

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 18 APRIL 2013

PRESENT: Councillor Shaw, McCormack, Wheelwright, Marshall, Searl, Barlow, Culhane, 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), 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

78/13 An apology was received for the absence of Clr O'Brien.
RESOLVED by Clr Craig and Clr Barlow that the apology be accepted.

- CARRIED.

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Nil

SECTION 4: CONFIRMATION OF MINUTES

79/13 **RESOLVED** by Clr McCormack and Clr Wheelwright

That the minutes of the Ordinary Council Meeting held on 21 March 2013 be adopted.

- CARRIED

SECTION 5: MAYORAL MINUTES

Nil

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SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

Mr Chris Taylor, Area General Manager, Telstra Country Wide addressed the meeting on issues affecting the Upper Lachlan Shire Council LGA.

SECTION 7: CORRESPONDENCE

ITEM 7.1 **CORRESPONDENCE ITEMS FOR THE MONTH OF APRIL**
80/13 **RESOLVED** by Clr Marshall and Clr Wheelwright

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

- A. Department of Premier and Cabinet – Circular 13/08 – Integrated Planning and Reporting – Release of updated manual and guidelines.
- B. Public Libraries NSW – Alerting the Mayor to current funding situation for public libraries.

81/13 **RESOLVED** by Clr Wheelwright and Clr McCormack

That Council write to the Minister for the Arts, the Hon George Souris MP, through the Hon Katrina Hodgkinson MP, Member for Burrinjuck and the Hon Prue Goward MP, Member for Goulburn calling upon the Government to implement the submission of the Library Council of NSW for the reform of the funding system for NSW Public Libraries.

- C. James Harker-Mortlock – Update on Free Air Digital Television Reception in Crookwell.
- D. Local Government NSW – New board and president to be elected at conference – Bill Gillooly AM appointed Chief Executive.
- E. Hon Katrina Hodgkinson MP – Copy of correspondence to Goldwind Australia Pty Ltd – complaints about vehicles driven by contractors and subcontractors.
- F. ACT Legislative Assembly – Invitation to make submission – Select Committee on Regional Development.
- G. Greg Barber – Wind farms and property values.

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ITEM 8 **LATE CORRESPONDENCE**

82/13

RESOLVED by Clr Craig and Clr Culhane

That Item 8.1 - Late [Minutes of Committee /Correspondence /Information] listed below be received:

- A. Gullen Range Wind Farm Construction – traffic and noise issues.

83/13

RESOLVED Clr Wheelwright and Clr Barlow

That Council resend the original correspondence that was forwarded to Erwin Budde, Independent Environmental Representative NGH Environmental for the Gullen Range Wind Farm seeking responses to the original questions within that correspondence as they have not been answered.

- B. Treasury Corporation (TCORP) - Upper Lachlan Shire Council Financial Sustainability Report 11 April 2013.

- CARRIED

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 8: ENVIRONMENT AND PLANNING

ITEM 9.1 MONTHLY WEED ACTIVITIES REPORT

84/13

RESOLVED by Clr Marshall and Clr Barlow

1. Council receive and note the information.

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

Councillors who voted against:- Nil

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ITEM 9.2
85/13

DEVELOPMENT STATUS REPORT

RESOLVED by Clr Craig and Clr Marshall

1. Council receive and note the information.

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

Councillors who voted against:- Nil

- CARRIED

ITEM 9.3
85/13

DEVELOPMENT APPLICATION 11/2013 - MEDICAL CENTRE, LOT X DP408498, 61 GOULBURN STREET, CROOKWELL

RESOLVED by Clr Culhane and Clr Craig

That Council approve the application subject to the following conditions.

1. Except where otherwise permitted or required by conditions of development consent, the development shall be carried out generally in accordance with the information submitted in support of the development application, including the stamped approved development drawings referenced *New Medical Centre*, prepared by Tim Lee Architects, dated February 2013, including any notations or amendments marked by Council in red.
2. All building work shall be carried out in accordance with the provisions of the Building Code of Australia. A reference to the Building Code of Australia is a reference to that code as in force on the date the application for the relevant construction certificate is made.

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3. The consent does not permit erection or display of any signage not identified by an environmental planning instrument as exempt development or as development permitted without consent.
4. The development shall be conducted in a manner to ensure that the environment and the amenity of the locality are not adversely affected, disturbed or disrupted, including by way of excessive noise and the like.
5. Where Council is appointed as your Principal Certifying Authority, **48 hours notice** shall be given to Council to permit inspection of a Class 5, 6, 7, 8 or 9 building:-
 - a. Prior to covering any stormwater drainage connections, and
 - b. After the building work has been completed and prior to any occupation certificate being issued in relation to the building.

These are critical stage inspections and must be inspected by your Principal Certifying Authority (Council). Failure to comply will require Council to withhold the issuance of an occupation certificate.

Bookings for inspections should be made through our Crookwell Office on 4830 1000 or Gunning Office on 4845 4100.

ADVISING - Any re-inspection or additional inspection will incur a fee in accordance with the current Management Plan for Upper Lachlan Shire Council. This fee must be paid prior to the release of the Occupation Certificate.

6. The development consent does not permit disposal of any waste, including liquid trade waste, to Council's sewerage system.
7. All wastes generated by the development shall be appropriately disposed of to a suitably authorised waste processing/disposal facility.
8. To reduce opportunities and incentive for criminal or anti-social behaviour (such as unauthorised entry, vandalism and assault), sensor lighting shall be provided and maintained on the subject land, immediately outside the building's entry/exit points adjacent to Goulburn Lane.
9. Plans and details shall be submitted with the application for a construction certificate that reflects compliance with the development consent.
10. Prior to commencing any building work, the following provisions of

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the *Environmental Planning and Assessment Act 1979* (the Act) shall be complied with:

- (a) A construction certificate shall be obtained in accordance with Section 81A (2) (a) of the Act.
 - (b) A Principal Certifying Authority shall be appointed and Council shall be notified of the appointment in accordance with Section 81A (2) (b) and (b1) of the Act.
 - (c) Council shall be notified in writing at least two days prior to the intention of commencing building work, in accordance with Section 81A (2) (c) of the Act.
11. A sign shall be erected on the development site, which shows the builders name and contact details, the details of the PCA and shall include the words "Unauthorised entry to the work site is prohibited". The sign shall be maintained while building work is being carried out, but shall be removed when the work has been completed.
 12. Provision must be made for temporary toilet accommodation on-site prior to the commencement of building work.
 13. All building work shall be carried out only between 7:00am and 6:00pm Mondays to Fridays inclusive and on Saturdays between 7:00am and 1:00pm if inaudible on residential premises, otherwise 8:00am to 1:00pm. No building work shall place on Sundays or Public holidays.
 14. All plumbing and drainage work shall be completed and certified by a licensed plumber to be in accordance with the Plumbing Code of Australia. The following documentation shall be submitted to Council prior to the issue of the Occupation Certificate:
 - a. An accurately drawn sewer diagram;
 - b. Certificate of Compliance for Plumbing & Drainage Work
 15. The development shall be completed in accordance with Australian Standard AS1428.1-2009 – Design for access and mobility.
 16. Building material shall not be deposited on Council roads, gutters or footpaths; unless existing damage to infrastructure is notified in writing prior to commencement, the builder or land owner will be liable for the cost of any necessary repairs.
 17. Prior to occupation of the premises an Occupation Certificate shall be obtained. Occupation of a building without an Occupation Certificate is contrary to the EP&A Act 1979 and subject to potential legal action by Council.

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18. The applicant shall submit a Fire Safety Certificate with respect to each fire safety measure nominated in the Fire Safety Schedule with the Construction Certificate prior to the issue of an Occupation Certificate.

Councillors who voted for:- Councillors McCormack,
Wheelwright, Culhane, Marshall,
Craig and Shaw

Councillors who voted against:- Councillors Barlow and Searl

- CARRIED

The meeting adjourned for morning tea the time being 10.15am

The meeting resumed the time being 10.40am

SECTION 9: WORKS AND OPERATIONS

ITEM 10.1 WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE

86/13 **RESOLVED** by Clr Wheelwright and Clr Marshall

1. Council receives the report and notes the information.

- CARRIED

**ITEM 10.2 WORKS IN PROGRESS REPORT -TECHNICAL AND
MANAGERIAL TASKS**

87/13 **RESOLVED** by Clr Craig and Clr Barlow

1. Council receive and note the report as information.

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- CARRIED

**ITEM 10.3 REQUEST TO GRADE ADDITIONAL LENGTH OF MARES
FOREST RD**

88/13 RESOLVED by Clr McCormack and Clr Wheelwright

1. Council retain the current maintenance status of the road and not maintain the additional length.

- CARRIED

**ITEM 10.4 CENTROC REGIONAL FUEL PROCUREMENT TENDER
PROPOSAL**

89/13 RESOLVED by Clr Searl and Clr Marshall

1. Council participate in the CENTROC fuel procurement contract which will commence on 1 July 2013.

- CARRIED

ITEM 10.5 WATER AND SEWER UPDATE

90/13 RESOLVED by Clr Marshall and Clr Culhane

1. Council receive the report and note the information.

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SECTION 10: FINANCE AND ADMINISTRATION

ITEM 11.1 INVESTMENTS TO 31 MARCH 2013

91/13 **RESOLVED** by Clr McCormack and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED

ITEM 11.2 BANK BALANCES AND RECONCILIATION TO 31 MARCH 2013

92/13 **RESOLVED** by Clr Culhane and Clr Marshall

1. Council receive and note the report as information.

- CARRIED

ITEM 11.3 RATES AND CHARGES OUTSTANDING AS AT 31 MARCH 2013

93/13 **RESOLVED** by Clr Wheelwright and Clr McCormack

1. Council receive and note the report as information.

- CARRIED

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ITEM 11.4 COMMUNITY OUTREACH MEETINGS

MOVED Clr Searl and Clr Barlow

AMENDMENT

That a meeting be held at Gunning in addition to those meetings listed.

On being put to the meeting the motion was lost.

94/13

RESOLVED by Clr Wheelwright and Clr Barlow

1. That Council receives the report as information and endorses Community Outreach Meetings locations and dates as follows:

Locality	Day	Date	Time	Venue
Big Hill	Tuesday	7 May 2012	6.30pm	Big Hill Fire Shed
Taralga	Tuesday	14 May 2012	6.30pm	Taralga Sports Club
Bigga	Tuesday	21 May 2012	6.30pm	Bigga Golf Club

- CARRIED

ITEM 11.5 INTERNAL AUDIT SERVICES

95/13

RESOLVED by Clr McCormack and Clr Craig

1. Council agrees to participate in a regional internal audit services contract.
2. CENTROC be advised of Council's decision.

- CARRIED

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**ITEM 11.6 INTEGRATED PLANNING AND REPORTING - ADOPTION OF
DRAFT PLANS FOR PUBLIC EXHIBITION**

96/13 RESOLVED by Clr Marshall and Clr McCormack

1. Council, in accordance Sections 402-406, of the Local Government Act 1993, place on public exhibition the following suite of draft plans:-
 - Community Strategic Plan 'Vision 2023';
 - Delivery Program 2013/2014 – 2016/2017;
 - Operational Plan 2013/2014;
 - Resource Strategy documents including:
 - Long Term Financial Plan 2013 – 2023;
 - Infrastructure Plan 2013/2014 – 2016/2017;
 - Workforce Plan 2013/2014 – 2016/2017;
 - Positive Ageing Strategy 2013; and
 - Social and Community Plan 2013 - 2018.

The public exhibition period commences Monday, 22 April 2013 to Friday, 24 May 2013 inclusive, with copies of each plan available for inspection on Council's website, links to Council's Facebook Page, available to view at the three Council Administration Offices at Crookwell, Taralga and Gunning, and at the Crookwell and Gunning Libraries.

- CARRIED

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SECTION 11: GENERAL MANAGER

ITEM 12.1 STAFFING MATTERS

97/13 **RESOLVED** by Clr Craig and Clr Marshall

1. Council receive and note the report as information.

- CARRIED

ITEM 12.2 SKATE PARK FACILITY POLICY

98/13 **RESOLVED** by Clr Wheelwright and Clr McCormack

1. Council adopts the reviewed Skate Park Facility Policy.

- CARRIED

ITEM 12.3 PRIVACY MANAGEMENT PLAN

99/13 **RESOLVED** by Clr Wheelwright and Clr Marshall

1. Council adopt the Privacy Management Plan.

- CARRIED

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ITEM 12.4 **LOCAL GOVERNMENT AMENDMENT (EARLY INTERVENTION)**
BILL 2013

100/13 **RESOLVED** by Clr McCormack and Clr Marshall

1. Council receive and note the report as information.
2. Council forwards a submission opposing the Local Government Amendment (Early Intervention) Bill 2013.

- CARRIED

Clr Searl requested his name be recorded as against the motion.

ITEM 12.5 **CONSULTATIVE COMMITTEE MEETING MINUTES**

101/13 **RESOLVED** by Clr McCormack and Clr Marshall

1. Council receives and notes the Consultative Committee Meeting Minutes as information.
2. The reviewed Consultative Committee Constitution be adopted.

- CARRIED

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ITEM 12.6 WHS COMMITTEE MINUTES

102/13 RESOLVED by Clr Craig and Clr Marshall

1. Council receives and notes the WHS Committee Meeting Minutes as information.
2. The Smoking in the Workplace Policy be adopted.

- CARRIED

ITEM 12.7 PRIVACY POLICY

103/13 RESOLVED by Clr Marshall and Clr Culhane

1. Council adopt the Privacy Policy.

- CARRIED

ITEM 12.8 ACTION SUMMARY - COUNCIL DECISIONS

104/13 RESOLVED by Clr McCormack and Clr Craig

1. Council receive and note the report as information.

- CARRIED

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SECTION 12: LATE REPORTS

COMMITTEES AND DELEGATES

ITEM 14.1 MINUTES/NEWSLETTERS/INFORMATION FROM COMMITTEES FOR THE MONTH OF APRIL

105/13 **RESOLVED** by Clr Culhane and Clr Marshall

That Item 14.1 - [Minutes of Committee/Correspondence/Information] listed below be received and the recommendations adopted:

- A. Upper Lachlan Shire Council Local Traffic Committee – Minutes from meeting held 19 March 2013.

106/13

RESOLVED by Councillor McCormack and Councillor Culhane
That recommendations 1 – 4 of the Traffic Committee be adopted with the alteration to Recommendation 2.7

RECOMMENDATION 1:

That the minutes of the Traffic Committee Meeting held on 4 December 2012 be adopted.

RECOMMENDATION 2:

- 2.1. Council to request the RMS investigate the speed limits and cautionary signage layouts to both approaches on Range Road leading to Mummell Bridge;
- 2.2. 'Unbroken Centreline Marking' be installed on Range Road at the ULSC approach to Mummell Bridge;
- 2.3. All Works associated with Mummell Bridge be undertaken in consultation with Goulburn / Mulwaree Council;
- 2.4. Larger sized "Give Way" signs be installed on Bannister Lane;
- 2.5. Larger sized 'T- Intersection' signs be installed on Range Road;
- 2.6. Vegetation clearing be undertaken on Range Road in the vicinity of the Bannister Lane intersection;
- 2.7. That Bannister Lane (West) and Walkoms Lane become the priority road, with both 'Changed Traffic Conditions Ahead' and Give Way signs erected at Bannister Lane

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(North) and Storriers Lane. Goldwind to purchase new signs.

107/13

RESOLVED by Clr Marshall and Clr Searl

That item 2.7 be referred back to the Traffic Committee for further consideration.

RECOMMENDATION 3

'Loading Zone 8pm to 10pm' be sign posted on Goulburn Street in the vicinity of both butcher shops in consultation with the business owners.

RECOMMENDATION 4

4.1. Council note the 2012/2013 Summer and 2013 Winter Road Racing Program proposed by Goulburn Cycle Club Inc;

4.2. Council approve the use of Cullerin Road for the 2012/2013 Road Racing Program provided the events are conducted strictly in accordance with the conditions imposed by the NSW Police and the submitted Safety & Traffic Management Plan;

4.3. The cycling event scheduled for 7 April 2013 be conducted in consultation with the ACT Veterans Cycling Club.

B. Upper Lachlan Shire Council Audit & Investment Committee – minutes from meeting held 12 March 2013.

108/13

RESOLVED by Councillor Culhane and Councillor Barlow

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

RECOMMENDATION 1:

That the minutes of the Audit and Investment Committee Meeting held on 13 November 2012 be adopted with the following amendment being made that Mr Tony Hodgson AM, be removed from Apologies as he was not yet a member of the Committee.

It is further recommended that Mr Tony Hodgson AM be appointed as an independent member of the Audit and Investment Committee.

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RECOMMENDATION 2:

The report on Council's investment portfolio is received and information noted. Point of discussion to investigate the possibility of regional organisations of Councils investing together.

RECOMMENDATION 3:

The Internal Audit Bureau of NSW (IAB) internal audit report for Council on Fraud and Corruption Risk Assessment be endorsed and the Action Plan to be implemented by senior management within specified timeframes also be endorsed.

RECOMMENDATION 4:

The Morse Group Management Letter for the audit of the 2011/2012 Council Financial Statements is received and information noted.

RECOMMENDATION 5:

The Internal Control and Procedures Manual be recommended by the Committee for adoption by Upper Lachlan Shire Council.

RECOMMENDATION 6:

The draft Financial Assessment, Sustainability and Benchmarking Report prepared by NSW Treasury Corporation is received and information noted.

- C. Taralga War Memorial Hall Committee – minutes from meeting held 28 February 2013.

- CARRIED

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SECTION 14: BUSINESS WITHOUT NOTICE

SECTION 15: NOTICES OF MOTION

ITEM 16.1 NOMINATION OF THE JERRAWA TO DALTON ROAD FOR BLACK SPOT FUNDING

Moved by Clr Searl and Clr Barlow that Council nominate the Jerrawa to Dalton Road for Black Spot Funding.

On being put to the meeting the motion was lost.

SECTION 16: QUESTIONS WITH NOTICE

ITEM 17.1 RECORDING OF ANSWERS TO QUESTIONS WITH NOTICE IN MINUTES

Refer to the business paper for 18 April 2013 for the General Managers response.

ITEM 17.2 CROOKWELL DEPOT DIESEL FUEL LEAKAGE

Refer to the business paper for 18 April 2013 for the General Managers response

ITEM 17.3 DALTON WATER TREATMENT AND SUPPLY OPTIONS AND PUBLIC CONSULTATIONS

Refer to the business paper for 18 April 2013 for the General Managers response

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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:*

109/13

RESOLVED by Clr McCormack and Clr Wheelwright

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.

Council closed its meeting at 12.05pm and the public, staff and press left the chambers.

110/13

RESOLVED by Clr Barlow and Clr Craig

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

Open Council resumed at 12.25pm.

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.

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SECTION 17: CONFIDENTIAL SESSION

ITEM 18.1 DESIGN AND CONSTRUCTION OF GUNNING WTP

111/13 **RESOLVED** by Clr McCormack and Clr Craig

1. Council accept the tender of Laurie Curran Water Pty Ltd in the amount of \$3,669,069 including GST for the Design and Construction of the Gunning Water Treatment Plant.

- CARRIED

ITEM 18.2 TERMS OF SALE - 77 GOULBURN STREET, CROOKWELL

112/13 **RESOLVED** by Clr Barlow and Clr Craig

1. Council decline the offer to purchase 77 Goulburn Street, Crookwell.

- CARRIED

SECTION 18: TENDER PANEL

Nil

THE MEETING CLOSED AT 12.45

Minutes confirmed 16 MAY 2013

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Mayor