



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 27 October 2021

at

3.05pm

at

Walcha Council Chambers

The Audio Statement and Acknowledgment of Country were read by the Chairman.

PRESENT: Clr EH Noakes (Chairman) Mayor together with Councillors PR Blomfield, WJ Heazlett, JM Kealey, SJ Kermode, CM Lyon and RL Wellings.

IN ATTENDANCE: Mr Barry Omundson – General Manager, Mrs LJ Latham – Director Environment & Development, Mrs KMD Kermode – Director Community & Tourism and Mrs EL Hobbs – Executive Assistant.

1. LEAVE OF ABSENCE:

54 **RESOLVED** on the Motion of Councillors Heazlett and Kermode that the Leave of Absence received from Clr Ferrier, due to illness, be **ACCEPTED**.

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY 29 SEPTEMBER 2021:

55 **RESOLVED** on the Motion of Councillors Kealey and Wellings that the Minutes of the Ordinary Meeting held on Wednesday, 29 September 2021, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record.

3. BUSINESS ARISING

Item 6.2 Request for Waiver of Excess Water Charges – Walcha Bowling Club

Clr Lyon asked “Have we had any correspondence from the Bowling Club since we have informed them?”

General Manager advised that he was not aware of any.

4. DECLARATIONS OF INTEREST

Item 6.2 Draft Amendment to Walcha Development Control Plan

Clr Blomfield declared a pecuniary interest in this matter due to being a Director of Walcha Wind Pty Ltd and is also affiliated with Winterbourne Wind.

Part of Vestas wind farm at Winterbourne.

5. MAYORAL MINUTE

56 **RESOLVED** on the Motion of Mayor Noakes and Councillor Kealey that the Mayoral Minute be discussed in Closed Council due to the report relates to personnel matters concerning particular individuals (other than Councillors) as per the Referral at 13A.

6. SENIOR OFFICERS REPORT

57 **RESOLVED** on the Motion of Councillors Kealey and Lyon that the Senior Officers’ Reports be **RECEIVED** for further consideration.

6.1 Request for Reclassification of Thunderbolts Way and Topdale Road from Regional Roads to State Roads WO/2021/04245

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

1. **ENDORSE** the nominations of Thunderbolts Way and Topdale Road for reclassification from Regional Roads to State Roads; and
2. Attached letters of support to accompany the applications for the reclassification.

6.2 Draft Amendment to Walcha Development Control Plan

WINT/2021/08887

Clr Blomfield left the Chambers and took no part in the debate.

Motion:

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



1. Adopt the *Draft Amended Walcha Development Control Plan 2019* which includes the following amendments:
 - a. Minimal editing and word changes to correct grammar, identification of development controls and to ensure state agency referencing is correct
 - b. Clause 14.6 – Visual Amenity Impacts– Replace the reference to the Australian Wind Energy Association and Australian Council of National Trust’s *Wind Farms and Landscape Values: Stage 1 Report – Identifying Issues, March 2005, Appendix B: Wind Farms and Landscape Values: Final Issues Paper* has been changed to the current guideline being NSW Planning, Industry & Environment *Wind Energy Visual Assessment Bulletin For State significant wind energy development December 2016*.
 - c. Clause 41.6(1) - Replace the reference of axis with sector.
 - d. Clause 14.4 - Inclusion of a stated position for State Significant Development in the objectives.
 - e. Clause 14.6(b)(iii) – Extend the wording to include damage, degradation or disruption to groundwater.
 - f. Clause 14.6(u) – Extend the wording to state that Decommissioning Bonds will be considered based on the individual merits of the development.
 - g. Inclusion of Clause 14.5(n) regarding cumulative impact assessment including power line construction.
2. Prepare a further amendment to the *Amended Walcha Development Control Plan 2019* in regards to all renewable energy development.
3. Include provision in any future Section 7.11 Development Contribution Plan for a contribution for renewable energy development.
4. Amend the Walcha Local Environmental Plan 2012 by ensuring all Land Use Tables reflect the provisions of all relevant State Environmental Planning Policies

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

1. Adopt the *Draft Amended Walcha Development Control Plan 2019* which includes the following amendments:
 - a. Minimal editing and word changes to correct grammar, identification of development controls and to ensure state agency referencing is correct
 - b. Clause 14.6 – Visual Amenity Impacts– Replace the reference to the Australian Wind Energy Association and Australian Council of National Trust’s *Wind Farms and Landscape Values: Stage 1 Report – Identifying Issues, March 2005, Appendix B: Wind Farms and Landscape Values: Final Issues Paper* has been changed to the current guideline being NSW Planning, Industry & Environment *Wind Energy Visual Assessment Bulletin For State significant wind energy development December 2016*.



- c. Clause 41.6(1) - Replace the reference of axis with sector.
 - d. Clause 14.6(b)(iii) – Extend the wording to include damage, degradation or disruption to groundwater.
 - e. Clause 14.6(u) – Extend the wording to state that Decommissioning Bonds will be considered based on the individual merits of the development.
 - f. Inclusion of Clause 14.5(n) regarding cumulative impact assessment including power line construction.
2. Prepare a further amendment to the *Amended Walcha Development Control Plan 2019* in regards to all renewable energy development.
 3. Include provision in any future Section 7.11 Development Contribution Plan for a contribution for renewable energy development.
 4. Amend the Walcha Local Environmental Plan 2012 by ensuring all Land Use Tables reflect the provisions of all relevant State Environmental Planning Policies

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

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

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

For: Councillors: Kermode, Lyon, Noakes and Wellings.

Against: Heazlett and Kealey.

Absent: Ferrier.

Declared Interest: Blomfield.

Clr Blomfield returned to the Chambers and was informed of the Resolution.
(3:27pm)

6.3 Part Day Public Holiday 2022 & 2023 Survey Results WO/2021/04247

60 **RESOLVED** on the Motion of Councillors Wellings and Lyon that Council:

1. **ENDORSE** the application for a Part Day Public Holiday for the Walcha Council Local Government Area from 12 noon until 6pm on Friday, 4 February 2022 and Friday, 3 February 2023 for the Walcha Races;
2. **SURVEY** the community and key stakeholders directly after the 2022 & 2023 Part Day Public Holiday to ascertain their success.

6.4 Council December 2021 Meeting – Plan B WO/2021/04239

61 **RESOLVED** on the Motion of Councillors Kealey and Wellings that if the Declaration of Poll has not been declared for Walcha Council by the 22 December 2021 then Council **HOLD** their first Council Meeting post elections on Friday



24 December 2021 to ensure Council complies with *Section 290(1) (a) of the Local Government Act, 1993*, to elect the Mayor within three weeks of the Election.

6.5 Regional Meetings 2021

WO/2021/04179

62 **RESOLVED** on the Motion of Councillors Kealey and Lyon that Council **RECEIVE** and **NOTE** the Report as presented.

7. NOTICES OF MOTION

Nil.

8. MATTERS OF URGENCY

63 **RESOLVED** on the Motion of Councillors Blomfield and Lyon that Council **ACCEPT LATE REPORT** Walcha & District Beautification & Tidy Towns Committee Meeting Minutes due to Caretaker mode commencing before the next Meeting of Council.

The Chairperson ruled that the item be considered as a matter of urgency.

LATE REPORT:

10.2 Minutes of the Walcha & District Beautification & Tidy Towns Committee Meeting held on Monday 25 October 2021 at Council Chambers, 2W Hamilton Street Walcha.
WO/2021/04306

Motion:

It was **MOVED** Clr Blomfield **Seconded** Clr Heazlett that Council implement the completion of the Hospital Wall Upgrade with the assistance of the Arts Advisory Committee.

An **Amendment** was **MOVED** Clr Lyon **Seconded** Clr Wellings to request the Hospital Wall Upgrade Project come through the correct process of the Capital Advisory Committee with the required documents attached as per all capital projects.

The **Amendment** was put to the **VOTE** and **CARRIED**.

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

65 **RESOLVED** on the Motion of Councillors Noakes and Lyon that Council amend the Agenda to consider the remaining **LATE REPORTS** in **CLOSED** Council.



9. MANAGEMENT REVIEW REPORTS

9.1 Office of the General Manager

WO/2021/04236

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

9.2 Infrastructure

WO/2021/04189

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

9.3 Environment & Development

WO/2021/04036

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

9.4 Community & Tourism

WO/2021/04168

69 **RESOLVED** on the Motion of Councillors Lyon and Kealey that items included in the Community & Tourism Management Review be **NOTED** by Council.

10. COMMITTEE REPORTS

70 **RESOLVED** on the Motion of Councillors Kermode and Kealey that Council **RECEIVE** and **NOTE** the following Committee Minutes.

10.1 Minutes of the Walcha Council Community Gym Advisory Committee Meeting held on Wednesday 20 October 2021 at Council Chambers, 2W Hamilton Street Walcha.

WO/2021/04246

71 **RESOLVED** on the Motion of Councillors Kealey and Wellings that Council continue to restrict the age limit for Walcha Community Gym membership to persons aged 16 years and over.

72 **RESOLVED** on the Motion of Councillors Kealey and Lyon that Council accept Quote 1 for the supply and delivery of gym equipment.

11. DELEGATE REPORTS

Nil.

12. QUESTIONS ON NOTICE

Nil.

13. CLOSED COUNCIL

73 **RESOLVED** on the Motion of Councillors Kealey and Wellings to **ACCEPT**:



- 13.3 Presbyterian Aged Care Funding Proposal and Possible Relocation of Walcha Council Community Care; and
13.4 Priority Timber Bridge Replacements
As **MATTERS OF URGENCY**.

The Chairperson ruled that the item be considered as a matter of urgency.

13A Referral to Closed Council – Procurement AND Confidential Mayoral Minute WO/2021/04238

74 **RESOLVED** on the Motion of Councillors Kealey and Blomfield that, in accordance with the provisions of Section 10A(2)(c) of the *Local Government Act 1993*, the matters of:

1. Procurement; and
2. Confidential Mayoral Minute;

BE discussed in Closed Council and close the meeting to the public for the reason that the reports relate to personnel matters concerning particular individuals (other than Councillors).

LATE REPORT:

13B Referral to Closed Council: WO/2021/04292
1. Presbyterian Aged Care Funding Proposal and Possible Relocation of Walcha Council Community Care;
2. Priority Timber Bridge Replacements

75 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that, in accordance with the provisions of Section 10A(2)(c) of the *Local Government Act 1993*, the matters of:

1. Presbyterian Aged Care Funding Proposal and Possible Relocation of Walcha Council Community Care;
2. Priority Timber Bridge Replacements;

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.

76 **RESOLVED** on the Motion of Councillors Lyon and Kealey that Council resolve into Closed Council at 4:26pm and that the press and public be excluded from the entire proceedings of the Meeting of the Closed Council for the reason that the reports relate to:

- a) personnel matters concerning particular individuals (other than Councillors);
- b) to information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.



76 The Meeting resumed in **OPEN** Council at 4:55pm on the Motion of Councillors Wellings 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 recommendations passed by the Committee whilst in Closed Council.

13.1 Procurement **WINT/2021/08907**

CC10/20212022 **RESOLVED** on the Motion of Councillors Lyon and Kermode that Council **APPROVE** the General Manager to implement the improvements from Auditors Forsyth's.

13.3 Presbyterian Aged Care Funding Proposal and Possible Relocation of Walcha Council Community Care **WO/2021/04281**

CC11/20212022 **RESOLVED** on the Motion of Councillors Kealey and Wellings that Council **APPROVE** the funding proposal as submitted by Presbyterian Aged Care.

The Chairperson **DEFERRED** the topic of Relocation of Walcha Council Community Care.

13.4 Priority Timber Bridge Replacements **WO/2021/04316**

CC12/20212022 **RESOLVED** on the Motion of Councillors Lyon and Heazlett that Council **ADOPT** the Capital Advisory Committee's priority list for Fixing Country Bridges funding for the replacement of Walcha Council's remaining timber bridges.

13.2 Mayoral Minute – Confidential Mayoral Minute to be table at the Meeting **WINT/2021/09086**

CC13/20212022 **RESOLVED** on the Motion of Councillors Noakes and Kealey that Council **AMEND** the General Manager's Contract as detailed within the body of the Mayoral Minute.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 5:00PM.