

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 FEBRUARY 2013

PRESENT: Councillors Shaw, McCormack, O'Brien, Wheelwright, Marshall, Searl, Barlow, Culhane and Craig and Messrs J Bell (General Manager), A Croke (Director of Finance and Administration), P Newham (Director of Works and Operations), Mrs T Dodson (Director of Environment and Planning), Messrs P Brown (Manager Noxious Weeds), R Wong (Manager of Environment and Planning), G Anable (Manager of Works), L Moloney (Manager of Operations), H Spirek (Media Officer) and Mrs H Peterson (Executive Assistant).

THE MAYOR DECLARED THE MEETING OPEN AT 9.00AM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Nil

SECTION 4: CONFIRMATION OF MINUTES

01/13 **RESOLVED** by Clr McCormack and Clr Wheelwright

That the minutes of the Ordinary Council Meeting held on 20 December 2012 be adopted.

- CARRIED

SECTION 5: MAYORAL MINUTES

ITEM 5.1 MAYORAL MINUTE - COUNCIL STAFF CHRISTMAS PARTY

02/13 **RESOLVED** by Clr Shaw and Clr McCormack

That Council holds an annual Staff Christmas function and further,

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with respect to arrangements for the Christmas/New Year period 2013, it is proposed to close the offices and depots from midday on Thursday, 19 December 2013 and to reopen on Thursday, 2 January 2014.

It is currently Council's policy to grant staff a half-day off to attend a Council Christmas party and to provide some refreshments for that party. This year, that day falls on Thursday, 19 December 2013.

A combined staff function will be held at an appropriate venue in Crookwell commencing at 1.00pm on Thursday, 19 December 2013.

- CARRIED

An amendment was moved by Clr Searl that the motion be referred to the Consultative Committee for ratification.

The amendment lapsed for want of a seconder.

ITEM 5.2 ACKNOWLEDGEMENT OF RFS, COUNCIL STAFF AND VOLUNTEERS EFFORTS

03/13 RESOLVED by Clr Shaw and Clr Marshall

That on behalf of Councillors and the Upper Lachlan Shire Community I wish to thank the Rural Fire Service and their volunteers, Council Staff and other community volunteers for their untiring efforts during the recent local bush fire outbreaks.

Without the efforts of our RFS, volunteers and Council staff the outcomes from the recent event may have been much more severe.

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SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

1. Jenny Bennet CEO - Centroc

2. Local Area Command, Superintendent Worboys and Inspector Post with respect to local policing issues.

SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE ITEMS FOR THE MONTH OF FEBRUARY

04/13 **RESOLVED** by Clr Marshall and Clr O'Brien

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

- A. Collector Pumpkin Festival Committee – Request for waiver of fees for 2013 festival.

05/13 **RESOLVED** by Clr Searl and Clr Barlow that Council donate the Development Application fees for the Collector Pumpkin Festival, in an amount of \$220.00, to the Collector Pumpkin Festival Committee.

- B. Hon Brad Hazzard MP – Goldwind – proposed wind farm development.
- C. Hon Katrina Hodgkinson MP – Response to letter - concern about the impact of state significant infrastructure projects.
- D. David and Gillian Montgomery – Thanking Council for action taken in respect to their late son's grave.
- E. James Harker-Mortlock – Independent Hume Candidate – Media Release – Need to improve communications.
- F. Independent Local Government Review Panel – Stage 2 update for members.
- G. Independent Local Government Review Panel – Media Release – Local Government review hits top gear.
- H. SPARC – Feasibility Study for Upper Lachlan Sport & Recreation Centre – Committee Members details.
- I. Australian Local Government Association – 2013 National General Assembly of Local Government – Call for Motions – Discussions.
- J. NSW Transport – Acceptance of Relinquishment of Community Transport Services.
- K. NSW Govt Transport NSW – Final NSW Long Term Transport

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Master Plan released.

- L. 'Haulin the Hume' – Request to Waiver of fees.

06/13

RESOLVED by Clr Searl and Clr McCormack

Council donate the Development Application fees and showground hire fees in an amount of \$546.00 to "Haulin the Hume".

- M. Jonathan Taylor – Collector Internet.
N. Independent Local Government Review Panel – Media Release – Regional capacity and a 'bigger voice' in the spotlight.
O. NSW Government – Productive and Primary Industries – Connecting Catchments – Building Local Land Services.

- CARRIED

SECTION 8: LATE CORRESPONDENCE

Nil

*The meeting adjourned for morning tea the time being 11.00am.
The meeting resumed the time being 11.20am.*

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 9: ENVIRONMENT AND PLANNING

ITEM 9.1 MONTHLY WEED ACTIVITIES REPORT

07/13

RESOLVED by Clr McCormack and Clr Barlow

1. Council receive and note the information.

Councillors who voted for:- Councillors McCormack, Craig, Wheelwright, Culhane, Barlow, Marshall, Searl, Shaw and O'Brien

Councillors who voted against:- Nil

- CARRIED

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ITEM 9.2 DEVELOPMENT STATUS REPORT

08/13 RESOLVED by Clr Barlow and Clr Searl

1. Council receive the report and note the information.

Councillors who voted for:- Councillors McCormack, Craig,
Wheelwright, Culhane, Barlow,
Marshall, Searl, Shaw and
O'Brien

Councillors who voted against:- Nil

- CARRIED

ITEM 9.3 BARBOUR PARK, GUNNING

Clr Searl moved a motion "That Council resolve the matter by declaring the area enclosed at the end of the reserve on the pool side of the Meadow Creek as a "Rest Area", and on the other side of the creek, limit access and use by erecting signs at the existing access points advising "Authorised Vehicle Access Only" and "No Camping".

The motion lapsed for want of a seconder.

09/13 RESOLVED by Clr Culhane and Clr O'Brien

1. Council places on public exhibition, the Draft Recreation Vehicles Management Strategy and the subsequent Plan of Management for Barbour Park, allowing 60 days for the making of public submissions.

Councillors who voted for:- Councillors McCormack, Craig,
Wheelwright, Culhane, Barlow,

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Marshall, Searl, Shaw and
O'Brien

Councillors who voted against:- Nil

- CARRIED

ITEM 9.4 PROPOSED OPEN CUT MINING DEVELOPMENT CONTROL PLAN

10/13 RESOLVED by Clr Barlow and Clr McCormack

1. Council not undertake the creation of an Open Cut Mining Development Control Plan in accordance with Resolution No 128/12 at present, but rather Council puts on hold the need for the Director of Environment and Planning to devise a draft open cut mining Development Control Plan for the Shire until such future time as Council may deem one to be necessary.

Councillors who voted for:- Councillors McCormack, Craig,
Wheelwright, Culhane, Barlow,
Marshall, Searl, Shaw and
O'Brien

Councillors who voted against:- Nil

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ITEM 9.5 **DEVELOPMENT APPLICATION 106/2012 - SUBDIVISION OF
LAND AND ROAD, LOTS 134 & 135 DP750031 AND LOT 1
DP32438, BREADALBANE ROAD, BREADALBANE**

11/13 **RESOLVED** by Clr McCormack and Clr O'Brien

1. Council receive and note the report as information.

Councillors who voted for:- Councillors McCormack, Craig,
Wheelwright, Culhane, Barlow,
Marshall, Searl, Shaw and
O'Brien

Councillors who voted against:- Nil

- CARRIED

SECTION 10: WORKS AND OPERATIONS

ITEM 10.1 **ROAD MAINTENANCE COUNCIL CONTRACT (RMCC)**

12/13 **RESOLVED** by Clr Wheelwright and Clr Craig

1. Council receive the report and note the information.

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ITEM 10.2 **PROGRESS REPORT REGARDING CROOKWELL TELEVISION SERVICE**

13/13 **RESOLVED** by Clr Culhane and Clr Marshall

1. Council receive and note the report regarding Crookwell Television service;
2. Council progress with the terrestrial television retransmission licence;
3. Council seek funding from external sources for the television retransmission service;
4. Council consider the priority of the project when formulating Council's 2013/14 Operational Plan.

- CARRIED

ITEM 10.3 **WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE**

14/13 **RESOLVED** by Clr O'Brien and Clr Marshall

1. Council receive the report and note the information.

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ITEM 10.4 **WORKS IN PROGRESS - TECHNICAL & MANAGERIAL**
15/13 **RESOLVED** by Clr McCormack and Clr Craig

1. Council receive and note the report as information.

- CARRIED

ITEM 10.5 **WATER AND SEWER UPDATE**
16/13 **RESOLVED** by Clr Barlow and Clr Marshall

1. Council receive the report and note the information.

- CARRIED

ITEM 10.6 **2013/2014 RURAL FIRE FIGHTING FUND ESTIMATES**
17/13 **RESOLVED** by Clr McCormack and Clr Wheelwright

1. Council endorses the 2013/2014 estimate and authorises the General Manager to sign the summary page.

- CARRIED

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SECTION 11: FINANCE AND ADMINISTRATION

ITEM 11.1 INVESTMENTS TO 31 JANUARY 2013

18/13 **RESOLVED** by Clr Marshall and Clr McCormack

1. Council receive and note the report as information.

- CARRIED

ITEM 11.2 STORES STOCKTAKE DECEMBER 2012

19/13 **RESOLVED** by Clr Wheelwright and Clr McCormack

1. Council write-off the stores stocktake variance to the value of \$630.62.

- CARRIED

ITEM 11.3 BANK BALANCES AND RECONCILIATION TO 31 JANUARY 2013.

20/13 **RESOLVED** by Clr Wheelwright and Clr Craig

1. Council receive and note the report as information.

- CARRIED

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ITEM 11.4 RATES AND CHARGES OUTSTANDING AS AT 31 JANUARY 2013

21/13 RESOLVED by Clr Marshall and Clr Barlow

1. Council receive and note the report as information.

- CARRIED

ITEM 11.5 QUARTERLY BUDGET REVIEW STATEMENTS 2012-2013

22/13 RESOLVED by Clr McCormack and Clr Craig

1. Council adopts the 2nd Quarter Budget Review Statements for 2012/2013 including revotes of income and expenditure to the Operational Plan; and
2. Council notes the Operational Plan Performance Summary Report.

- CARRIED

ITEM 11.6 UPPER LACHLAN SHIRE COUNCIL COMMUNITY SURVEY RESULTS

23/13 RESOLVED by Clr O'Brien and Clr Searl

1. Council receive the report as information and incorporate the 2012 community survey results into the review of Council's Community Strategic Plan and Delivery Program.

- CARRIED

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ITEM 11.7 **LIBRARY QUARTERLY REPORT OCTOBER 2012 TO DECEMBER 2012**

24/13 **RESOLVED** by Clr Wheelwright and Clr McCormack

1. Council receive and note the report as information.

- CARRIED

SECTION 12: GENERAL MANAGER

ITEM 12.1 **STAFFING MATTERS**

25/13 **RESOLVED** by Clr Craig and Clr Barlow

1. Council receive and note the report as information.

- CARRIED

ITEM 12.2 **ALCOHOL FREE ZONE**

26/13 **RESOLVED** by Clr Wheelwright and Clr Marshall

1. Council re-establishes the alcohol free zone for a period of 4 years for the period 25 February 2013 to the 24 February 2017 over the following areas:
 - Goulburn Street between Laggan Road and East Street;
 - Denison Street between Roberts Street and Colyer Street;
 - Spring Street between Cowper Street and Marsden Street;

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- Roberts Street between Denison and Robertson Street;
- Goulburn Lane between Roberts Street and Colyer Street;
- Robertson Street between Laggan Road and Park Street; and
- Public car parks in Spring and Roberts Street.

- CARRIED

ITEM 12.3
27/13

WHS COMMITTEE MINUTES

RESOLVED by Clr O'Brien and Clr Marshall

1. Council receives and notes the WHS Committee Meeting Minutes as information.

- CARRIED

ITEM 12.4
28/13

CONSULTATIVE COMMITTEE MEETING MINUTES

RESOLVED by Clr Searl and Clr Marshall

1. Council receives and notes the Consultative Committee Meeting Minutes as information.

- CARRIED

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ITEM 12.5 **MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW**
29/13 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council adopts the Code of Conduct and the Procedures for Administration of the Code of Conduct, and
2. Council appoints the Director of Finance & Administration as Complaints Coordinator and the Manager of Finance & Administration as Alternate Complaints Coordinator.

- CARRIED

ITEM 12.6 **PRIVACY MANAGEMENT PLAN**
30/13 **RESOLVED** by Clr Marshall and Clr Culhane

1. Council gives public notice of its intention to adopt the Privacy Management Plan allowing 28 days for the making of public submissions; and
2. Council will provide a copy of the Privacy Management Plan to the Privacy Commissioner following the adoption of the Privacy Management Plan.

- CARRIED

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ITEM 12.7 **SOUTHERN HIGHLANDS & TABLELANDS REGIONAL ACTION PLAN**

31/13 **RESOLVED** by Clr O'Brien and Clr Craig

1. Council receive and note the report as information.

- CARRIED

ITEM 12.8 **INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL REPORT: ASSESSING PROCESSES AND OUTCOMES OF THE 2004 LOCAL GOVERNMENT BOUNDARY CHANGES IN NSW**

32/13 **RESOLVED** by Clr Marshall and Clr Culhane

1. Council receive and note the report as information.

- CARRIED

ITEM 12.9 **RMS FINANCIAL ASSISTANCE FOR MR 248 EAST AND GRABINE ROAD**

33/13 **RESOLVED** by Clr Barlow and Clr McCormack

1. Council accepts the amended offer to undertake reconstruction and initial sealing of steep slope sections of Grabine Road, from the Hon Duncan Gay MLC, Minister for Roads and Ports, of \$1.5M funding to be allocated on the basis of \$100,000 for 2012/2013, \$200,000 for 2013/2014, \$200,000 for 2014/2015, \$200,000 for 2015/2016, \$200,000 for 2016/2017, \$200,000 for 2017/2018, \$200,000 for 2018/2019 and \$200,000 for 2019/2020 (the project to be matched by Council funding over the period of the grant).

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2. Council confirms acceptance of the offer of road funding, from the Hon Duncan Gay MLC, Minister for Roads and Ports, of \$1.083M in allocations of \$361,000.00 per year over three years from 2012/2013 to 2014/2015 to undertake the completion of reconstruction and sealing the remaining 5.7 kms of unsealed road length on MR248 East (the project to be matched by Council funding over the period of the grant).

- CARRIED

*The meeting adjourned for lunch the time being 1.10pm.
The meeting resumed the time being 2.00pm.*

ITEM 12.10 ACTION SUMMARY - COUNCIL DECISIONS

34/13 RESOLVED by Clr Craig and Clr O'Brien

1. Council receive and note the report as information.

- CARRIED

SECTION 13: LATE REPORTS

Nil

**SECTION 14: REPORTS FROM OTHER COMMITTEES, SECTION 355
COMMITTEES AND DELEGATES**

Nil

**ITEM 14.1 SECTION 355 AND OTHER COMMITTEE REPORTS FOR THE
MONTH OF FEBRUARY**

35/13 RESOLVED by Clr Marshall and Clr Craig

That Item - [Minutes of Committees/Information listed below be received:

- A. Crookwell 2 & 3 Wind farm Community Consultative Committee
– Minutes from meeting held 12 December 2012.

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- B. Golspie Wind farm Community Consultative Committee – Minutes from meeting held 7 December 2012.
- C. Taralga War Memorial Hall – Minutes from meeting held 6 December 2012.
- D. Upper Lachlan Tourist Association – Minutes from meeting held 4 February 2013.
- E. Local Emergency Management Committee – Minutes from meeting held 24 January 2013.

- CARRIED

36/13

RESOLVED by Clr Wheelwright and Clr Craig that Clr Culhane attend the Crookwell 2 & 3 Wind Farm Community Consultative Committee meetings as an additional Council representative.

- CARRIED

SECTION 15: BUSINESS WITHOUT NOTICE

Nil

SECTION 16: NOTICES OF MOTION

Nil

ITEM 16.1
37/13

NOTICE OF MOTION - ECONOMIC DEVELOPMENT

RESOLVED by Clr Marshall and Clr Culhane

1. That a Working Group of Council be formed to steer Council led initiatives to promote commerce throughout the Shire and greater participation of our citizens in the Upper Lachlan economy. The working group to consist of Clr Marshall, Clr Culhane, Mrs Brenda Proudman, Mr Andrew Warren and Mr Hank Spirek.

- CARRIED

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38/13 **RESOLVED** by Clr Marshall and Clr Culhane

1. That Council consider at the budget planning meeting for the 2013 Operational Plan, allocating an amount specifically to accommodate some business promotional initiatives.

- CARRIED

39/13 **RESOLVED** by Clr Culhane and Clr Marshall

1. That the Director of Environment and Planning be requested to include a letter of introduction from the Economic Development Officer to commercial Development Applications to assist in the approval process should they be required or requested by the developer.

- CARRIED

40/13 **RESOLVED** by Clr Culhane and Clr Marshall

1. That the Director of Environment and Planning considers providing greater detail of commercial Development Applications in the monthly report to Council.

- CARRIED

SECTION 17: QUESTIONS WITH NOTICE

Nil

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:

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41 /13

RESOLVED by Clr Craig and Clr Barlow

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to 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) 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.

Council closed its meeting at 2.48pm and the public, staff and press left the chambers.

42/13

RESOLVED by Clr O'Brien and Clr Barlow

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

Open Council resumed at 3.30pm.

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 18: CONFIDENTIAL SESSION

ITEM 18.1 RATE ARREARS LEGAL STATUS

43/13

RESOLVED by Clr Wheelwright and Clr Marshall

1. Council receives the report and continues debt recovery for outstanding rates and charges in accordance with Council's Debt Recovery Policy.

- CARRIED

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**ITEM 18.2 SUPPLY OF PIPE AND FITTINGS FOR GUNNING WATER
SUPPLY UPGRADE**

44/13 RESOLVED by Clr McCormack and Clr O'Brien

1. Council accept the complying tender of Promains Pty Ltd in the amount of \$154,174.00 including G.S.T for the supply and delivery of pipe (PVC(M)) and fittings for the rising main component of the Gunning water supply upgrade project.

- CARRIED

**ITEM 18.3 PROGRESS REPORT -GULLEN RANGE WIND FARM -
GOLDWIND P/L.**

45/13 RESOLVED by Clr Wheelwright and Clr McCormack

1. Council resolve to endorse the actions of the General Manager and Director of Works and Operations to require Goldwind P/L to reconstruct 7.35Kms of Kialla Road to gain access to the Gullen Range Wind Farm development for "Overmass" and "Overdimension" vehicles.

- CARRIED

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ITEM 18.4 STAFFING MATTERS

46/13 RESOLVED by Clr Barlow and Clr O'Brien

1. That Council receive and note the report as information.

- CARRIED

ITEM 18.5 PROPOSED SALE OF LOT 19 DP 702495 MARTYN ST TARALGA

47/13 RESOLVED by Clr Marshall and Clr McCormack

1. Subject to the removal of the restriction as Public Reserve under the second notification of the Second Schedule, Council place Lot 19 DP 702495, Martyn Street, Parish of Guineacor, Village of Taralga on the market for sale.
2. Subject to the removal of the restriction as Public Reserve under the second notification of the Second Schedule, Council seeks expressions of interest for the sale of Lot 19 DP 702495, Martyn Street, Parish of Guineacor, Village of Taralga.

- CARRIED

THE MEETING CLOSED AT 3.45PM

Minutes confirmed 21 MARCH 2013

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Mayor