



## ORDINARY MEETING OF COUNCIL

held on

Wednesday, 13 December 2023

at

3:20pm

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, NF Hicks, SJ Kermode, AC Pointing and A Reilly.

**IN ATTENDANCE:** Mr PE Hood – General Manager, Mr AS Butler – Director Infrastructure & Development, Mr CC Martin – Director – Corporate & Community (via Zoom) and Mrs EL Hobbs – Executive Assistant.

**1. LEAVE OF ABSENCE:**

100 **RESOLVED** on the Motion of Councillors Berry and Pointing that Clr Ferrier's Leave of Absence due to illness, be **ACCEPTED**.

MINUTES



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**2. CONFIRMATION OF THE ORDINARY MEETING MINUTES HELD ON WEDNESDAY 29 NOVEMBER 2023:**

101 **RESOLVED** on the Motion of Councillors Reilly and Kermode that the Minutes of the Ordinary Meeting held on Wednesday, 29 November 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**

Nil.

**6. SENIOR OFFICERS REPORT**

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

**6.1 Mandatory Notifiable Data Breach Reporting Policy WO/2023/02388**

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

1. **APPROVE** the Draft Data Breach Policy to be placed on public exhibition for a period of 28 days;
2. In the event that no submissions are received **ADOPT** the Policy; and
3. If any submissions are received, **REQUEST** the Customer Service Coordinator prepare a further report to Council with details of the submissions.

**6.2 2022-2023 Annual Report WO/2023/02414**

104 **RESOLVED** on the Motion of Councillors Kermode and Hicks that Council **NOTE** the Walcha Council 2022-2023 Annual Report.

**6.3 Modification to Development Application 10.2022.22.2 – Construction of Shed and 3 Lot Residential Subdivision WO/2023/02428**

This Report was **WITHDRAWN** from the Council Meeting due to planned amendments to the modification by the applicant.



## **7. NOTICES OF MOTION**

Nil.

## **8. MATTERS OF URGENCY**

105 **RESOLVED** on the Motion of Councillors Hicks and Berry that Council **ACCEPT** Late Reports:

- 3.2 Thunderbolts Way Segment 4670 Rehabilitation;
- 3.3 Brackendale Road Segment 10 Rehabilitation; and
- 3.4 Aberbaldie Road Segment 100/110 Rehabilitation

As matters of urgency due to time constraints on funding and tenders.

The Chairperson ruled that these items be considered as a matter of urgency in Closed Council.

## **9. MANAGEMENT REVIEW REPORTS**

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

**WO/2023/02409**

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

### [Update on Resolution# 26/2023224 – Apsley Riverview Aged Care Facility – Public Consultation](#)

A Public Meeting will be held next Monday 18 December 2023 at the Walcha Bowling Club, a 2 page insert in the Apsley Advocate this week will give you more information. This Public Meeting is to consult with the community on the direction Council is taking on this facility. It could result in an Extra Ordinary Meeting on 31 January 2024 to make a decision.

### **9.2 Infrastructure & Development**

**WO/2023/02410**

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

### **9.3 Corporate & Community**

**WO/2023/02386**

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



## **10. COMMITTEE REPORTS**

109 **RESOLVED** on the Motion of Councillors Berry and Kermode that Council **RECEIVE** and **NOTE** the Committee Reports as presented.

**10.1 Minutes of the Walcha Council Audit Risk & Improvement Committee Meeting held on Thursday 21 September 2023 at the Council Chambers, Hamilton Street, Walcha** **WO/2023/01805**

**10.2 Minutes of the Walcha Preschool Advisory Committee Meeting held on Monday 30 October 2023 at the Walcha Preschool.** **WO/2023/02389**

**10.3 Minutes of the Walcha Council Australia Day Advisory Committee Meeting held on Monday 06 November 2023 at Council Chambers, Hamilton Street, Walcha.** **WO/2023/02382**

**10.4 Minutes of the Walcha Council Beautification Advisory Committee Meeting held on Wednesday 22 November 2023 at Council Chambers Hamilton Street, Walcha.** **WINT/2023/04364**

2.2 Darjeeling Road Proposed Tree Removal – RFT W22/219 – Walcha Pathways Design Project

This recommendation is taken as feedback on the consultation of Pathways Design Project.

2.4 Proposed Location of Artwork at the Swimming Pool

110 **RESOLVED** on the Motion of Councillors Kermode and Berry that Council consider keeping the round garden bed at the Pool entrance with minor tidying of the garden and install this artwork on the grassed area outside the Pool entrance between the gym and the Pool entrance.

**10.5 Minutes of the Walcha Council Australia Day Advisory Committee Meeting held on Monday, 04 December 2023 at Council Chambers, Hamilton Street, Walcha.** **WO/2023/02405**

## **11. DELEGATE REPORTS**

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



**11.1 Minutes of the New England Weeds Authority Ordinary Meeting held on Tuesday 15 August 2023 at NEWA Office, Rusden Street, Armidale**

**11.2 Minutes of the New England Weeds Authority Special Meeting held on Tuesday 19 September 2023 at NEWA Office, Rusden Street, Armidale**

**11.3 Minutes of the Country Mayors Association of NSW Annual General Meeting held on Friday 24 November 2023 at Parliament House, Sydney**

**11.4 Minutes of the Country Mayors Association of NSW General Meeting held on Friday 24 November 2023 at Parliament House, Sydney.**

**12. QUESTIONS ON NOTICE**

John Oxley Sewer Extension Project – Clr Noakes

Question: Does the Project Value amount include any contingency?

Long Day Care at Preschool – Clr Pointing

Question: Do we have an update on this as it will effect a few families.

Answer: Director Corporate & Community: possibly extending it another year – but need a commitment from several families – will follow up with this though.

**13. CLOSED COUNCIL**

**13A Referral to Closed Council – Tender Evaluation W22/223 – Old Brookmount & Hazeldean Causeways WO/2023/02424**

112 **RESOLVED** on the Motion of Councillors Berry and Kermode that, in accordance with the provisions of Section 10A of the *Local Government Act, 1993*:

1. The matters of:
  - a) Tender Evaluation W22/223 Design and Construction Old Brookmount & Hazeldene Causeways
  - b) Thunderbolts Way Segment 4670 Rehabilitation – Allocate funding under Capital Works Budget
  - c) Brackendale Road Segment 10 Rehabilitation – Award full Stabilisation Works and Allocate Funding under Capital Works Budget
  - d) Aberbaldie Road Segment 100/110 Rehabilitation – Award full Service Stabilisation Works
2. 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; and
3. Council **RESOLVE INTO** Closed Council and the press and the public be excluded.

113 The Meeting resumed in **OPEN** Council on the Motion of Councillors Hicks and Kermode.

**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.

CC27/20232024 **RESOLVED** on the Motion of Councillors Kermode and Berry that Council under Section 13.1 of the Walcha Council Code of Meeting Practice 2023, Council **ADOPT** the following items in bulk:

### **3.1 Tender Evaluation W22/223 – Old Brookmount & Hazeldene Causeways – Design & Construct**

That Council:

1. **AWARD** Tender No. W22/223 Old Brookmount and Hazeldene Causeways – Design and Construct for the lump sum of \$470,383.59 GST exclusive to Engineering & Civil Contractor Pty Ltd subject to OLG Funding deed approval of the nominated projects;
2. **APPROVE** a project financial contingency of 10% of the contract sum, \$47,038.00 to be approved under Council Officer Delegation and change request process.

### **3.2 Thunderbolts Way Segment 4670 Rehabilitation – allocate funding under Capital Works Budget**

That Council **ALLOCATE** \$328,195 of Roads to Recovery funding and \$162,580.86 of Regional & Local Roads Repair funding to the Regional Roads Capital Works budget for the construction of Thunderbolts Way Segment 4670 Rehabilitation.



### **3.3 Brackendale Road Segment 10 Rehabilitation – Award full Stabilisation Works and Allocate Funding under Capital Works Budget**

That Council

1. **AWARD** Full Service Stabilisation Works to Hiway Stabilisers under LGP 213-2 Panel Tender for the lump sum of \$212,800 GST exclusive to Hiway Stabilisers Australia Pty Ltd.
2. **ALLOCATE** \$340,588.81 of Regional & Local Road Repair funding to the Seal Local Roads Capital Works budget for the construction of Brackendale Rd Segment 10 Rehabilitation.

### **3.4 Aberaldie Road Segment 100/110 Rehabilitation – Award full Stabilisation Works**

That Council **AWARD** Full Service Stabilisation Works to Hiway Stabilisers under LGP 213-2 Panel Tender for the lump sum of \$171,780 GST exclusive to Hiway Stabilisers Australia Pty Ltd.

**THERE BEING NO FURTHER BUSINESS THE CHAIRMAN DECLARED THE MEETING CLOSED AT 4:13PM.**