



## ORDINARY MEETING OF COUNCIL

held on

Wednesday, 27 September 2023

at

3.16pm

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 (video audio link), SJ Kermode, AC Pointing and A Reilly.

**IN ATTENDANCE:** Mr PE Hood – General Manager, Mr AS Butler – Director Infrastructure & Development and Mrs EL Hobbs – Executive Assistant.

**1. LEAVE OF ABSENCE:**

42 **RESOLVED** on the Motion of Councillors Pointing and Berry that the Leave of Absence received from Clr Hicks, being overseas travelling, be **ACCEPTED**.

MINUTES



**Approval for Councillor to Attend Meeting via Audio Visual**

43 **RESOLVED** on the Motion of Councillors Noakes and Reilly that Council **APPROVE** Clr Ferrier to attend the September 2023 Council Meeting via video audio link due to him being unwell and unable to travel to Walcha.

**2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY 30 AUGUST 2023:**

44 **RESOLVED** on the Motion of Councillors Kermode and Pointing that the Minutes of the Ordinary Meeting held on Wednesday 30 August 2023, 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**

Nil.

**5. MAYORAL MINUTE**

Deferred to after the Election of Mayor & Deputy Mayor.

**6. SENIOR OFFICERS REPORT**

45 **RESOLVED** on the Motion of Councillors Kermode and Reilly that the Senior Officers' Reports be **RECEIVED** for further consideration.

**6.1 Election of Mayor & Deputy Mayor**

**WO/2023/01807**

**A. Nomination**

The Mayor vacated the Chair and the Returning Officer, being the General Manager, proceeded with the report.

46 **RESOLVED** on the Motion of Councillors Noakes and Reilly that in the event that there is more than one Councillor nominated for each position of Mayor or Deputy Mayor, then the method of election to determine the position(s) be by Ordinary Ballot **FURTHER THAT** the Returning Officer destroy all documentation following such elections.



## B. Election of Mayor & Deputy Mayor

The Returning Officer called for nominations for the position of Mayor. On receiving only one nomination that of Councillor EH Noakes, the Returning Officer, declared Councillor Noakes elected Mayor for the ensuing period unopposed.

The Returning Officer then called for nominations for the position of Deputy Mayor. He received two (2) nominations for the office of Deputy Mayor, being Councillor Kermode and Councillor Pointing. All Councillors accepted nominations, thus requiring a ballot for the position. As a result of the Ballot the votes were even. The Ballot was determined by picking the winner from a hat and Councillor Pointing was declared elected Deputy Mayor for the ensuing term.

47 **RESOLVED** on the Motion of Councillors Reilly and Berry that Councillor Noakes is elected Mayor and Councillor Pointing is elected Deputy Mayor of Walcha for the ensuing term until September 2024.

## C. Delegations of Authority

Section 377 of the *Local Government Act 1993* provides the authority for Council to delegate its powers. It provides that Council may, by resolution, delegate to the General Manager or any other person or body (excluding another employee of Council) certain of its functions.

Subsequently to those changes, the following authorities are now delegated to the Mayor:

### TO THE MAYOR:

To perform on behalf of Council the following powers, authorities, duties and functions within the terms of the Local Government Act and Regulations thereunder:

1. To appoint any Councillor to represent either the Mayor or the Council at any function or Meeting or other event as the Mayor deems appropriate or necessary.
2. In conjunction with the General Manager to approve the admittance of new Councils in the Mid-North Weight of Loads Group.
3. The authority to adjudicate on or to grant approvals as appropriate under the terms of the adopted Code of Conduct for Local Government provided that in all cases, a right of appeal to the full Council shall exist.



4. The authority to consider and determine Council's response to representations seeking leniency or outlining extenuating circumstances from persons who have been served with a Penalty Notice. This determination shall extend only to those representations referred through the New South Wales Police Service Infringement Processing Bureau.
5. The authority to approve a mode of travel, other than by Council vehicle, for Councillors and Staff travelling on Council business, as circumstances may, from time to time, warrant.
6. In accordance with the provisions of Section 378(2) of the Local Government Act 1993, authority to approve Council orders for the provision of goods and services up to the amount of two thousand dollars (\$2,000).

In the absence of the Mayor, Councillor Noakes, these powers are delegated to the Deputy Mayor, Councillor Pointing, **EXCEPT** for Clause 6.

#### **TO THE DEPUTY MAYOR:**

To perform on behalf of Council the following powers, authorities, duties and functions within the terms of the Local Government Act and Regulations thereunder:

1. During periods of absence of the Mayor, Councillor Noakes, the Delegations made to Councillor Noakes shall be deemed to be made to the Deputy Mayor, Councillor Pointing, **EXCEPT** Clause 6.

48 **RESOLVED** on the Motion of Councillors Pointing and Berry that, in accordance with the provisions of Section 377 of the *Local Government Act, 1993*, the Delegations of Authority listed above be made to the Mayor, Councillor Noakes and the Deputy Mayor, Councillor Pointing, respectively.

Councillor Noakes, Mayor of Walcha, took the Chair.

#### **5. Mayoral Minute:**

Firstly, I would like to thank Councillor's for putting their faith in me to lead Walcha Council for the coming year. It's now been 20 months since this Council was elected and it would be fair to say, as Local Government is well known for, challenging times. With five new Councillors, bringing vitality and new ideas our collaborative approach has seen many wins. The passing this year of Clr Greg Schaefer was both a shock and a loss to Council. His contribution to his community in many areas will be missed.



A successful Special Rate Variation application to reverse Councils long term financial slide demanded a united and focused Council and I believe we delivered that for our community. The delivery of many infrastructure projects, and more to come as we move forward will see Walcha Council's roads, bridges and buildings be maintained and improved into the future.

To Clr Scott Kermode thank you for being a strong and supportive Deputy Mayor and I look forward to Clr Anne Marie Pointing's support over the next year.

Liz our ever there Executive Assistant thanks for your assistance and advice. Your input has been invaluable.

That year will certainly be influenced by the renewable energy debate that continues to rage, and by the next Council election will probably be no further advanced. I look forward to the long awaited delivery of the Derby Street rehabilitation, completion of the vital Off Creek Storage along with pool upgrades, Middle and Walsh Street rehabs and a massive re-sheeting of our gravel road network.

Despite all the major work a focus on financial issues must remain the priority. We have asked our ratepayers for more and we must deliver on the commitment we made to "clean up our own backyard". That should be the priority of everyone in this room today.

I have always maintained that Council is much like a game of football, far easier played from the sideline than in the middle. We play in the middle under a tough referee and I believe deliver for our community.

Clr EH Noakes  
Mayor of Walcha

49 **RESOLVED** on the Motion of Mayor Noakes that the Mayoral Minute be **ADOPTED** as read and submitted.

## 6.2 Allocation of Community Grants & Donations to Applicants WO/2023/01624

50 **RESOLVED** on the Motion of Councillors Kermode and Pointing that Council:



1. **ADVISE** all applicants of Council’s decision as per the Community Grants & Donations Policy; and
2. **ALLOCATE** the following funds to each applicant:
  - a) Walcha & District Historical Society Inc – \$3,355
  - b) Niangala Memorial Hall – \$500
  - c) Woolbrook Hall & Park Committee – \$500
  - d) St Patricks Primary School – \$2,440 – Free entry to Pool for 61 Students for the Learn to Swim Program
  - e) Walcha Central School – \$250 – HSC Scholarship
  - f) Niangala Public School – \$320 – FREE entry to Pool for 8 students for Learn to Swim Program
  - g) Walcha Community Centre – \$500
  - h) Walcha Flippers Swimming Club – \$1,200 – assist with Swimming Clinic
  - i) Walcha District Tennis Association – \$800 – assist with Tennis Clinic

**6.3 Appoint Advisory Committees & External Organisations Delegates**  
**WO/2023/01803**

51 **RESOLVED** on the Motion of Councillors Reilly and Ferrier that Council **ENDORSE** and **APPROVE**:

1. the following Councillor Representation to the stated Council Advisory Committees:

Advisory Committee	Automatic Representation	Councillor Nomination
Walcha Council Beautification Advisory Committee	Nil	1. Councillor Pointing 2. Councillor Reilly
Walcha Council Arts Advisory Committee	Mayor	Councillor Hicks
Walcha Council Community Care Advisory Committee	Nil	Councillor Reilly
Walcha Council Preschool Advisory Committee	Nil	Councillor Pointing
Walcha Council Audit, Risk & Improvement Committee	General Manager	Councillor Hicks
Walcha Council Youth Advisory Committee		Councillor Reilly
Walcha Council Aboriginal Advisory Committee	Mayor & Deputy Mayor	Nil.
Walcha Council Motorcycle Rally Advisory Committee	Nil	1. Councillor Berry 2. Councillor Ferrier
Walcha Council Tourism Advisory Committee		Councillor Reilly



Walcha Council Capital Advisory Committee	Mayor & Deputy Mayor	Councillor Berry
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2. the following Councillor Representation to the stated Groups and Organisations:

Organisation	Automatic Representation	Councillor Nomination
New England Tablelands (Noxious Plants) County Council – NEWA	Nil	Councillor Kermode
Namoi Unlimited Joint Organisation	Mayor & General Manager	Nil
NSW Public Libraries Association – North Eastern Zone	Nil	Councillor Reilly
Central Northern Regional Libraries Committee	Nil	Councillor Reilly
Arts North West	Nil	Councillor Hicks
Walcha Community Consultative Committee	Nil	Councillor Reilly
Walcha Local Health Committee	Mayor	Nil
Country Mayors Association	Mayor & General Manager	Nil
General Manager’s Performance Review Committee	Mayor & Deputy Mayor	1. Councillor Hicks 2. Councillor Berry
Walcha Centre Management Committee (MPC)	Nil	Councillor Pointing
New England Bush Fire Management Committee	General Manager (LEMO)	Nil
Apsley Riverview Working Group	Mayor, General Manager, Director Corporate & Community; Exec Manager Community & Tourism	Councillor Pointing

**6.4 Formation of Australia Day Advisory Committee WO/2023/01811**

52 **RESOLVED** on the Motion of Councillors Kermode and Berry that Council:

- CREATE** a Walcha Council Australia Day Advisory Committee with the following membership:
  - o General Manager
  - o One Councillor
  - o Community Members x 6



2. **ADOPT** the Australia Day Advisory Committee Terms of Reference;
3. **ADVERTISE** for Community Representation on the Committee as soon as possible.

#### **6.5 Aerodrome Access Road and Runway Rehabilitation Change Request WO/2023/04266**

53 **RESOLVED** on the Motion of Councillors Pointing and Kermode that Council **APPROVE** the following change requests for Walcha Aerodrome Improvements:

- 20230807 – Variation PCR Va 01 – Extra Gravel & Reshape Runway.
- 20230807 – Variation PCR Va 02 – Extra Seal on Aerodrome Road.
- 20230807 – Variation PCR Va 03 – Aerodrome Road Crest Stabilisation 4 off
- 20230918 – Variation PCR Va 04 – Heavy Patch Aerodrome Road & Entry to Waste Transfer Facility

#### **6.6 Part Day Public Holiday 2024 & 2025 Applications Support – Survey Results WO/2023/01792**

54 **RESOLVED** on the Motion of Councillors Berry and Kermode 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 9 February 2024 and Friday 7 February 2025 for the Walcha Races;
2. **SURVEY** the community stakeholders directly after each event to ascertain their success.

#### **6.7 Formation of a Local Traffic Committee for Walcha Local Government Area WO/2023/01713**

55 **RESOLVED** on the Motion of Councillors Ferrier and Kermode that Council:

1. **APPOINT** the Director Infrastructure & Development as Council's representative to the Committee; and
2. **CONSULT** with the Local State Member, Adam Marshall MP, to advise his nominee.

#### **6.8 DRAFT Event Strategy – Walcha Motorcycle Rally WO/2023/00390**

56 **RESOLVED** on the Motion of Councillors Berry and Kermode that Council **ADOPT** the Draft Event Strategy – Walcha Motorcycle Rally as presented.

#### **6.9 Updated 2023 – 2024 Agency Information Guide WO/2023/01796**

57 **RESOLVED** on the Motion of Councillors Kermode and Pointing that Council **ENDORSE** and **ADOPT** the 2023 – 2024 Agency Information Guide as per Division 2 Section 21 of the *Government Information (Public Access) Act 2009*.





## **7. NOTICES OF MOTION**

### **7.1 Notice of Motion Number 29: Pedestrian Crossings WO/2023/01809**

58 **RESOLVED** on the Motion of Councillors Noakes and Berry that Council:

1. approach Transport for NSW to investigate and implement a traffic calming device to slow traffic approaching the pedestrian crossing in Fitzroy Street.
2. investigate and implement a traffic calming device to slow traffic approaching the pedestrian crossing in Derby Street.

## **8. MATTERS OF URGENCY**

Nil.

## **9. MANAGEMENT REVIEW REPORTS**

### **9.1 Office of the General Manager WO/2023/01684**

59 **RESOLVED** on the Motion of Councillors Pointing and Reilly that items included in the Office of the General Manager Management Review Report be **NOTED** by Council.

### **9.2 Infrastructure & Development WO/2023/01806**

60 **RESOLVED** on the Motion of Councillors Ferrier and Pointing that items included in the Infrastructure & Development Management Review Report be **NOTED** by Council.

### **9.3 Corporate & Community WO/2023/01790**

61 **RESOLVED** on the Motion of Councillors Pointing and Kermode that items included in the Corporate & Community Management Review Report be **NOTED** by Council.

## **10. COMMITTEE REPORTS**

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

### **10.1 Minutes of the Walcha Council Beautification Advisory Committee Meeting held on Wednesday 23 August 2023 at Council Chambers.**

**WO/2023/01552**

### **10.2 Minutes of the Walcha Council Arts Advisory Committee Meeting held on Tuesday 29 August 2023 at Council Chambers. WINT/2023/03995**



#### 4.1 Council Arts Restricted Funds

63 **RESOLVED** on the Motion of Councillors Ferrier and Kermode that Council allocate \$5,000 for Capital Artwork in next years' budget.

64 **RESOLVED** on the Motion of Councillors Kermode and Pointing that under Section 13.1 of the Walcha Council Code of Meeting Practice 2023, Council **ADOPT** the following items in bulk:

#### 4.2 Council Projects

That Council consider the removal of the round garden bed at the pool entrance during the pool amenities refurbishment project as it is more aesthetically pleasing and practical to have it removed.

#### 4.4 Collins Williams Consulting Pty Ltd Derby Street Project Upgrade Pre-Design Consultation

That Council consider as part of the Derby Street Upgrade Project, "Dunghutti Country" signage be placed at town entrances.

That Council consider the Committees' concerns on the concept design aspect in the change to traffic conditions on the Derby Street / Jamieson Street intersections and the danger it presents to the community.

That Council consider the Committees' concerns on the concept design inclusion of the additional gardens outside of the showground.

#### 5.1 Other Business

That Council send a letter of thanks to James Rogers for his service to the Walcha Council Arts Advisory Committee.

### **11. DELEGATE REPORTS**

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

**11.1 Minutes of the Arts North West Strategic Advisory Committee Meeting held at Bingara on Monday 21 August 2023. WI/2023/10345**



## **12. QUESTIONS ON NOTICE**

### **A. Land for Development – Clr Reilly**

Councillor Reilly would like to know more about the Land for Development. It was noted that it is the land behind the Pool and that soil tests have been completed. It is now sitting for action in the Action List.

### **B. Request a Detailed Report to Council – Clr Reilly**

Mooraback and Winterbourne Bridges condition specifically the state of the bridges in regards to deterioration and safety.

## **13. CLOSED COUNCIL**

### **13A Referral to Closed Council – Award Tender W23/97 Boxley Timber Bridge WO/2023/01819**

66 **RESOLVED** on the Motion of Councillors Kermode and Pointing that, in accordance with the provisions of:

1. Section 10A of the Local Government Act, 1993, the matters of:
  - a) Award Tender W23/97 Boxley Timber Bridge; and
  - b) Tender for Off Creek Storage Packages 6b and 7;
  - c) Fixing Country Bridges R1: Award Tender W21/67 Design & Construction of Army, Winterbourne and Mooraback Bridges;**BE REFERRED** to be discussed in Closed Council and close the meeting to the public for the reason that the reports 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. For the reason above, Council **RESOLVE INTO** Closed Council and the press and the public be excluded.

67 The Meeting resumed in **OPEN** Council on the Motion of Councillors Ferrier and Berry.

**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 Boxley Timber Bridge Replacement – Design and Construct – Award Tender W23/97 WINT/2023/04267**

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

1. **AWARD** Tender W23/97 Boxley Timber Bridge replacement for the lump sum of \$816,386 GST exclusive to Engineering & Civil Contractor Pty Ltd; and
2. **APPROVE** a project financial contingency of 10% of the contract sum, \$81,639, to be approved under Council Officer delegation and change request process.

**LATE REPORTS:**

**3.2 Walcha Off Creek Storage 1 (OCS1) – Package 6b – Pumping Station Upgrade, Civil and Mechanical WINT/2023/04350**

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

1. **REJECT ALL** Tenders for Tender No. W23/144 – Walcha Off Creek Storage 1 (OCS1) – Package 6b – Pumping Station Upgrade Civil and Mechanical;
2. **DELEGATE** to the General Manager to enter into contract negotiations with the preferred tenderer EMT Pty Ltd up to an approved budget allocation of \$1,700,000 to deliver both Package 6b and Package 7.

**3.3 Fixing Country Bridges R1: Award Tender W21/67 Design & Construction of Army, Winterbourne and Mooraback Bridges WINT/2023/04362**

**RESOLVED** on the Motion of Councillors Kermode and Pointing that Council

1. **AWARD** Tender W21-67 Design and Construction of Army, Winterbourne and Mooraback Bridges to Fulton Hogan Pty Ltd for the Design and Construction of Army Bridge ONLY for the lump sum price of \$1,943,043.00 GST exclusive.
2. **APPROVE** a project financial contingency of 10% of the contract sum, \$194,304.30 to be approved under Council Officer Delegation and change request process.

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 5:15pm.**