

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 AUGUST 2013

PRESENT: Councillor Shaw, McCormack, O'Brien, Wheelwright, Marshall, Searl, Barlow, Culhane, Craig and Messrs J Bell (General Manager), P Newham (Director of Works and Operations) A Croke (Director of Finance and Administration) and Mrs T Dodson (Director of Environment and Planning), Messrs P Brown (Noxious Weeds Manager), G Anable (Manager of Works), L Moloney (Manager of Operations) 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

Clr B McCormack declared a Non Pecuniary Interest in Item 16.1 Notice of Motion "Gullen Range Wind farm connection to the grid", as his brother has wind towers on his property and Clr McCormack will stay in the Chamber, not participate in the debate and will not vote.

SECTION 4: CONFIRMATION OF MINUTES

231/13 **RESOLVED** by Clr McCormack and Clr Marshall

That the minutes of the Ordinary Council Meeting held on 18 July 2013 be adopted.

- CARRIED

SECTION 5: MAYORAL MINUTES

Nil

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SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

1. ESSENTIAL ENERGY - Phillip Green and Penny Cox
2. SERAS – Garry Lane

SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE ITEMS FOR THE MONTH OF AUGUST 2013

232/13 **RESOLVED** by Clr Searl and Clr Craig

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

1. Barry O'Farrell MP - Acknowledging correspondence of 4 July 2013 - Energy Generating projects.
2. Trade and Investment Crown Lands – Replacement of low level crossing on Fish River Road over Lachlan River.
3. State Emergency Service (SES) – Seeking Council concurrence of nominated various local appointments.

233/13 **RESOLVED** by Clr Searl & Clr McCormack that Council supports the following appointments:

Mr Nicholas Orchard as the Local Controller Upper Lachlan and Unit controller Crookwell,
Mrs Denise Perry as Unit Controller of Bigga,
Mr Gary Poile, ESM as the Unit Controller of Gunning/Collector,
and further that a letter of thanks be forwarded to Mrs Carmel Page for her outstanding contribution to the SES and especially Crookwell.

4. Ron Cummins – Digital Switchover - situation to be clarified.

Moved by Clr Searl and Clr Barlow that construction commence on the transmission tower in Crookwell immediately.

An amendment was moved by Clr Marshall and Clr McCormack that a report be provided at the next council meeting outlining the expenditure involved in the transmission tower project.

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On being put to the meeting the amendment was carried and became the motion.

234/13

RESOLVED by Clr Marshall and Clr McCormack that a report be provided at the Council Meeting to be held 19 September 2013 outlining the expenditure involved in the transmission tower project.

At this time Item 16.1 Notice of Motion "Gullen Range Wind farm connection to the grid", was brought forward.

Councillor B McCormack declared an interest in accordance with his disclosure of a non pecuniary interest declaration.

The Mayor invited Mr H Price-Jones to address the meeting on the Gullen Range Wind Farm on behalf of several residents who were present at the meeting.

Moved by Clr Barlow and Clr Searl

"That Upper Lachlan Shire Council does not consent to Goldwind Australia, the developer of the Gullen Range Wind Farm, digging up several kilometres of the Shire's roads in the Bannister area in order to lay underground cabling to connect the northern part of its project that does not have access to the grid to the southern part that does have access".

On being put to the meeting the motion was carried.

235/13

RESOLVED Clr Barlow and Clr Searl

That Upper Lachlan Shire Council does not consent to Goldwind Australia, the developer of the Gullen Range Wind Farm, digging up several kilometres of the Shire's roads in the Bannister area in order to lay underground cabling to connect the northern part of its project that does not have access to the grid to the southern part that does have access.

Councillors who voted for:-

Councillors Barlow, Searl, Craig,
Shaw and O'Brien

Councillors who voted against:-

Councillors Wheelwright,
Culhane and Marshall

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Abstained:-

Councillor McCormack in accordance with his declaration of non pecuniary interest.

5. Jennifer and Humphrey Price-Jones – Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
6. Rob Post - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
7. Dr John Formby & Professor Laurie Brown Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
8. Georgina Chambers - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
9. Jim Hutson - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
10. Salim Aboutake - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
11. Tom and Karen Appel - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
12. Doug Werrin - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
13. Grant Winberg - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
14. John & Ingrid Benjamin - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
15. John & Vicki Mendl - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
16. Mrs Janine Hannan - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
17. Stephen Stubbs - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.
18. Dr Susan Robinson - Objection – Gullen Range Wind Farm – Laying of High voltage under and alongside Council's roads.

- CARRIED

The time being 10.20am the meeting adjourned for morning tea.

The time being 10.45am the meeting resumed.

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SECTION 8: LATE CORRESPONDENCE

236/13 **RESOLVED** by Clr Barlow and Clr Searl that the late correspondence be accepted. **CARRIED**

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 9: ENVIRONMENT AND PLANNING

ITEM 9.1 MONTHLY WEED ACTIVITIES REPORT

237/13 **RESOLVED** by Clr Marshall and Clr Craig

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

ITEM 9.2 REVIEW OF AERIAL GROUP SPRAYING PROGRAMS

238/13 **RESOLVED** by Clr Marshall and Clr Barlow

1. Council discontinue the annual serrated tussock aerial group spraying program.

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

Councillors who voted against:- Councillor Searl

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An amendment was moved by Clr Searl that the community be consulted with regard to the aerial spraying being discontinued.

The amendment lapsed for want of a seconder.

ITEM 9.3 **DEVELOPMENT STATISTICS FOR THE MONTH OF JULY 2013**
239/13 **RESOLVED** by Clr McCormack and Clr Marshall

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

ITEM 9.4 **LOCAL HERITAGE FUND 2013-2014**
240/13 **RESOLVED** by Clr O'Brien and Clr Craig

1. That Council receive this 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

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ITEM 9.5 **SWIMMING POOL BARRIER INSPECTION PROGRAM POLICY**
241/13 **RESOLVED** by Clr Wheelwright and Clr O'Brien

1. Council adopt the Draft Swimming Pool Barrier Inspection Program.

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 **WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE**
242/13 **RESOLVED** by Clr Marshall and Clr O'Brien

1. Council receive and note the report as information.

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ITEM 10.2 **WORKS IN PROGRESS - TECHNICAL AND MANAGERIAL**
243/13 **RESOLVED** by Clr McCormack and Clr Marshall

1. Council receive and note the report as information.

- CARRIED

ITEM 10.3 **MAJOR PROJECT - BURWOOD BRIDGE FINAL REPORT**
244/13 **RESOLVED** by Clr McCormack and Clr Craig

1. Council receive and note the report as information and further that Council reallocate the unspent funds in the amount of \$91,845.00 from the Burwood Creek Bridge internal restricted reserve to the Reids Flat Bridge replacement project.

- CARRIED

ITEM 10.4 **MAJOR PROJECT - TARALGA ROAD MR248 EAST FINAL**
245/13 **REPORT**
RESOLVED by Clr O'Brien and Clr Barlow

1. Council receive and note the report as information.
2. That Council seek a meeting with Minister for Roads and Ports, Duncan Gay, to establish funding program guidelines for MR 248E Special Grant funding.

- CARRIED

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ITEM 10.5 **INTERIM STATUS REPORT - TENDER FOR HIRE OF EQUIPMENT
(PLANT AND TRUCKS) UP UNTIL 30 JUNE 2015.**

246/13 **RESOLVED** by Clr Marshall and Clr O'Brien

1. Council receive and note the report as information.

- CARRIED

ITEM 10.6 **WATER AND SEWER UPDATE**

247/13 **RESOLVED** by Clr Barlow and Clr O'Brien

1. Council receive and note the report as information.

- CARRIED

SECTION 11: FINANCE AND ADMINISTRATION

ITEM 11.1 **INVESTMENTS TO 31 JULY 2013**

248/13 **RESOLVED** by Clr McCormack and Clr Craig

1. Council receive and note the report as information.

- CARRIED

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ITEM 11.2 **BANK BALANCES AND RECONCILIATION TO 31 JULY 2013**
249/13 **RESOLVED** by Clr McCormack and Clr Barlow

1. Council receive and note the report as information.

- CARRIED

ITEM 11.3 **RATES AND CHARGES OUTSTANDING AS AT 31 JULY 2013**
250/13 **RESOLVED** by Clr Craig and Clr O'Brien

1. Council receive and note the report as information.

- CARRIED

ITEM 11.4 **LIBRARY QUARTERLY REPORT**
251/13 **RESOLVED** by Clr O'Brien and Clr Searl

1. Council receive and note the report as information.

- CARRIED

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ITEM 11.5 **2012/2013 BUDGET REVOTES FOR CARRY FORWARD OF UNCOMPLETED WORKS**

252/13 **RESOLVED** by Clr Craig and Clr O'Brien

1. Council receives the report and approves the 2012/2013 revote of uncompleted capital works and private works expenditure projects and prepayment of 2013/2014 Financial Assistance Grant income allocation to Council's internal restricted reserve fund, totalling a \$2,796,452 increase in reserves balance.

- CARRIED

ITEM 11.6 **BUSHFIRE BRIGADES ALLOCATION OF SECTION 94 DEVELOPMENT CONTRIBUTION FUNDS FOR 2013/2014**

253/13 **RESOLVED** by Clr McCormack and Clr Wheelwright

1. Council adopts the revotes of capital expenditure to the Operational Plan from the Section 94 Plan Register – Bushfire Brigade reserve fund, totalling \$33,290.

- CARRIED

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SECTION 12: GENERAL MANAGER

ITEM 12.1 STAFFING MATTERS

254/13 **RESOLVED** by Clr Wheelwright and Clr Barlow

1. Council receive and note the report as information.

- CARRIED

ITEM 12.2 CONSULTATIVE COMMITTEE MEETING MINUTES

255/13 **RESOLVED** by Clr Craig and Clr Culhane

1. Council receives and notes the Consultative Committee Meeting Minutes as information.
2. The amended Higher Grade Pay Policy and Procedure be adopted by Council.

- CARRIED

ITEM 12.3 WHS COMMITTEE MINUTES

256/13 **RESOLVED** by Clr O'Brien and Clr Marshall

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

- CARRIED

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ITEM 12.4 **ACTION SUMMARY - COUNCIL DECISIONS**
257/13 **RESOLVED** by Clr McCormack and Clr Marshall

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

ITEM 14.1 **MINUTES/INFORMATION FOR THE MONTH OF AUGUST**
258/13 **RESOLVED** by Clr Barlow and Clr Craig

That Item 14.1 - [Minutes of Committee/Information] listed below be received:

- A. Audit and Investment Committee – Minutes from meeting held 18 June 2013.

259/13 **RESOLVED** by Clr Culhane and Clr Barlow

That recommendations 1 – 6 of the Audit and Investment Committee be adopted.

RECOMMENDATION 1. That -

1. The report on Council's investment portfolio is received and information noted.
2. A report be prepared to senior management and Audit and Investment Committee detailing credit ratings for each financial institution which Council has funds invested in term deposits.

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RECOMMENDATION 2. That -

The report on the “Review of NSW Local Government Investments” is received and information noted.

RECOMMENDATION 3 That -

The Morse Group Management Letter for the interim audit of Upper Lachlan Shire Council for the 2012/2013 financial year is received, information noted and management shall implement actions with regard to the four identified audit matters arising as detailed in the management response.

RECOMMENDATION 4. That -

The “Financial Sustainability of the New South Wales Local Government Sector” Report prepared by NSW Treasury Corporation is received and information noted.

RECOMMENDATION 5. That -

The report on the Local Government Code of Accounting Practice and Financial Reporting Guidelines be received and the information noted.

RECOMMENDATION 6. That -

Report on the internal audit program is received and information noted.

- B. Gunning and District Historical Society – Minutes from meeting held 23 May 2013.
- C. Gunning and District Historical Society – Minutes from meeting held 27 June 2013.

- CARRIED

SECTION 15: BUSINESS WITHOUT NOTICE

Nil

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SECTION 16: NOTICES OF MOTION

ITEM 16.1 GULLEN RANGE WIND FARM CONNECTION TO THE GRID

This item was brought forward – **see Minute Number 235/13**

ITEM 16.2 LINE MARKING ON THE GUNNING TO SUTTON ROAD

260/13 **RESOLVED** by Clr Searl and Clr Barlow

'That Council seeks the cooperation of the Yass Valley Shire Council in centre line remarking on the Gunning to Sutton Road'.

- CARRIED

ITEM 16.3 DIRECTION ON MT RAE FOREST SURVEY

Clr Searl and Clr Barlow

“That Council seeks direction from the Environmental Protection Authority in regards to the recent survey findings on the Mt Rae Forest as presented at the July 2013 Ordinary Meeting of Council.”

On being put to the meeting the motion was lost.

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ITEM 16.4 COMMUNITY ACCESS FOR RESIDENTS IN THE LIONS CLUB OF GUNNING HOMES PROJECT

Moved by Clr Searl

“That Council investigates options for the safe access of residents of the Lions Club of Gunning Homes Project on the Cullerin Road to Gunning town centre.”

The motion lapsed for want of a seconder.

ITEM 16.5 DALTON SPEED ZONES

Moved by Clr Searl

“That Council liaise with the Roads and Maritime Services to review the placement of 50kph advisory and compulsory speed limit signage on roads entering Dalton”

The motion lapsed for want of a seconder.

SECTION 17: QUESTIONS WITH NOTICE

ITEM 17.1 PLANNING FOR 100TH ANNIVERSARY OF ANZAC DAY IN 2015

Refer to the Business Paper for 15 August 2013 for the Acting General Managers response.

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ITEM 17.2 GUNNING TO DALTON ROAD RAILWAY BRIDGE

Refer to the Business Paper for 15 August 2013 for the Acting General Managers response.

ITEM 17.3 CORRECTIONS

Refer to the Business Paper for 15 August 2013 for the Acting General Managers response.

ITEM 17.4 OFFICE OF CROWN LANDS RE CLOSURE AND SALE OF ROADS

Refer to the Business Paper for 15 August 2013 for the Acting General Managers response.

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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RECOMMENDATION

That, in accordance with Section 10A(2) of the Local Government Act, 1993, the Public and the Press be excluded from the meeting to enable Council to determine Items 18.1, 18.2 and 19.1 in confidential session for the reasons indicated:

Item 18.1 Rate Arrears Legal Status

This report is considered to be confidential in accordance with Section 10A(2b) of the Local Government Act, 1993, as it relates to discussion in relation to the personal hardship of a resident or ratepayer.

This report is considered to be confidential in accordance with Section 10A(2g) of the Local Government Act, 1993, as it relates to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

Item 18.2 Power Line Easements - Gullen Range wind Farm

This report is considered to be confidential in accordance with Section 10A(2d(ii)) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, confer a commercial advantage on a competitor of the council.

Item 19.1 Gunning Water Supply Upgrade-Construction of 100ML In Ground Storage Reservoir

This report is considered to be confidential in accordance with Section 10A(2d(i)) of the Local Government Act, 1993, as it relates to commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

261/13

RESOLVED by Clr McCormack and Clr Craig

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

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Council closed its meeting at 12.25pm and the public, staff and press left the chambers.

262/13

RESOLVED by Clr Searl and Clr Marshall

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

Open Council resumed at 12.35pm.

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

263/13

RESOLVED by Clr Marshall and Clr O'Brien

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

- CARRIED

ITEM 18.2 WAS WITHDRAWN - see Minute Number 235/13.

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SECTION 19: TENDER PANEL

**ITEM 19.1 GUNNING WATER SUPPLY UPGRADE-CONSTRUCTION OF
100ML IN GROUND STORAGE RESERVOIR**

264/13 **RESOLVED** by Clr Craig and Clr McCormack

1. Council accept the Tender of Denrith Pty Ltd (trading as Divalls Earthmoving and Bulk Haulage) for Construction of the 100ML In Ground Storage Reservoir (contract number 1202153) in the amount of \$3,214,513.83 including G.S.T.

- CARRIED

THE MEETING CLOSED AT 12.37pm

Minutes confirmed 19 SEPTEMBER 2013

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Mayor