



## ORDINARY MEETING OF COUNCIL

held on

Wednesday, 28 October 2020

at

3.10pm

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.

**The Rates Incentive Scheme Draw – The Draw was conducted by Mayor Noakes and Mrs Tammy Levingston was drawn as the Winner for 2020.**

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.....General Manager .....Mayor

MINUTES



**2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 30 SEPTEMBER 2020:**

81 **RESOLVED** on the Motion of Councillors Kealey and Lyon that the Minutes of the Ordinary Meeting held on Wednesday, 30 September 2020, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

**3. BUSINESS ARISING**

**Delegate Committee – Mid North Weight of Loads Group**

It was stated that Clr Lyon is in the Minutes as the Delegate however he withdrew himself as the Delegate at the September Meeting. Clr Heazlett was appointed the new Delegate.

**4. DECLARATIONS OF INTEREST**

**Item 6.2 Development Application 10.2016.17.2 – Modify a Development Consent – Supermarket and Liquor Outlet 36W-40W Fitzroy Street, Walcha**

Clr Lyon declared a pecuniary interest in this matter as neighbouring building owner and will not partake in the debate.

**5. MAYORAL MINUTE**

Nil.

**6. SENIOR OFFICERS REPORT**

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

**6.1 Refer 2019 – 2020 Financial Statements to Audit WO/2020/03665**

**Motion:**

It was **MOVED** Clr Heazlett **Seconded** Clr Blomfield that Council:

1. **REFER** the 2019 - 2020 Financial Reports for Audit; and
2. **ENDORSE** the Statement in accordance with Section 413(2) (c) of the Local Government Act 1993 to be completed and signed by the appropriate signatories.

**Amendment:**

An **Amendment** was **MOVED** Clr Kealey **Seconded** Clr Wellings that Council:

1. **REFER** the 2019 – 2020 Draft Financial Reports for Audit; and
2. **ENDORSE** the Statement in accordance with Section 413 (2) (c) of the Local Government Act, 1993 to be completed and signed by the appropriate signatories.

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



Clr Lyon declared a pecuniary interest and left the Chambers and took no part in the debate.

**6.2 Development Application 10.2016.17.2 – Modify a Development Consent – Supermarket and Liquor Outlet 36W-40W Fitzroy Street, Walcha – Pro Design WO/2020/3624**

84 **RESOLVED** on the Motion of Councillors Kermode and Ferrier that the application to Modify Development Consent 10.2016.17.2, for the amendment to approved development plans for:

- a) The demolition of two existing buildings;
- b) The removal of proposed large retaining walls which would be required to surround the abovementioned buildings due to site fill for achieving carpark drainage compliance and minimum flood height levels;
- c) Clearing of the whole site prior to construction;
- d) Construction of low line masonry retaining walls along Fitzroy Street and South Street;
- e) Inclusion of pedestrian access ramp from Fitzroy Street with associated retaining walls;
- f) Increase of the number of on-site carparks to 54 thereby allowing an increased width of the carparks, excepting the disabled park;
- g) Slight repositioning of main supermarket building;
- h) Additional site landscaping;
- i) Construction of a shared access / egress driveway on Fitzroy Street and South Street;
- j) 2.4m high concrete wall to the loading dock driveway; and
- k) Establishment of a heritage display board displaying past information and visuals of the sites previous uses.

at 36W-40W Fitzroy Street, Walcha, being Lot: 21 DP1254273, be approved subject to:

- a) Deleting conditions,
- b) Adding additional conditions,
- c) Modifying the wording of conditions, and
- d) Substituting revised plans

as struck through and coloured blue in the conditions listed in 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: Noakes, Blomfield, Ferrier, Heazlett, Kealey, Kermode and Wellings.

**Against:** Nil.

**Absent:** Nil.

**Declared Interest:** Lyon.

Clr Lyon returned to the Chambers and the Chair informed him of the resolution.



**6.3 Bushfire Recovery Funding – Program Update** **WO/2020/03699**  
85 **RESOLVED** on the Motion of Councillors Kealey and Wellings that the Report be **NOTED** by Council.

**6.4 Arts Advisory Committee Project Recommendations** **WO/2020/02925**  
**Motion:**

It was **Moved** Clr Ferrier **Seconded** Clr Kealey that Council proceed with the installation the two pieces of artwork:

- “A Wing and a Prayer” by James Rogers in 1997. To be installed on a 3 metre high column on the western side of the Apsley River bank near Apsley Street, Walcha with the estimated costs of transportation, installation including the construction of substantial concrete footing is approximately \$9,130.
- “Faith” by Geoffrey Bartlett in 1992. To be installed on the footpath of Derby Street, Walcha between Café Graze and Walcha Gallery of Art with the estimated cost of installation being approximately \$2,100.

**Amendment:**

An **Amendment** was **MOVED** Clr Wellings **Seconded** Clr Lyon that Council split the Motions to consider each piece of art separately.

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

**Motion:**

It was **Moved** Clr Wellings **Seconded** Clr Lyon that Council approve the installation of “A Wing and a Prayer” but explore an alternate and potentially more suitable location.

The **Motion** was put to the **VOTE** and was **TIED** and **LOST**.

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

**6.5 Changes to 2020-2021 Fees & Charges** **WO/2020/02344**

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

1. **APPROVE** the changes to the 2020-2021 Fees & Charges.
2. **EXHIBIT** the changes to the 2020-2021 Fees & Charges for a period of 28 days; and
3. **ADOPT** the changes to the 2020-2021 Fees & Charges as presented subject to no submissions received during the exhibition period.

**6.6 Pecuniary Interest Annual Return for Period 01 July 2019 to 30 June 2020**  
**WO/2020/03065**

89 **RESOLVED** on the Motion of Councillors Kermode and Heazlett that Council formally records that the Ordinary Returns of Pecuniary Interest required to



be submitted by Councillors, the General Manager and Designated Staff, for the period 1 July 2019 to 30 June 2020 have been submitted as required and have been tabled in accordance with the provisions of Section 4.21 and 4.25 of the Walcha Council Model Code of Conduct 2018.

## **7. NOTICE OF MOTION**

### **7.1 Notice of Motion #20 – Clr Wellings – Skate Park Design**

**WO/2020/03720**

#### **Motion:**

It was **MOVED** Clr Wellings **Seconded** Clr Lyon that Council approve the project scoping form attached.

An **Amendment** was **MOVED** Clr Lyon that the scoping document not be referred to the Stakeholders and the project proceed regardless of feedback.

The **Amendment** was **SECONDED** Clr Heazlett with the subject to be amended that the scoping document is referred to the Stakeholders and the Project proceed regardless of feedback. Clr Lyon accepted this Amendment.

On being put to the **Vote** the **Amendment** was **LOST**.

A **FORESHADOWED MOTION** was **Moved** Clr Kealey that Council send the Scoping report to the nominated three Committees and if there is no adverse feedback project to proceed, if opposition received it be referred back to Council for consideration.

The **Original Motion** was clarified by the **MOVER**, Clr Wellings and **Seconded** Clr Lyon, that Council approve the Project Scope form attached to the Report and to complete the project as per the timeline in the Project Scope.

4:23pm: **SUSPEND STANDING ORDERS:**

90 **RESOLVED** on the Motion of Councillors Kealey and Wellings to Suspend Standing Orders.

4:33pm: **RESUME STANDING ORDERS:**

91 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that Council Resume Standing Orders.

Clarification of Original Motion by Mover:

92 **RESOLVED** on the Motion of Councillors Wellings and Lyon that Council approve the Project Scope form attached to the Report and to complete the project as per the timeline in the Project Scope subject to feedback received from the Aboriginal Advisory Committee.



**8. MATTERS OF URGENCY**

93 **RESOLVED** on the Motion of Councillors Lyon and Wellings that Council accept Late Report 1 as a Matter of Urgency to be achieved within the Development Application assessment timelines.

94 **RESOLVED** on the Motion of Councillors Kealey and Wellings that Council accept Late Report 2 as a Matter of Urgency to be achieved within the Development Application assessment timelines.

95 **RESOLVED** on the Motion of Councillors Kealey and Wellings that Council accept Late Report 3 as a Matter of Urgency to be achieved within the Development Application assessment timelines.

96 **RESOLVED** on the Motion of Councillors Kealey and Wellings that Council accept Late Report 4 as a Matter of Urgency to be achieved within the Development Application assessment timelines.

97 **RESOLVED** on the Motion of Councillors Kealey and Wellings that Council accept Council to approve a \$15,000 for Library Scoping to fit with Grant Application deadlines.

**8.1 Development Application 10.2020.24 – Installation of 2 Shipping Containers – Walcha Men’s Shed 172W Fitzroy Street, Walcha**

**WO/2020/03744**

98 **RESOLVED** on the Motion of Councillors Lyon and Wellings that Council approve Development Application 10.2020.24 for the installation of two shipping containers on Lot 4 DP 24385 known as the Walcha Men’s Shed, 172W Fitzroy Street, 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: Noakes, Blomfield, Ferrier, Heazlett, Kealey, Kermode, Lyon and Wellings.

**Against:** Nil.

**Absent:** Nil.

**Declared Interest:** Nil.

**8.2 Development Application 10.2020.25 – Installation of Picnic Shelter – Intersection of Ohio North Road and Thunderbolts Way Walcha**

**WO/2020/03745**

99 **RESOLVED** on the Motion of Councillors Kealey and Wellings that Council approve Development Application 10.2020.5 for the erection of picnic shelter on Lot 1 DP 185532 in an existing rest area located at the intersection of Ohio North Road



and Thunderbolts Way, 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: Noakes, Blomfield, Ferrier, Heazlett, Kealey, Kermode, Lyon and Wellings.

**Against:** Nil.

**Absent:** Nil.

**Declared Interest:** Nil.

**8.3 Development Application 10.2020.21 – Fence Replacement – 11N Middle Street Walcha WO/2020/0**

100 **RESOLVED** on the Motion of Councillors Wellings and Kealey that Council approve Development Application 10.2020.5 for fence replacement on 13, 14, 15, 16 7 17 DP 510788 being 11N Middle Street, 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: Noakes, Blomfield, Ferrier, Heazlett, Kealey, Kermode and Wellings.

**Against:** Lyon.

**Absent:** Nil.

**Declared Interest:** Nil.

**8.4 Youth Strategy Results Report WO/2020/**

101 **RESOLVED** on the Motion of Councillors Kealey and Kermode that the report with the changes be formally endorsed by Council.

**8.5 Funds to Scope Library Facility**

**Motion:**

It was **MOVED** Clr Wellings **Seconded** Clr Lyon that Council approve up to \$15,000 from the Project Development Internal Restriction Funds for scoping of a Library facility at the existing Library location and adjacent land.

An **Amendment** was **MOVED** Clr Heazlett that the Motion to include the purchase and fit out of the existing Ex-Services Memorial Club.

The **Mover ACCEPTED** the **Amendment** and it became the **Motion:**

**Moved** Clr Wellings **Seconded** Clr Heazlett that Council approve up to \$15,000 from the Project Development Internal Restriction Funds for scoping of a Library facility



at the existing Library location and adjacent land; as well as the purchase and fit out of the existing Ex-Services Memorial Club.

An **Amendment** was **MOVED** Clr Kealey **Seconded** Clr Heazlett that Council approve up to \$15,000 from the Project Development Internal Restriction Funds for scoping of a Library facility at the existing Library location and adjacent land.

On being put to the **VOTE** the **MOTION** was **CARRIED**.

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

Clr Ferrier left the Meeting and Chamber feeling unwell at 5:18pm.

## **9. MANAGEMENT REVIEW REPORTS**

### **9.1 Office of General Manager WO/2020/03614**

103 **RESOLVED** on the Motion of Councillors Kealey and Kermode that items included in the Office of the General Manager Management Report be **NOTED** by Council.

### **9.2 Infrastructure WO/2020/03544**

104 **RESOLVED** on the Motion of Councillors Kealey and Kermode that items included in the Infrastructure Management Report be **NOTED** by Council.

### **9.3 Environment & Development WO/2020/03456**

105 **RESOLVED** on the Motion of Councillors Lyon and Kealey that items included in the Environment & Development Management Report be **NOTED** by Council.

### **9.4 Community & Tourism WO/2020/03519**

106 **RESOLVED** on the Motion of Councillors Lyon and Wellings that items included in the Community & Tourism Management Report be **NOTED** by Council.

## **10. COMMITTEE REPORTS**

**10.1 Minutes of the Walcha & District Beautification & Tidy Towns Committee Meeting held in the Council Chambers on Wednesday, 07 October 2020.**

**WINT/2020/05904**

## **11. DELEGATE REPORTS**

**11.1 Minutes of the Walcha & District Historical Society Inc Meeting held at the Museum on Saturday, 26 September 2020.**

**WI/2020/15660**





**12. QUESTIONS WITH NOTICE**

Clr Lyon:

1. Request for explained Budget versus Expenditure Report to Council in Business Paper:
  - a. MPC Kitchen Project
  - b. Community Sheds Project
  - c. Kangaroo Flat Road Project
2. The Section 355 Committee Scope Packages including Conflict of Interest information, where is it at providing this information to Committees?

**13. CLOSED COUNCIL**

**13A Referral to Closed Council – Bushfire Recovery Funding Program Update  
AND Bushfire Community Recovery & Resilience Fund Phase 2 Projects  
WO/2020/03705**

107 **RESOLVED** on the Motion of Councillors Lyon and Kermode that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matters of Bushfire Recovery Funding Program Additional Projects AND Bushfire Community Recovery & Resilience Fund Phase 2 Projects be referred to be discussed in Closed Council and close the meeting to the public for the reason that the report 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.

108 **RESOLVED** on the Motion of Councillors Kealey and Kermode that Council resolve into Closed Council Meeting and that the press and public be excluded from the entire proceedings of the Meeting of the Closed Council 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.

109 The Meeting resumed in **OPEN** Council on the Motion of Councillors Lyon and Kermode.

**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.

The Chairman publicly declared the **RESOLUTIONS** passed by the Council whilst in Closed Council Meeting.

**13.1 Bushfire Recovery Funding Program Update WINT/2020/06061**  
**CC: 18/202021 RESOLVED on the Motion of Councillors Lyon and Wellings that**  
**Council:**

1. *Adopt the revised project estimates as new allocated finding amounts for previously adopted projects as defined in Table 1; and*



2. *Approve the following projects to be delivered using the remaining available funds:*
  - a. *Facility improvements at Yarrowitch Hall (\$6,772);*
  - b. *Walcha Business Breakfast (\$3,000); and*
  - c. *Forest Way Road – sealing works (\$277,214).*

### **13.2 Bushfire Community Recovery & Resilience Fund Phase 2**

**WINT/2020/06064**

CC:19/202021 **RESOLVED** on the Motion of Councillors Lyon and Wellings that Council:

1. *Approve the following projects to be funded under the Bushfire Community Recovery and Resilience Fund Phase 2 Stream 1:*
  - a. *Free Pool Entry to Walcha Baths for 2020/2021 Season*
  - b. *Training Program delivered in Walcha, Yarrowitch and Nowendoc covering topics including first aid, psychological first aid, chemcert, chainsaw operations*
  - c. *Summer of Movies program to screen outdoor movies over the summer season in Nowendoc, Yarrowitch, Woolbrook, Ingleba and Walcha*
  - d. *Skate Park Paint Clinic to engage with youth to make visual improvements to our skate park*
  - e. *Emergency Management Plan review of Council's current plan to incorporate revisions and changes based on past emergency lessons learnt and enhance preparedness*
  - f. *Free Training Days at Walcha Community Gym by engaging a series of specialist trainers and providers to provide free classes to community members – when the gym is opened early 2021; and*
  - g. *New Walcha Council Website to enhance the ability for community to access information and be informed to be prepared for, manage through and recovery from emergency events.*

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 5:47PM.**