



## ORDINARY MEETING OF COUNCIL

held on

Wednesday, 25 May 2022

at

3:05pm

at

Walcha Council Chambers

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

**PRESENT:** Cllr EH Noakes (Chairman) Mayor together with Councillors MA Berry, KW Ferrier, NF Hicks, SJ Kermode, AC Pointing (Virtual via Zoom), A Reilly and GDM Schaefer.

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

**1. LEAVE OF ABSENCE:**  
Nil.

MINUTES



**2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY 27 APRIL 2022:**

195 **RESOLVED** on the Motion of Councillors Hicks and Kermode that the Minutes of the Ordinary Meeting held on Wednesday 27 April 2022, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record, with the following amendment to Councillor Berry's Declarations of Interest to ensure that the declaration from the audio recording reflects the minutes:

**4. Declarations of Interest:**

**Item 7.1 Notice of Motion Number 20: State Government New England Renewable Energy Zone WO/2022/01153**

*Councillor Berry declared a Pecuniary conflict of interest in this matter due to being the Chairman of RED4NE – Responsible Energy Development for New England and will leave the Chambers whilst this item is discussed.*

**CONFIRMATION OF THE EXTRAORDINARY MEETING MINUTES HELD ON WEDNESDAY 18 MAY 2022:**

196 **RESOLVED** on the Motion of Councillors Hicks and Kermode that the Minutes of the Extra Ordinary Meeting held on Wednesday 18 May 2022, copies of which have been distributed to all members, be taken as read and confirmed a **TRUE** record with the following amendment that the Chairperson read the Audio Statement and Acknowledgement of Country and not the General Manager:

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

**3. BUSINESS ARISING**

Nil.

**4. DECLARATIONS OF INTEREST**

Nil.

**5. MAYORAL MINUTE**

Nil.

**6. SENIOR OFFICERS REPORT**

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

**6.1 Quarterly Budget Review Statements as at 30 March 2022**

**WO/2022/03330**

198 **RESOLVED** on the Motion of Councillors Kermode and Schaefer that Council:



1. **ADOPT** the March 2022 Quarterly Budget Review Statements; and
2. **APPROVE** the variations in Income and Expenditure votes as detailed in this report.

**6.2 Modification to Development Application 10.2020.3.2 Basalt Rock Quarry – 1643 Oxley Highway Walcha Road WO/2022/01418**

199 **RESOLVED** on the Motion of Councillors Schaefer and Kermode that Council:

1. modify Development Application 10.2020.3.2 for a basalt rock quarry with a maximum extraction rate of 29,000m<sup>3</sup> per annum on Lot 103 DP 753846, Lot 2 DP1173956, Lots 46 and 47 DP 1082562 known as 1643 Oxley Highway, Walcha, by modifying the following conditions:
  17. *Within 12 months of the facility producing 5,000m<sup>3</sup> of quarry products from production commencing, the access is to be upgraded to a Basic Right Turn (BAR) intersection meeting AUSTRROADS Part 4 of the Guide to Road Design (Austroads 2017a).*
  34. *The hours of operation must be limited to:*
    - a) *Blasting - 8.00am and 5.00pm Monday to Friday and no work is to be carried out on Saturdays, Sundays or public holidays.*
    - b) *Drilling, excavation & processing - 8.00am and 5.00pm Monday to Friday, 8.00am and 3.00pm Saturdays and no work is to be carried out on Sundays or public holidays.*
    - c) *Loading Trucks & Product Shipping – daylight hours Monday to Saturday and no work is to be carried out on Sundays or public holidays.*
    - d) *Maintenance – 7.00am and 7.00pm Monday to Saturday, and no maintenance is to be carried out on Sundays or public holidays.*
2. Advise the applicant that further consideration will be given, by way of another application for a modification to condition 34, to the hours of operation after the quarry is in full operation. However any future application will need to be accompanied by a noise impact assessment at nearby sensitive receptors (dwellings).

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

**For:** Councillors: Berry, Ferrier, Hicks, Kermode, Noakes, Pointing, Reilly and Schaefer.

**Against:** Nil.

**Absent:** Nil.

**Declared Interest:** Nil.



**6.3 BCRRF Bushfire Communities Recovery & Resilience Fund Phase 2  
Stream 1 – Return of Funds WO/2022/01433**

200 **RESOLVED** on the Motion of Councillors Reilly and Berry that Council **REVOKE** the resolution from February 2022 Ordinary Meeting of Council to redistribute \$15,441.99 towards Community Led Grants Program **FURTHER THAT** Council approve the return of the unspent portion of the Bushfire Community Recovery and Resilience Fund to the funding body.

**6.4 Capital Advisory Committee Recommendations 12052022  
WO/2022/01413**

201 **RESOLVED** on the Motion of Councillors Ferrier and Kermode that under Section 13.1 of the Walcha Council Code of Meeting Practice Council **ADOPT** the following items in bulk:

■ **6.4.1 Walcha Skate Park Upgrade and Fenwicke Oval Fencing**

That Council **APPROVE** the demolition of existing fencing, installation of new steel fencing and installation of a concrete mowing strip for the Fenwicke Oval Fencing Upgrade up to the value of \$206,000 subject to the Grant Funding Variation being approved.

■ **6.4.2 Walcha Gym Electrical Upgrades**

That Council **APPROVE** reallocating \$54,000 from Local Roads and Community Infrastructure Phase 2 – Building Electrical Upgrades to undertake the Level 1 Gym Electrical Upgrade Works.

■ **6.4.3 Walcha Motorcycle Rally**

That the annual Motorcycle Rally Budget be tabled at the December Council Meeting each year for Council approval and that the Motorcycle Rally Fees & Charges be **ADOPTED** by Council and added to Council's Fees & Charges for the following year.

**6.5 Councillor Superannuation Payments WO/2022/03300**

202 **RESOLVED** on the Motion of Councillors Hicks and Reilly that Council defer consideration of making superannuation payments to Councillors for twelve months.

**6.6 Update Debt Recovery Policy WO/2022/03311**

It was **MOVED** Clr Schaefer **Seconded** Clr Kermode that Council **ADOPT** the Debt Recovery Policy as Amended.

An **Amendment** was **MOVED** Clr Kermode that Council:

1. **ADOPT** the Debt Recovery Policy as Amended; and



- Publicly exhibit the amended Policy for 28 days and if no submissions are received Council will adopt the amended Policy.

The **Mover** of the **Original Motion** accepted the **Amendment** as the **Motion**.

203 **RESOLVED** on the Motion of Councillors Schaefer and Kermode that Council:

- ADOPT** the Debt Recovery Policy as **AMENDED**.
- Publicly exhibit the amended Policy for a period of 28 days and if no submissions are received Council will **ADOPT** the Amended Policy.

## 7. NOTICES OF MOTION

Nil.

## 8. MATTERS OF URGENCY

Nil.

## 9. MANAGEMENT REVIEW REPORTS

### **9.1 Office of the General Manager**

**WO/2022/01422**

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

### **9.2 Infrastructure**

**WO/2022/01445**

205 **RESOLVED** on the Motion of Councillors Ferrier and Hicks that items included in the Infrastructure Management Review Report be **NOTED** by Council.

### **9.3 Environment & Development**

**WO/2022/01433**

206 **RESOLVED** on the Motion of Councillors Kermode and Schaefer that items included in the Environment & Development Management Review Report be **NOTED** by Council.

### **9.4 Community & Tourism**

**WO/2022/01430**

207 **RESOLVED** on the Motion of Councillors Kermode and Ferrier that items included in the Community & Tourism Management Report be **NOTED** by Council.

## 10. COMMITTEE REPORTS

Nil.

## 11. DELEGATE REPORTS

208 **RESOLVED** on the Motion of Councillors Pointing and Ferrier that Council **RECEIVE** and **NOTE** the Delegate Reports as presented.



**11.1 Minutes of the Country Mayors Association of NSW Meeting held in Sydney on Friday 11 March 2022. WI/2022/06088**

**12. QUESTIONS ON NOTICE**

Nil.

**13. CLOSED COUNCIL**

**13A Referral to Closed Council – Off Creek Storage – Award of Tender – Package 1 AND Scrap Metal Recycling Tender WO/2022/01437**

209 **RESOLVED** on the Motion of Councillors Kermode and Hicks that, in accordance with the provisions of Section 10A (2) (c) of the *Local Government Act, 1993*, the matters of Off Creek Storage – Award of Tender Package 1 AND Scrap Metal Recycling Tender 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.

**13B Referral to Closed Council – Waiver of Private Works Invoice**

**WO/2022/01440**

210 **RESOLVED** on the Motion of Councillors Kermode and Hicks that in accordance with the provisions of Section 10A (2) (a) of the *Local Government Act, 1993*, the matter of Waiver of Private Works Invoice 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).

211 **RESOLVED** on the Motion of Councillors Hicks and Ferrier 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 reasons that:

1. 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.
2. the report relates to personnel matters concerning particular individuals (other than Councillors).

212 The Meeting resumed in **OPEN** Council on the Motion of Councillors Schaefer and Ferrier.

**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 Committee whilst in Closed Council.

**13.1 Off Creek Storage – Award of Tender Package 1 WINT/2022/03322**

CC24/20212022 **RESOLVED** on the Motion of Councillors Ferrier and Berry that Council AWARD Tender No. WAL-T01-2022 Walcha Off Creek Storage 1 (OCS1) Package 1 – Embankment and Spillway to KCE Pty Ltd for the lump sum of \$3,505,260 including GST plus contingent Rate Items as stipulated in the contract to a maximum approved budget allocation for Package 1 of \$4,300,000 excluding GST.

**13.2 Waiver Private Works Invoice WINT/2022/03318**

CC25/20212022 **RESOLVED** on the Motion of Councillors Hicks and Pointing that Council waive the outstanding private works debt of \$546.17 owing against the property title noted in this report.

**13.3 Scrap Metal Recycling Tender WINT/2022/03422**

CC26/20212022 **RESOLVED** on the Motion of Councillors Kermode and Reilly that Council AWARD Tender No.: P00380 to Infrabuild Recycling Matthews Metal Management – ABN: 28002707262, as the successful tenderer for Scrap Ferrous Metal, Non-ferrous Metal, Used Lead Acid Batteries, E-waste collection and disposal including car body make safe and refrigerant gas recovery.

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 4:00PM.**