHOLE

127 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that Council move 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 personnel matters concerning particular individuals (other than Councillors) AND 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.

128 The Meeting resumed in **OPEN** Council on the Motion of Councillors Levingston and Heazlett.

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 Walcha Preschool Advisory Committee Membership Nominations **WO/2016/00329**

The Committee **RECOMMENDED** on the Motion of Councillors Lyon and Schmutter that Council amend the structure of the Preschool Advisory Committee to include an additional parent/citizen representative **FURTHER THAT** both



applicants, being Rachael Wellings and Amber Poflowski, be elected to the Preschool Advisory Committee.

2.2 Review of Assistance to General Practitioners Policy – Request by Dr Genevieve Freer WINT/2016/00701

The Committee **RECOMMENDED** on the Motion of Councillors Woods and Lyon that Council reaffirm its policy of offering assistance to General Practitioners that have Visiting Medical Officer rights at the Walcha Multi Purpose Service.

Councillor Heazlett recorded his **VOTE AGAINST** this **MOTION**.

ADOPTION OF COMMITTEE OF THE WHOLE

**2.1 Walcha Preschool Advisory Committee Membership Nominations
WO/2016/00329**

129 **RESOLVED** on the Motion of Councillors Schmutter and Levingston that Council amend the structure of the Preschool Advisory Committee to include an additional parent/citizen representative **FURTHER THAT** both applicants, being Rachael Wellings and Amber Poflowski, be elected to the Preschool Advisory Committee.

2.2 Review of Assistance to General Practitioners Policy – Request by Dr Genevieve Freer WINT/2016/00701

130 **RESOLVED** on the Motion of Councillors Lyon and Thomson that Council reaffirm its policy of offering assistance to General Practitioners that have Visiting Medical Officer rights at the Walcha Multi Purpose Service.

Councillor Heazlett recorded his **VOTE AGAINST** this **MOTION**.

7. NOTICE OF MOTION

7.1 Notice of Motion – Withdraw from New England Group of Councils (NEGOC) WO/2016/00391

131 **RESOLVED** on the Motion of Councillors Schmutter and Levingston that Council immediately withdraw its associate membership from the New England Group of Councils.

Councillors Woods, Lyon and Heazlett recorded their vote **AGAINST** this **Motion**.



8. MATTERS OF URGENCY

Clr Thomson raised a matter of urgency regarding Expression of Interest in the Craft Shop Building.

132 **RESOLVED** on the Motion of Councillors Thomson and Lyon that it be considered as a matter of urgency and was therefore declared by the Mayor.

133 **RESOLVED** on the Motion of Councillors Thomson and Heazlett that the matter be referred to Committee of the Whole due to the reason that it relates to commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

COMMITTEE OF THE WHOLE

134 **RESOLVED** on the Motion of Councillors Thomson and Heazlett that Council move 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 commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

The Mayor, Clr Archdale declared an interest in this matter as her husband has an interest in a real estate business in Walcha who is handling the sale of these premises.

135 The Meeting resumed in **OPEN** Council on the Motion of Councillors Lyon and Levingston.

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.

◆ Expression of Interest in Craft Shop Building

Clr Archdale declared an interest in this matter and left the Meeting. Clr Schmutter, Deputy Mayor, assumed the Chair.

It was **MOVED** Councillor Thomson **Seconded** Councillor Lyon that Council express an interest in the purchase of the Craft Shop building.

An **AMENDMENT** was **MOVED** Councillor Lyon **Seconded** Councillor Levingston that Council express an interest in the purchase of all the properties recently advertised.



Clr Woods **FORESHADOWED** a **Motion** that the General Manager be requested to prepare a detailed report on the Expression of Interest process to be presented to the next Council Meeting.

The **AMENDMENT** was put to the **VOTE** and **CARRIED** and then became the **Substantive Motion**.

The **Substantive Motion** was put to the **VOTE** and was **CARRIED**.

ADOPTION OF COMMITTEE OF THE WHOLE

136 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that the Report and Recommendations of the Meeting of the Walcha Council Committee of the Whole held on Wednesday, 30 March 2016 be **ADOPTED** by Council.

The Mayor returned to the Chambers and was informed of the decision. The Mayor then resumed the Chair.

8. MATTERS OF URGENCY

The Mayor raised a matter of urgency being the Expressions of Interest letter from Minister of Local Government regarding interim governance arrangements for merging Councils.

It was **MOVED** Councillors Schmutter **Seconded** Heazlett that Council write to the Minister for Local Government through the Local Member expressing our concern about the process and the removal of the community democratic right to elect local representatives.

137 On being put to the **VOTE** the **Motion** was **CARRIED**.

Councillor Lyon raised a matter of urgency being Shooting in National Parks and State Forests.

138 **RESOLVED** on the Motion of Councillors Lyon and Schmutter that the matter of shooting in National Parks and State Forests be considered as a matter of urgency.

It was **MOVED** Councillor Lyon **Seconded** Levingston that Council write to the Minister for the Environment, Heritage and Assistant Minister for Planning, the Hon Mark Speakman through the Local Member requesting that the National Parks and State Forests in Walcha local government area be removed from the recreational shooting areas.



An **AMENDMENT** was **MOVED** Councillor Woods **Seconded** Heazlett that the General Manager prepare a detailed report on the recreational shooting in the National Parks and State Forests in the Walcha local government area and submit it to the next Council Meeting.

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

139 It then became the **Substantive Vote** and was put to the Vote and **CARRIED**.

9. MANAGEMENT REVIEW REPORTS

WO/2016/00332

140 **RESOLVED** on the Motion of Councillors Levingston and Thomson that items included in the Management Review Report, numbered 1 to 13 inclusive, be **NOTED** by Council.

10. COMMITTEE REPORTS

10.1 Minutes of the Walcha Council Beautification & Tidy Towns Committee Meeting held on Wednesday, 16 March 2016 at Council Chambers, Hamilton Street, Walcha.

WO/2016/00359

11. DELEGATE REPORTS

11.1 Minutes of the New England Group of Councils Meeting held on Friday, 26 February 2016 at Armidale Dumaresq Council Chambers.

WI/2016/01199

11.2 Minutes of the Country Mayors Association Meeting held on Friday, 11 March 2016 at the Country Embassy, Sydney.

WI/2016/01362

Submission by Council on the Merger Proposal by Armidale Dumaresq Council to merge with Guyra Shire, Uralla Shire & Walcha Councils

Suspend Meeting

141 **RESOLVED** on the Motion of Councillors Heazlett and Levingston that Council suspend the Meeting to workshop the Submission on the Proposed Merger of Armidale Dumaresq Council with Guyra Shire, Uralla Shire and Walcha Councils.

Resume Meeting

142 **RESOLVED** on the Motion of Councillors Lyon and Woods that Council resume the Council Meeting.



143 **RESOLVED** on the Motion of Councillors Heazlett and Levingston that Council **ADOPT** the Submission addressing the Delegate for the Merger Proposal by Armidale Dumaresq Council with Guyra Shire, Uralla Shire and Walcha Councils, as **AMENDED**.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 6:05PM.