



ORDINARY MEETING OF COUNCIL

held on

Wednesday, 29 September 2021

at

03:05pm

at

Walcha Council Chambers

The Audio Statement and Acknowledgement of Country were ready by the Chairman.

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

IN ATTENDANCE: Mr Barry Omundson – General Manager, Mrs LJ Latham – Director Environment & Development, Mr PR Murray – Director Infrastructure and Mrs EL Hobbs – Executive Assistant.

1. LEAVE OF ABSENCE:

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

MINUTES



2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY, 01 SEPTEMBER 2021:

32 **RESOLVED** on the Motion of Councillors Kealey and Wellings that the Minutes of the Ordinary Meeting held on Wednesday 01 September 2021, 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 6.2 Request for Waiver of Excess Water Charges – Walcha Bowling Club

Clr Ferrier declared a Pecuniary Interest in this matter due him being an Executive Member of the Walcha Bowling Club.

5. MAYORAL MINUTE

Nil.

6. SENIOR OFFICERS REPORT

33 **RESOLVED** on the Motion of Councillors Kealey and Wellings that the Senior Officers' Reports be **RECEIVED** for further consideration.

6.1 Refer 2020 – 2021 Financial Statements to Audit WINT/2021/08397

34 **RESOLVED** on the Motion of Councillors Kealey and Lyon that Council:

1. **REFER** the 2020 - 2021 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.

**6.2 Request for Waiver of Excess Water Charges – Walcha Bowling Club
WO/2021/03933**

Clr Ferrier left the Chambers and took no part in the debate. (3:12pm)

35 **RESOLVED** on the Motion of Councillors Kermode and Lyon that Council **REIMBURSE** Walcha Bowling Club the amount of \$2,101.09 being that they have already paid the excess water charges.

Clr Ferrier returned to the Chambers and was informed of the decision. (3:15pm)

**6.3 Heritage Listing Removal from Walcha LEP Request – 2N Middle Street Walcha – Mrs L Green
WINT/2021/08363**

36 **RESOLVED** on the Motion of Councillors Lyon and Ferrier that Council:

1. Remove heritage listing (I017 – being Lot A DP 159627 known as 2N Middle Street Walcha) from Schedule 5 of the *Walcha Local Environmental Planning*



Plan 2012, and

2. Advise the land owner that:
 - a. The removal of the heritage listing will be included within the next House Keeping Planning Proposal as prepared by Council when there are enough matters to warrant the expense of a Planning Proposal, alternatively
 - b. They are welcome to submit their own Planning Proposal for Council consideration along with \$4,500 deposit towards the cost of processing the Planning Proposal, as this will expediate the processing time.

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

For: Councillors: Ferrier, Kermode, Kealey, Lyon, Wellings and Noakes

Against: Blomfield

Absent: Heazlett

Declared Interest: Nil.

6.4 Local Government Elections and Council Meetings in December 2021 & January 2022 **WO/2021/03864**

- 37 **RESOLVED** on the Motion of Councillors Kealey and Wellings that Council:
1. **HOLD** the first Council Meeting post elections on Wednesday, 22 December 2021 to comply with Section 290 (1)(a) of the Local Government Act 1993 to elect the Mayor within three weeks of the Election;
 2. **CANCEL** the January 2022 Ordinary Meeting of Council.

6.5 Heavy Vehicle Access Improvements to Bridge on Brackendale Road near Lowanna Road Update **WO/2021/03705**

- 38 **RESOLVED** on the Motion of Councillors Kealey and Kermode that Council **NOTES** the report detailing the actual expenditure on this Bushfire Recover grant funded project.

6.6 Unreasonable Customer Complaints Policy AND Domestic & Family Violence Policy **WO/2021/03915**

- 39 **RESOLVED** on the Motion of Councillors Kealey and Blomfield that Council:
1. **APPROVE** the Unreasonable Customer Complaints Policy AND the Domestic & Family Violence Policy;
 2. **PLACE** both policies on public exhibition for a period of 28 days inviting submissions;
 3. **ADOPT** the policies as presented if no submissions are received by Council.



6.7 Bushfire Recovery Funding Program Update **WO/2021/03692**

40 **RESOLVED** on the Motion of Councillors Kealey and Blomfield that Council:

1. **NOTES** the report detailing the status of Bushfire Recover grant funded projects.
2. **NOTES** that there will be some minor budget amendments tabled at a future Quarterly Budget Review to ensure program does not exceed the approved grant amount of \$1,275,000

6.8 Request to Waive Development Application Fees for Walcha & District Historical Society Inc – New Display Shed at Historical Museum

WO/2021/03662

It was **MOVED** Councillor Kealey **Seconded** Councillor Blomfield that Council waive development application fees, excluding non-Council statutory fees, for the Walcha & District Historical Society Inc project to build a display shed at the Historical Museum, Derby Street, Walcha.

An **Amendment** was **MOVED** Councillor Lyon **Seconded** Councillor Wellings that Council waive the other Council fees relevant to the construction of the Display Shed, as listed in the report, with the Construction Certificate only to be waived if they engage Council to issue it.

The **Amendment** was **WITHDRAWN**.

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

6.9 Pecuniary Interest Annual Return from Staff & Councillors as at 30 June 2021 **WO/2021/03694**

42 **RESOLVED** on the Motion of Councillors Wellings and Kermode 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 01 July 2020 to 30 June 2021 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 2020.

6.10 Namoi Unlimited Member Value Report **WO/2021/03723**

43 **RESOLVED** on the Motion of Councillors Kealey and Lyon that Council **NOTE** the 2020 – 2021 Namoi Unlimited Member Value Report.

7. NOTICES OF MOTION

Nil.

8. MATTERS OF URGENCY

Nil.



9. MANAGEMENT REVIEW REPORTS

9.1 Office of the General Manager

WO/2021/03696

44 **RESOLVED** on the Motion of Councillors Wellings and Ferrier that items included in the Office of General Manager Management Review Report be **NOTED** by Council.

9.2 Infrastructure

WINT/2021/08030

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

9.3 Environment & Development

WO/2021/03699

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

9.4 Community & Tourism

WO/2021/03781

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

10. COMMITTEE REPORTS

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

10.1 Minutes of the Walcha Council Capital Advisory Committee Meeting held on Tuesday, 16 September 2021 at the Council Chambers. WO/2021/03842

11. DELEGATE REPORTS

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

11.1 Minutes of the Australia Day Committee Annual General Meeting held on 05 July 2021. WI/2021/13226

11.2 Minutes of the New England Renewable Energy Zone Regional Reference Group Meeting held virtually on Tuesday, 24 August 2021.

WI/2021/13781

11.3 Minutes of the Namoi Unlimited Board Meeting held virtually on Tuesday, 07 September 2021. WI/2021/14005

12. QUESTIONS ON NOTICE

Nil.



13. CLOSED COUNCIL

**13A Referral to Closed Council – Request for Reduction of Water Charges
WO/2021/03931**

50 **RESOLVED** on the Motion of Councillors Lyon and Wellings that, in accordance with the provisions of Section 10 of the Local Government Act, 1993, the matter of Request for Reduction on Water Charges BE referred to be discussed in Closed Council and close the meeting to the public for the reason that the report relates to personnel matters concerning particular individuals (other than Councillors).

13B Referral to Closed Council – Off Creek Water Storage WO/2021/03907

51 **RESOLVED** on the Motion of Councillors Lyon and Wellings that, in accordance with the provisions of Section 10A (2)(c) of the *Local Government Act, 1993*, the matters of Off-Creek Water Storage 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.

52 **RESOLVED** on the Motion of Councillors Lyon and Kealey 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 reason 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.

53 The Meeting resumed in **OPEN** Council on the Motion of Kealey and Lyon.

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 following Closed Council resolutions.

13.1 Request for Reduction of Water Charges

D2021/00694

CC6/20212022 **RESOLVED** on the Motion of Councillors Kealey and Kermodé that Council:

1. **DECLINE** the request to waive excess water and sewer charges of \$4,714.60 and
2. **AGREE** to enter into a payment plan for the property owners to make payment of the Water charges of \$5,714.60.

13.2 Off Creek Water Storage

WINT/2021/08353

CC7/20212022 **RESOLVED** on the Motion of Councillors Wellings and Ferrier that Council **APPROVE** the General Manager to complete the negotiations with the land owners



on suitable commercial terms as advised and within budget to secure the land for construction of the Walcha Off Creek Storage.

Winner of Rate Incentive Scheme 2021

The drawing of the Winner of the Rate Incentive Scheme was completed at the end of the Meeting with the winner being Noel & Janet Goodwin. Congratulations!

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 4:07PM.