

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

PRESENT: Mayor J Stafford (Chairperson), Clr P Culhane, Clr P Kensit, Clr B McCormack, Clr R Opie, Clr D O'Brien, Clr R Cummins, Clr J Wheelwright, Clr J Searl, Mr J Bell (General Manager), Mr A Croke (Director Finance and Administration), Mr M Shah (Director of Works and Operations), Mrs T Dodson (Director of Environment & Planning), Ms D Crosbie (Media Officer), Ms S Pearman (Executive Assistant - Relief).

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM

The Mayor called for a minutes silence to pay respects to Kane Smith, Ern Wilson and Daryl Wray who all passed away recently and who all had strong connections to Council.

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Clr Opie – Declared a Pecuniary Interest as his wife is a local doctor in Item 7.1 Correspondence No 4 – Gunning District Community Health Centre and will make the declaration, leave the Chamber and not return until the matter is resolved.

SECTION 4: CONFIRMATION OF MINUTES

ITEM 4.1 **RESOLVED** by Clr Searl and Clr McCormack
01/19

That the minutes of the Ordinary Council Meeting held on 20 December 2018 be adopted.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

SECTION 5: MAYORAL MINUTES

ITEM 5.1 MAYORAL MINUTE

02/19 **RESOLVED** by Mayor Stafford and Clr Searl

That Council receive and note the activities attended by the Mayor for November and December, 2018.

- CARRIED

SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE ITEMS FOR THE MONTH OF FEBRUARY 2019

03/19 **RESOLVED** by Clr Searl and Clr Culhane

That Item 7.1 - [Correspondence/Information] listed below be received:

1. Taralga Public School – Letters from students regarding cutting tree down at Goodhew Park Taralga.

04/19 **RESOLVED** by Clr Cummins and Clr Culhane that

1. The Mayor writes to each of the students to explain why the trees were removed and what are the long term benefits to the students with the upgrade of Goodhew Park.

- CARRIED

2. Liverpool City Council – Invitation to the Women’s Association NSW Conference April 2019.
3. Parliament of NSW – Media Release – Delivering Safer Roads for Goulburn.

Clr Opie left the Chamber in accordance with his declaration the time being 6.12pm

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

4. Gunning District Community Health – Request to extend lease.

05/19

RESOLVED by Clr Searl and Clr Cummins that

1. Council extend the current lease with the Gunning District Community Health to include the Wardens Room as part of the office component of the old courthouse building.
2. Council approves the extension of the lease with any lease documents to include a plan of the courthouse that clearly shows all the rooms subject to the lease and all the rooms that are excluded from the lease.

- CARRIED

Clr Opie returned to the Chamber the time being 6.25pm.

5. Stonequarry Cemetery – Request for assistance with restoration program at cemetery.

06/19

RESOLVED by Clr Wheelwright and Clr McCormack that:

1. Council provides the Stonequarry Cemetery Committee with a \$3000.00 contribution for the Restoration Program at the Cemetery.

- CARRIED

6. Office of Local Government – Circular 18-46 – New Councillor Induction and Professional Development Requirements.

- CARRIED

SECTION 8: LATE CORRESPONDENCE

Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

SECTION 9: INFORMATION ONLY

The Mayor asked Councillors to identify any items of business listed that they wish to speak on. Clr Cummins indicated he wished to speak on Items 9.3 and 9.10 and Clr R Opie indicated he wished to speak on Items 9.7.

ITEM 9.1 DEVELOPMENT STATISTICS FOR THE MONTH OF DECEMBER 2018 AND JANUARY 2019

07/19 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council receives and notes the report as information.

Councillors who voted for:- Crs P Culhane, P Kensit, B McCormack, R Opie, D O'Brien, R Cummins, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

ITEM 9.2 – 9.9 INFORMATION ONLY ITEMS 9.2 – 9.9

08/19 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receives and notes the reports as information.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

ITEM 9.10 ACTION SUMMARY - COUNCIL DECISIONS

09/19 RESOLVED by Clr Cummins and Clr Opie

1. Council receives and notes the report as information.
2. The Director of Finance and Administration be given the authority to obtain costs for the provision of an audio system which will be compatible, if required, with any future web cast as in compliance with cl 5.19 of the Model Code of Meeting Practice.

- CARRIED

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 10: ENVIRONMENT AND PLANNING

**ITEM 10.1 DEVELOPMENT APPLICATION 120/2018 - USE OF LAND FOR THE
PURPOSE OF AN AIRSTRIP - LOT 2 DP 1110114 - 69
BERRABANGALO LANE, LADE VALE**

10/19 RESOLVED by Clr O'Brien and Clr Culhane

It is recommended that:

Council determine the application by granting consent subject to the following conditions:

SCHEDULE OF CONDITIONS

PART 1 - GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and /or the building is carried out in such a manner that it is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term 'applicant' means any person who has the authority to act on the development consent.

- (1) Except where otherwise required or permitted by conditions of development consent, the development shall be carried out generally in accordance with the information submitted in support

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

of the development application and the following stamped approved development drawings, including any notations or amendments marked by Council in red.

	<i>Document reference</i>	<i>Document Dated</i>	<i>Prepared by</i>
Site Plan	-	-	Applicant
Statement of Environmental Effects	-	-	Applicant

The development is to be conducted in a manner to ensure that the environment of the surrounding locality is not adversely affected, disturbed or disrupted. Disturbing or disruption of the surround environment includes dust emissions, excessive noise or the like.

- (3) The airstrip shall be in accordance with the Civil Aviation Authority's Guidelines for Aeroplane Landing Areas 92-1(1).
- (4) The airstrip shall be used for private use only. No commercial activities are to be undertaken unless the prior consent of Council has been obtained.
- (5) The development shall be operated only during daylight hours over a period of 5 days per week.
- (6) The airstrip is limited to use by ultralights only.

Councillors who voted for:-

Clrs P Culhane, P Kensit, B McCormack, R Opie, D O'Brien, R Cummins, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

ITEM 10.2 ALL SAINTS' ANGLICAN CHURCH, COLLECTOR - REQUEST FOR WAIVER OF COUNCIL DEVELOPMENT FEES

MOVED by Clr Searl and Clr Kensit

1. Council waive the required development fees associated with the submission of a development application for the construction of an amenities building at All Saints Anglican Church, Collector.

Councillors who voted for:- Crs P Kensit, B McCormack and J Searl

Councillors who voted against:- Crs P Culhane, R Opie, D O'Brien, R Cummins, J Stafford and J Wheelwright

- LOST

A motion was moved by Clr Wheelwright and Clr O'Brien that:

1. Council not waive the required development fees associated with the submission of a development application for the construction of an amenities building at All Saints Anglican Church, Collector.

On being put to the meeting motion was carried

11/19 RESOLVED by Clr Wheelwright and Clr O'Brien

1. Council not waive the required development fees associated with the submission of a development application for the construction of an amenities building at All Saints Anglican Church, Collector.

Councillors who voted for:- Crs P Culhane, R Opie, D O'Brien, R Cummins, J Stafford and J Wheelwright

Councillors who voted against:- Crs P Kensit, B McCormack and J Searl

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

SECTION 11: WORKS AND OPERATIONS

ITEM 11.1 PROPOSED ROAD NAME IN A SUBDIVISION IN BREADALBANE ROAD/CHURCH STREET , COLLECTOR

12/19 RESOLVED by Clr Searl and Clr O'Brien

1. Council endorse the proposed road name as nominated by the developer, as "Lark Close"

- CARRIED

ITEM 11.2 REPLACEMENT WOODVILLE ROAD CROOKWELL RIVER TIMBER BRIDGE

13/19 RESOLVED by Clr Searl and Clr McCormack

1. Defer the replacement of the bridge to the 2019/20 Operational Plan should Council be successful in securing grant funding under the NSW Bridge Renewal Program – Round 4;
2. Council endorse the NSW Bridge Renewal application lodged on 5 February 2019.

- CARRIED

ITEM 11.3 DRAFT ROAD NAMING POLICY AND ROAD NAMING REGISTER

14/19 RESOLVED by Clr Searl and Clr O'Brien

1. Council place the attached revised Road Naming Policy on public display for 28 days;
2. Council invites the community to suggest road and street names for inclusion in the proposed Road Naming Register.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

ITEM 11.4 **TARALGA WATER SUPPLY - STATUS REPORT**
15/19 **RESOLVED** by Clr Searl and Clr Opie

1. Council continue to seek appropriate grant funding to assist with the Taralga Water Supply works that are yet to be funded.

- CARRIED

ITEM 11.5 **WORKS DEPOT REPORT**
16/19 **RESOLVED** by Clr Cummins and Clr Searl

1. Council receives a further report on the Works Depot and heavy vehicle station during the 21 March 2019 Council Meeting.

- CARRIED

SECTION 12: FINANCE AND ADMINISTRATION

ITEM 12.1 **ADDITIONAL REBATE FOR UNDETECTED WATER LEAK -**
CROOKWELL NEIGHBOURHOOD CENTRE
17/19 **RESOLVED** by Clr Culhane and Clr Cummins

1. Council approve a once only write-off of \$3,855.85 in water usage charges on Account Number 918 for Greater Southern Area Health Service, c/- Neighbourhood Centre, Crookwell.

Clr Kensit requested that her name be recorded as being against the motion.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

ITEM 12.2 **REVIEW OF INFORMATION TECHNOLOGY STRATEGIC PLAN**
18/19 **RESOLVED** by Clr Searl and Clr Cummins

1. Council adopt the Information Technology Strategic Plan 2019-2021.

- CARRIED

ITEM 12.3 **QUARTERLY BUDGET REVIEW STATEMENTS - 2ND QUARTER**
19/19 **2018/2019**
RESOLVED by Clr Cummins and Clr Culhane

1. Council adopts the 2nd Quarter Budget Review Statements for 2018/2019 including revotes of income and expenditure to the Operational Plan; and
2. Council endorses the Operational Plan Performance Summary Report.
3. That the Director of Infrastructure provide a report to Council at the 21 March 2019 Ordinary Council Meeting detailing all the options being considered for the management of waste disposal across the Shire.
4. That the Director of Infrastructure provide information in the above report regarding the engagement of the services of a consultant to cost all the options being considered.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

SECTION 13: GENERAL MANAGER

ITEM 13.1 CODE OF MEETING PRACTICE

20/19

RESOLVED by Clr Searl and Clr Wheelwright

1. Under s361 of the Local Government Act 1993, Council gives public notice of its intention to adopt and amend the Code of Meeting Practice allowing 28 days for the making of public submissions.

- CARRIED

A foreshadowed motion was moved by Clr Cummins and Clr Opie that:

1. Clause 3.33 of the Model Code of Meeting Practice is deleted.

On being put to the meeting the motion was lost.

Moved by Clr Cummins and Clr Opie that a division be called.

Councillors who voted for:- Crs P Kensit, R Opie and R Cummins

Councillors who voted against:- Crs P Culhane, B McCormack, D O'Brien, J Searl, J Stafford and J Wheelwright

ITEM 13.2 CODE OF CONDUCT REVIEW

21/19

RESOLVED by Clr Searl and Clr Wheelwright

1. Council adopts the prescribed Model Code of Conduct for Local Councils in NSW and the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

ITEM 13.3 **2020 LOCAL GOVERNMENT ELECTIONS**
22/19 **RESOLVED** by Clr Searl and Clr O'Brien

1. Upper Lachlan Shire Council ('the Council') resolves:
 - a. Pursuant to s.296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of Council.
 - b. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
 - c. Pursuant to s.296(2) and (3) of the Act, as applied and modified by s.18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

- CARRIED

SECTION 14: LATE REPORTS

Nil

COMMITTEES AND DELEGATES

ITEM 15.1 **REPORTS FOR THE MONTH OF FEBRUARY 2019**
23/19 **RESOLVED** by Clr Searl and Clr Kensit

That Item 15.1 - [Minutes of Committee/Information] listed below be received:

1. Breadalbane Hall Committee – Minutes from Annual General Meeting and Meeting held 18 November 2018.
2. Collector Village Pumpkin Festival – Minutes from meeting held 10 December 2018.
3. Economic Development Task Force – Minutes from meeting held 3 December 2018.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

4. Economic Development Task Force – Minutes from meeting held 5 February 2019.

Agenda Item 4.1 – Upper Lachlan Shire’s Youth Workshop

RESOLVED that Council agrees to Development Impacts Pty Ltd engaging the youth of Upper Lachlan Shire in an Economic Development workshop to be run in conjunction with the Revitalisation & Action Plan meeting at the cost of \$5,000 + GST.

Agenda Item 4.4 – SBFC Inaugural Conference 16th & 17th May, 2019

RESOLVED Council endorse sending Brenda Proudman & Susan Reynolds to attend the Small Business Friendly Councils Inaugural Conference in Sydney on 16th & 17th May, 2019 at a cost of \$350.00 per person.

Agenda Item 5.1 – General Business

That a committee be formed from interested local community members to work on the Two Hundred Year District Anniversary in 2020.

24/19

RESOLVED by Clr Opie and Clr Searl that Item 4.1, 4.4 and 5.1 of the Economic Development Task Force Committee be adopted

- CARRIED

5. Tony Foley Memorial Community Centre Committee – Minutes from Annual General Meeting held 1 November 2018.
6. Tony Foley Memorial Community Centre Committee – Minutes from Meeting held 1 November 2018.

- CARRIED

SECTION 16: NOTICES OF MOTION

Nil

SECTION 17: QUESTIONS WITH NOTICE

Nil

The meeting adjourned the time being 7.47pm

The meeting resumed the time being 8.00pm

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

CLOSED COUNCIL ITEMS

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in 10A (2) of the Act and should be dealt with in a part of the meeting closed to the public and the media.

***Note:** Pursuant to Clause 25 (1) of the Local Government (Meetings) Regulation, Council invites verbal representation by members of the public about whether the items listed below should not be considered by Council in a Closed Meeting. The items are:*

25/19 **RESOLVED** by Clr Searl and Clr O'Brien

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to 10A of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2) 10A (2a), 10A (2c), 10A (2d(i)), 10A (2d(ii)), 10A (2d(iii)), as outlined above.
3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Council closed its meeting at 8.00pm and the public, staff and press left the chambers.

26/19 **RESOLVED** by Clr Searl and Clr O'Brien

That Council move out of closed Council and into open Council.

- CARRIED

Open Council resumed at 8.35pm.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

Resolutions from the Closed Council Meeting

The following resolutions of Council, while the meeting was closed to the public, were read to the meeting by the Mayor.

SECTION 16: CONFIDENTIAL SESSION

ITEM 19.1 STORMWATER LINE REPLACEMENT, GOULBURN STREET TO ROBERTSON LANE, CROOKWELL

27/19 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council endorse the decision of the Mayor for the authorisation of 56 lineal metres of stormwater pipe and accept the attached quote from Divall's Earthmoving for a total sum of \$42,248 ex GST.
2. That the Director of Infrastructure provide a Closed Council report at the 21 March 2019 Ordinary Council Meeting detailing whether pool water from both the Crookwell and Gunning Pools is discharged in compliance with EPA standards.

- CARRIED

ITEM 19.2 PROPOSED CROWN ROAD TRANSFER TO A COUNCIL PUBLIC ROAD

28/19 **RESOLVED** by Clr Wheelwright and Clr Culhane

1. Council approves the transfer of the unnamed Crown Road to as a Council Public Road in accordance with the agreement subject to the adjacent neighbours agreeing in writing to the closure of the road.
2. The applicant is to meet the full cost of upgrading the Public Road to Council's standards.
3. The applicant is to meet the full cost of closing the Council road.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

ITEM 19.3 COMMUNITY SERVICES UPGRADE AT PAT CULLEN RESERVE

MOVED by Clr Searl and Clr McCormack

1. Council accept the contract from JL Proudman Building to construct the footpath and boardwalk under the scope described in 'Separable Portion A' (Saleyards Road till Eastern end of wheelchair Ramp) for a quoted price of \$100,169.09 Ex GST.

- LOST

A foreshadowed motion was moved by Clr Wheelwright and Clr Kensit that:

1. Council accept the contract from JL Proudman Building to construct the footpath either side of the pedestrian bridge under the scope described in 'Separable Portions B and C' for a quoted price of \$85,724.55 Ex GST.

On being put to the meeting the motion was carried.

29/19 RESOLVED by Clr Wheelwright and Clr Kensit

1. Council accept the contract from JL Proudman Building to construct the footpath either side of the pedestrian bridge under the scope described in 'Separable Portions B and C' for a quoted price of \$85,724.55 Ex GST.

- CARRIED

ITEM 19.4 ABERCROMBIE RIVER BRIDGE REPLACEMENT

30/19 RESOLVED by Clr Searl and Clr Cummins

1. Council approves the final confirmed price of \$892,857.27 (ex GST) from Oberon Council and proceeds with the construction of the proposed culvert bridge over the Abercrombie River.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

ITEM 19.5 **PURCHASE OF REPLACEMENT WHEEL LOADER**
31/19 **RESOLVED** by Clr O'Brien and Clr Searl

1. Council purchase one Komatsu WA320-8 loader from Komatsu Australia for the sum of \$291,200.00 (ex GST).

- CARRIED

ITEM 19.6 **PROCUREMENT OF REPLACEMENT OF SMOOTH DRUM ROLLER**
32/19 **RESOLVED** by Clr O'Brien and Clr Culhane

1. Council purchase one Caterpillar CS56B roller from Westrac from the sum of \$165,110.25 (Ex GST).
2. Council sell existing roller Plant No.542 via Pickles Auctions.

- CARRIED

LATE CLOSED COUNCIL ITEMS

ITEM 19.7 **LATE CLOSED COUNCIL ITEM**
33/19 **RESOLVED** by Clr Searl and Clr McCormack

That Late Closed Item 19.7 Revitalisation of Goodhew Park Taralga be received.

- CARRIED

34/19 **RESOLVED** by Clr Opie and Clr Searl

1. Council accept the tendered price by JL Proudman Building to (i) install a new toilet building and demolish the old toilet building, (ii) coordinate installation of new playground equipment and refurbish the playground area, (iii) install new picnic benches,

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2019

shelters and a barbeque unit, (iv) construct new drainage swales, and (v) reinstate works area at Goodhew Park in Taralga for a quoted price of \$94,695.64 Ex GST.

- CARRIED

THE MEETING CLOSED AT 8.35 PM

Minutes confirmed 21 MARCH 2019

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Mayor