



EXTRA ORDINARY MEETING OF COUNCIL

held on

Wednesday, 19 April 2023

at 03:25pm at

Walcha Council Chambers

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

PRESENT: Clr EH Noakes (Chairman) Mayor together with Councillors MA Berry, KW Ferrier, NF Hicks, AC Pointing, A Reilly and GDM Schaefer.

IN ATTENDANCE: Mr PE Hood – Interim General Manager, Mr CC Martin – Director Corporate & Community and Mrs EL Hobbs – Executive Assistant.

1. LEAVE OF ABSENCE:

146 **RESOLVED** on the Motion of Councillors Hicks and Pointing that the Leave of Absence received from Clr Kermode, being on a family holiday, be **ACCEPTED**.

MINUTES



2. DECLARATIONS OF INTEREST

Item 4.1 Section 7.11 & 7.12 Contribution Plan WO/2023/00615

Clr Schaefer declared a Non-Pecuniary Non-Significant Interest in this item due to being a host landowner for the Winterbourne Wind Project and a Director / Shareholder of Walcha Wind. Clr Schaefer will remain in the Chambers.

CLOSED COUNCIL Meeting Item 5.1.4 – Planning Agreements for Renewable Energy Developments WO/2023/00585

Clr Schaefer declared a Pecuniary Conflict of Interest in this item due to being a host landowner for the Winterbourne Wind Project and a Director and Shareholder of Walcha Wind. Clr Schaefer will leave the Chambers.

3. MATTERS OF URGENCY

3.1 Extra Ordinary Meeting Business WO/2023/00588

147 **RESOLVED** on the Motion of Councillors Ferrier and Pointing that the business to be discussed at today's Extra Ordinary Meeting, being the:

1. Tender for Derby Street Upgrade;
2. Tender for Fixing Country Bridges – Construction of Army, Winterbourne and Mooraback Bridges;
3. Tender for Walcha Skatepark Precinct Renewal Construction only; and
4. Planning Agreements for Renewable Energy Developments

are of **GREAT URGENCY** and requires a decision of Council before its next scheduled Ordinary Meeting on 26 April 2023.

4. SENIOR OFFICERS REPORT

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

4.1 Section 7.11 & 7.12 Contribution Plan WO/2023/00615

149 **RESOLVED** on the Motion of Councillors Hicks and Reilly that Council:

1. **PREPARE** a Draft Section 7.11 Contributions Plan (Heavy Haulage) for Council consideration;
2. **REVIEW** the Draft Section 7.12 Contribution Plan for Council consideration; and
3. **PREPARE** a suitable Work Schedule for inclusion in the Draft 7.12 Contribution Plan.



5. CLOSED COUNCIL

5.1 Referral to Closed Council the following Reports: WO/2023/00611

5.1.1 Award Tender RFT W22/221 – Derby Street Upgrade Design & Project Management;

5.1.2 Award Tender for RFT W21/67 – Fixing Country Bridges Round 1: Construction of Army, Winterbourne and Mooraback Bridges;

5.1.3 Update on Tender RFT W22/224 – Walcha Skatepark Precinct Renewal Construction only; and

5.1.4 Planning Agreements for Renewable Energy Developments

150 **RESOLVED** on the Motion of Councillors Reilly and Pointing that in accordance with the provision of Section 10A (2) (c) of the Local Government Act, 1993, the matters of:

1. Award Tender RFT W22/221 – Derby Street Upgrade & Project Management;
2. Award Tender RFT W21/67 Fixing Country Bridges Round 1: Construction of Army, Winterbourne and Mooraback Bridges;
3. Update on Tender RFT W22/224 Walcha Skatepark Precinct Renewal Construction only; and
4. Planning Agreements for Renewable Energy Developments

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.

151 **RESOLVED** on the Motion of Councillors Reilly and Pointing 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 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.

152 The Meeting resumed in **OPEN** Council on the Motion of Councillors Hicks and Pointing at 3:47pm.

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.

3.1 Tender W22/221 Derby Street Upgrade – Design and Project Management – Award Tender WINT/2023/01895

CC16/20222023 **RESOLVED** on the Motion of Councillors Reilly and Hicks that Council **AWARD** Tender No.: W22/221 – Derby Street Upgrade Design and Project Management including Preparation Construction Tender Documents to Collins Williams Pty Ltd for the lump sum of \$242,980 GST exclusive.

3.2 Tender W22/224 Walcha Skatepark Precinct Renewal Construction only – Update WINT/2023/01898

CC17/20222023 **RESOLVED** on the Motion of Councillors Hicks and Reilly that Council:

1. **SELECT** Convic Pty Ltd as the preferred tenderer for Tender No. W22/224 Walcha Skatepark Precinct Renewal – Construction;
2. **UNDERTAKE** post-tender negotiations with Convic in regards to scope and schedule;
3. **SUBMIT** variation request to funding body in regards to price and schedule;
4. **CONSIDER** tender award at future Council meeting with additional funding sources identified and confirmed.

3.3 Tender W21/67 Fixing Country Bridges Round 1: Design and Construction of Army, Winterbourne and Mooraback Bridges – Award Tender WINT/2023/01897

CC18/20222023 **RESOLVED** on the Motion of Councillors Pointing and Ferrier that Council **AWARD** Tender No.: W21/67 Design and Construction of Army, Winterbourne and Mooraback Bridges to Fulton Hogan Pty Ltd for the lump sum price of \$4,343,241 GST exclusive SUBJECT to a successful grant funding variation approval from Transport for NSW.

3.4 Planning Agreements for Renewable Energy Developments WO/2023/00585

Clr Schaefer has declared a Pecuniary Conflict of Interest in this matter and left the Chambers.

CC19/20222023 **RESOLVED** on the Motion of Councillors Berry and Hicks that Council:

1. **AUTHORISE** the Mayor and General Manager to negotiate Planning Agreements under the provisions of Section 7.4 of the Environmental Planning & Assessment



Act 1979, for developer contributions for renewable energy developments affecting Walcha Council Local Government Area whereby:

- a) The developer contribution over the estimated life of the project is circa 1.5% of the Capital Investment Value (CIV) of the renewable energy development and;*
- b) The developer contribution is allocated via the General Fund to infrastructure, services or other public amenities in accordance with the Operational Plan;*
- 2. SEEK** *legal review of each draft Planning Agreement before presentation to Council for endorsement to proceed to public exhibition prior to finalisation;*
- 3. AUTHORISE** *the Mayor and General Manager to seek a Planning Agreement with Winterbourne Wind consistent with the above to replace their current community contribution scheme.*

Clr Schaefer returned to the Chambers and was advised of the resolution for this item.

THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 3:55PM.