



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 30 September 2015

at

2:56pm

at

Walcha Council Chambers

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

IN ATTENDANCE: Mr JG O'Hara, General Manager, and Mrs LJ Latham, Environmental Services Manager.

1. APOLOGIES:

Nil.

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 26 AUGUST 2015:

39 **RESOLVED** on the Motion of Councillors Schmutter and Levingston that the Minutes of the Ordinary Meeting held on Wednesday, 26 August 2015, 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

6.1 Proposed Gazettal of Part Day Public Holiday for the Walcha Races to be held on Friday, 5 February 2016 from 12 noon to 6:00pm WO/2015/01822

Clr Ferrier declared a Pecuniary Interest in this matter as he is the Walcha Jockey Club Secretary.

12.2 Proposed relocation of Visitor Information Centre WINT/2015/02507

Clr Lyon declared a Pecuniary Interest in this matter as he has a financial interest in an alternate location.

12.3 New Off Creek Reservoir WO/2015/01807

Clr Lyon & Clr Woods declared Pecuniary Interests in this matter as Clr Lyon's spouse works for the owner of one of the properties in the report and Clr Woods' parents in law own one of the properties in the report.

12.4 General Manager's Contract Request WINT/2015/02494

The General Manager declared a Pecuniary Interest in this matter as he is the subject of the report.

5. MAYORAL MINUTE

Nil.

6. SENIOR OFFICERS REPORT

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



6.1 Proposed Gazettal of Part Day Public Holiday for the Walcha Races to be held on Friday, 5 February 2015 from 12 noon to 6:00pm WO/2015/01822

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

41 **RESOLVED** on the Motion of Councillors Lyon and Levingston that Council apply for a Part Day Public Holiday from 12 noon to 6:00pm on Friday, 6 February 2016.

Clr Ferrier returned to the Council Chambers and was advised of the resolution.

6.2 Review of Ward Boundaries WO/2015/01817

42 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that Council **ENDORSE** the proposed Ward Boundaries as submitted **FURTHER THAT** Council publicly exhibit the Ward Boundary Plan for a period of 28 days.

6.3 Request for Variation to Requirements for use of Lot 1 in DP 1137046 to access the rear of Lot 1 in DP 574019, being 21E Fitzroy Street, Walcha WO/2015/01816

43 **RESOLVED** on the Motion of Councillors Ferrier and Schmutter that Council approve the request by Barry Marshall subject to the previously imposed conditions as described below:

1. Establish a Right of Carriageway over Lot 1 in DP 1137046, three metres wide and located approximately 2200mm from the adjoining boundary and for approximately 32 metres in length (to the last car park).
2. The applicant to be responsible for all legal costs associated with establishing the Right of Carriageway.
3. The applicant will not have exclusive rights over the Right of Carriageway.
4. Maintenance of the Right of Carriageway is the responsibility of the owner/s of Lot 1 in DP 574019.
5. A "TURN LEFT ONLY" sign is to be located at the exit of the Right of Carriageway.

And with the following amendment:

6. The Right of Carriageway is to be constructed of a decorative gravel surface on 200mm of road base.

6.4 Refer Financial Statements to Audit 2014 – 2015 WO/2015/01832

44 **RESOLVED** on the Motion of Councillors Heazlett and Thomson that the 2014 – 2015 Financial Reports be referred for Audit **FURTHER THAT** a Statement in accordance with Section 413(2) (c) of the Local Government Act 1993 be completed and signed by the appropriate signatories.



**6.5 Affix Seal to Documentation for Sale of Land at 59 Beaver Place, Walcha
WO/2015/02496**

45 **RESOLVED** on the Motion of Councillors Schmutter and Ferrier that Council approve the affixing of the Common Seal to all legal documentation in relation to the sale of land of Lot 6 in DP 1046217, being 59 Beaver Place, Walcha **FURTHER THAT** the affixing of the Common Seal be attested to by the Mayor and the General Manager.

**6.6 Pecuniary Interest Annual Returns for the period 1 July 2015 to 30 June
2015
WO/2015/01763**

46 **RESOLVED** on the Motion of Councillors Ferrier and Levingston 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 2014 to 30 June 2015 have been submitted as required and have been tabled in accordance with the provisions of Section 450A of the Local Government Act, 1993.

**6.7 Committee of the Whole Referral – Proposed New Off Creek Reservoir
AND General Manager’s Contract Request
WO/2015/01821**

47 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of the Proposed New Off Creek Reservoir AND General Manager’s Contract Request be referred to be discussed in Committee of the Whole for the reason that the report relates to information on personnel matters concerning particular individuals.

**6.8 Committee of the Whole Referral – Proposed Tourism Event AND
Proposed Relocation of Visitor Information Centre
WO/2015/01808**

48 **RESOLVED** on the Motion of Councillors Ferrier and Schmutter that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of the Proposed Tourism Event AND Proposed Relocation of Visitor Information Centre be referred to be discussed in Committee of the Whole for the reason that they confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

LATE REPORTS:

- 1. Review of “Payment of Expenses and Provision of Facilities for
Councillors & Staff” Policy for Adoption
WO/2015/01848**



49 **RESOLVED** on the Motion of Councillors Ferrier and Heazlett that Council **ADOPT** the "Payment of Expenses and Provision of Facilities for Mayors, Councillors & Staff" Policy as presented.

7. NOTICE OF MOTION

Nil.

8. MATTERS OF URGENCY

The General Manager advised the Meeting that Council had received a letter from a concerned ratepayer regarding rates. The letter was tabled at the Meeting.

50 **RESOLVED** on the Motion of Councillors Schmutter and Thomson that Council **NOTE** the letter from the ratepayer.

9. MANAGEMENT REVIEW REPORTS **WO/2015/01812**

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

Afternoon Tea:

Afternoon tea commenced at 3:20pm and the Meeting resumed at 3:55pm.

10. COMMITTEE REPORTS

10.1 Minutes of the Walcha Preschool Advisory Committee Meeting held at the Walcha Preschool on 25 August 2015. WINT/2015/02260

52 **RESOLVED** on the Motion of Councillors Lyon and Schmutter that Council **ADOPT** the Allergies and Anaphylaxis Policy, Arrival and Departure Policy, Asthma Policy, Back Care and Manual Handling Policy, Child Health Policy, Contact between Children and Animals Policy, Hygiene Policy, Indoor Safety Policy and the Dental Accidents Policy.

10.2 Minutes of the Walcha Mountain Festival Committee Meeting held at the Council Chambers on Tuesday, 15 September 2015. WO/2015/01788

11. DELEGATE REPORTS

11.1 Minutes of the New England Tablelands (Noxious Plants) County Council Meeting held in Armidale on Wednesday, 17 June 2015. WI/2015/05390



11.2 Minutes of the Namoi Councils Joint Organisation Meeting held on Thursday, 3 September 2015 at Walcha Council Chambers. WI/2015/05532

12. COMMITTEE OF THE WHOLE

53 **RESOLVED** on the Motion of Councillors Ferrier and Heazlett 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 the reports relate to information on personnel matters concerning particular individuals AND for the reason that they confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

54 The Meeting resumed in **OPEN** Council on the Motion of Councillors Schmutter 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.

12.1 Proposed Opera Event at Langford in 2016 WINT/2015/02506

The Committee **RECOMMENDED** on the Motion of Councillors Ferrier and Schmutter that Council agree in principle subject to the submission of a detailed business plan and the marketing strategy with associated budget being returned to a Meeting of Council.

12.2 Proposed Relocation of Visitor Information Centre WINT/2015/02507

Councillor Lyon declared an interest and left the Meeting and took no part in the debate.

The Committee **RECOMMENDED** on the Motion of Levingston and Schmutter that the General Manager investigate all alternate options for relocating the Visitor Information Centre and a report to be brought back to Council.

12.3 New Off Creek Reservoir WO/2015/01807

Councillor Woods and Lyon declared an interest in this matter and left the Council Chambers and therefore took no part in the debate.



The Committee **RECOMMENDED** on the Motion of Schmutter and Levingston that Council approve the General Manager opening discussions with land/interest owner's to ascertain if they would be amendable for Council to acquire approximately 30 acres / 12 Ha of land for the site of the new Off Creek Reservoir.

Councillor Woods and Lyon returned to the Meeting and were informed of the recommendation.

12.4 General Manager's Contract Request WINT/2015/02494

The General Manager left the Meeting and took no part in the debate.

Motion

It was **MOVED** Councillor Heazlett **SECONDED** Councillor Schmutter that the General Manager's Contract be renewed on 3 July 2016.

Amendment:

An Amendment was **MOVED** Councillor Lyon **SECONDED** Councillor Woods that the General Manager's Contract be renewed on 19 October 2015.

On being put to the **VOTE** the **AMENDMENT** was **CARRIED**.
It then became the Substantive Motion and was put to the **VOTE** and **CARRIED**.

The Committee **RECOMMENDED** on the Motion of Woods and Ferrier that the General Manager's commencing remuneration of the new Contract commencing 19 October 2015 be to the value of \$220,000.

ADOPTION OF COMMITTEE OF THE WHOLE

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

12.1 Proposed Opera Event at Langford in 2016 WINT/2015/02506

55 **RESOLVED** on the Motion of Councillors Woods and Levingston that Council agree in principle subject to the submission of a detailed business plan and marketing strategy with associated budget being returned to a Meeting of Council.

12.2 Proposed Relocation of Visitor Information Centre WINT/2015/02507

Clr Lyon declared an interest in this matter and left the Chambers.



56 **RESOLVED** on the Motion of Councillors Schmutter and Ferrier that the General Manager investigate all alternate options for relocating the Visitor Information Centre and a report to be brought back to Council.

Clr Lyon returned to the Meeting and was advised of the resolution.

12.3 New Off Creek Reservoir WO/2015/01807

Clr Lyon and Woods declared an interest in this matter and left the Chambers.

57 **RESOLVED** on the Motion of Councillors Schmutter and Heazlett that Council approve the General Manager opening discussions with land/interest owner's to ascertain if they would be amendable for Council to acquire approximately 30 acres / 12 Ha of land for the site of the new Off Creek Reservoir.

Clr Lyon and Woods returned to the Chambers and were advised of the resolution.

12.4 General Manager's Contract Request WINT/2015/02494

The General Manager declared an interest and left the Chambers.

58 **RESOLVED** on the Motion of Councillors Woods and Levingston that Council renew the General Manager's Contract on 19 October 2015.

59 **RESOLVED** on the Motion of Councillors Woods and Levingston that the General Manager's commencing remuneration of the new Contract commencing 19 October 2015 be to the value of \$220,000.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 5:50PM.