

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 20 MAY 2021

PRESENT: Mayor J Stafford (Chairperson), Cr P Culhane, Cr J Searl, Cr D O'Brien, Cr P Kensit, Cr B McCormack, Ms C Worthy (General Manager), Mr A Croke (Director Finance and Administration), Mr G Lacey (Director of Infrastructure), Mr V Straw (Manager of Environment & Planning), Miss K Dewar (Executive Assistant) and Mr C Gordon (Media Officer)

THE MAYOR DECLARED THE MEETING OPEN AT 09:01am

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

Mayor Stafford advised that the meeting is being webcast live and audio recorded in accordance with Council Code of Meeting Practice.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

An Apology was received from Cr J Wheelwright.

60/21 **RESOLVED** by Cr Searl and Cr McCormack that the apology be received and a leave of absence granted.

- CARRIED

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

Councillors who voted against:- Nil

Mayor Stafford read a statement and observed a minutes silence to commemorate the passing of George Miller, a previous Deputy Mayor to Council and valued member of the community.

SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Nil

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SECTION 5: CONFIRMATION OF MINUTES

ITEM 5.1 **RESOLVED** by Cr Searl and Cr McCormack
61/21

That the minutes of the Ordinary Council Meeting held on 15 April 2021 be adopted.

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

Councillors who voted against:- Nil

SECTION 6: MAYORAL MINUTES

ITEM 6.1 **MAYORAL MINUTE**
62/21 **RESOLVED** by Mayor Stafford and Cr Searl

That Council receive and note the activities attended by the Mayor for April and May 2021.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

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SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF APRIL/MAY 2021

63/21 **RESOLVED** by Cr Searl and Cr O'Brien

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

1. Brett Picker – Requesting Council to name bridge at Kangaroo Creek Bigga after his father Trevor Picker OAM.
2. Office of Local Government - NSW Pet Registry - Council Circular 21-03 Information about Companion Animals Teams and Ranger Services - 8 April 2021
3. Office of Local Government - Council Circular 21-04 Information About Rating 2021-22 - 16 April 2021
4. Office of Local Government - E-Newsletter - 16 April 2021
5. Office of Local Government - E-Newsletter - 30 April 2021
6. Australian Local Government Association - Newsletter - 9 April 2021
7. Australian Local Government Association - Newsletter - 19 April 2021
8. Australian Local Government Association - Newsletter - 23 April 2021

- CARRIED

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

Councillors who voted against:- Nil

64/21 **RESOLVED** by Cr O'Brien and Cr Culhane that –

1. Council place on Public Exhibition for 28 days the proposed name of “Trevor Picker Bridge” at Kangaroo Creek, Bigga.

- CARRIED

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

Councillors who voted against:- Nil

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SECTION 9: LATE CORRESPONDENCE

Nil

SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS FOR THE MONTHS OF MARCH AND APRIL 2021

65/21 **RESOLVED** by Cr Searl and Cr McCormack

1. Council receives and notes the report as information.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 10.2-10.9 INFORMATION ONLY ITEMS

66/21 **RESOLVED** by Cr Searl and Cr McCormack

1. Council receives and notes reports 10.2-10.9 as information.

- CARRIED

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

Councillors who voted against:- Nil

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 NAMING OF THE CROOKWELL GYM AT THE MEMORIAL OVAL
67/21 RESOLVED by Cr O'Brien and Cr McCormack

1. Council name the gym at Crookwell Memorial Oval the 'Robert Bruce Belford Gymnasium'

- CARRIED

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

Councillors who voted against:- Nil

SECTION 12: INFRASTRUCTURE DEPARTMENT

Nil

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 QUARTERLY BUDGET REVIEW STATEMENTS - 3RD QUARTER
2020/2021
68/21 RESOLVED by Cr Searl and Cr Culhane

1. Council adopts the 3rd Quarter Budget Review Statements for 2020/2021 including revotes of income and expenditure to the Operational Plan; and
2. Council endorses the Operational Plan Performance Summary Report.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 13.2 CUSTOMER SERVICE CHARTER

69/21 RESOLVED by Cr Searl and Cr O'Brien

1. Council endorses the Customer Service Charter.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 14: GENERAL MANAGER

ITEM 14.1 SMOKING IN THE WORKPLACE POLICY REVIEW

70/21 RESOLVED by Cr Searl and Cr O'Brien

1. Council adopts the reviewed Smoking in the Workplace Policy

- CARRIED

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

Councillors who voted against:- Nil

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POLICY:-	
Policy Title:	Smoking (Vaping) in the Workplace
File reference:	F10/618-06
Date Policy was adopted by Council initially:	28 July 2005
Resolution Number:	212/05
Other Review Dates:	24 August 2006, 16 April 2009 and 20 May 2010, 21 November 2019
Resolution Number:	238/06, 138/09, 199/10, 342/19
Current Policy adopted by Council:	20 May 2021
Resolution Number:	71/21
Next Policy Review Date:	2024

PROCEDURES/GUIDELINES:-	
Date procedure/guideline was developed;	
Procedure/guideline reference number:	

RESPONSIBILITY:-	
Draft Policy Developed by:	General Manager
Committee/s (if any) consulted in the development of this policy::	WHS Committee
Responsibility for implementation:	General Manager
Responsibility for review of Policy:	General Manager

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SCOPE

This policy covers all elected representative of the public, council staff, council committees, contractors working for or on behalf of council and members of public using or visiting council sites.

OBJECTIVES:

1. Upper Lachlan Shire Council is committed to ensuring staff are provided with a safe and healthy environment that is free from the potential effect of tobacco smoke and Vapour. This includes environmental tobacco smoke (passive smoking) and second-hand vape aerosols.
2. To encourage the reduction of active smoking.
3. To promote a safe and healthy working environment for all Upper Lachlan Shire Council employees.

POLICY:

Smoking is defined as the "act of lighting, smoking or carrying a lighted or smouldering cigar, cigarette or pipe of any kind." Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs and e-cigars.

Smoking is prohibited in all Council buildings, structures and vehicles; this includes:

- All enclosed areas in general use;
- All lobbies, foyers and corridors;
- All offices (including office carpark at Crookwell), depot buildings and workshops;
- Common rooms, tea rooms, site caravans and staff rooms;
- All vehicles, plant etc;
- Amenities buildings and toilets;
- Both the Crookwell and Gunning swimming pool buildings and enclosures;
- Within 10m of air intakes, external doors in regular use and windows regularly opened;
- Within 10 metres of Council buildings, places of work and areas adjacent to buildings where cigarette smoke will accumulate or drift back into the building);
- Areas that may be frequented by members of the general public;
- Staff working in areas where they are likely to affect others who come into the area;
- At all grounds within and around Council depots and administration buildings.
(With the exception of sites that have designated smoking areas)

Upper Lachlan Shire Council is under no legal requirements to provide smoking breaks during work hours for its staff members. Staff members wishing to have smoke breaks must make arrangements with their supervisors. Smoking arrangements can be revoked at any time by supervisors, appropriate managers and / or the appropriate director.

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When granting approval for employee smoke breaks supervisors will keep in mind how these regular smoke breaks will affect the moral of the non-smoking staff not receiving the regular breaks.

Recruitment processes for all staff will include reference to the policy on smoking. However, the smoking behaviour of applicants for employment or promotion is not a factor in selection processes.

Where possible, Council will provide designated Smoking areas and Vaping areas for its Depots and Buildings that meet the above mentioned criteria. All new staff will be shown the location of designated smoking areas.

Where ever possible, workers when smoking should do so out of the view of the public

Note: (Smokers are not entitled to smoke in unapproved areas even if all staff in that particular area wish to smoke.)

No employee shall suffer any form of retaliation for raising a complaint or asking a question about this policy.

Quit Smoking Awareness Programme

Council supports a quit smoking awareness programme designed to inform employees of the dangers and consequences of smoking in the workplace.

Council will support staff who seek assistance with counselling in relation to quit smoking.

Council will provide staff with four (4) hours special leave to be taken as determined to arrange/attend counselling during normal working hours on a one off basis. Additional time off will necessitate the employee utilising accrued leave entitlements.

For information about giving up smoking:

The QUIT Line

Telephone: 137 848

NSW Cancer Institute NSW

(I Can Quit)

www.icanquit.com.au

Cancer Council New South Wales

www.cancercouncil.com.au

Members of Public

This policy is to be extended to the general public entering any Council property that meets the definition of this policy. Council staff can refuse service to any member of the public whilst they are smoking. Members of public who wish to smoke in areas

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other than designated smoking areas outlined in this policy will be asked politely to leave or to put the cigarette out.

Council may revoke any usage arrangements or terminate lease agreements if committees and public groups refuse to follow this policy.

Breaches of Policy

Staff

It is unacceptable behaviour to smoke in any of the areas other than designated smoking areas outlined in this policy and any complaints arising from staff smoking in non-smoking areas will be directed to Supervisor, Managers and/or the appropriate Director.

Staff members who fail to comply with the policy will be counselled and warned appropriately and disciplinary action will be implemented in accordance with Award provisions.

Upper Lachlan Shire Council staff cannot be disciplined whilst they are smoking away from the workplace during their own time.

Variation

Council reserves the right to vary or revoke this policy.

RELEVANT LEGISLATION AND COUNCIL POLICIES

The following legislation and Council policies that are relevant to this Policy include:-

- WHS Act 2011
- WHS Regulation 2017
- WHS Policy
- Smoke Free – Playgrounds, Playing Fields and Sporting Grounds Policy

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ITEM 14.2 **COUNCIL SECTION 355 COMMITTEES - DISBANDMENT**
RECOMMENDATION That -

1. The following Council Section 355 Committees listed below be disbanded effective from 30 June 2021:-
 - Youth Council (YA'MAD)
 - Pool Review Committee
 - Streetscape Committee
 - Upper Lachlan Tourist Association
 - Economic Development Task Force Committee
 - Building Review Committee
 - Tony Foley Memorial Community Centre
 - Community Technology Centre (CTC) Committee [Bigga and Tuena]
 - Taralga War Memorial Hall Committee
 - Stonequarry Cemetery Committee
 - Crookwell and District Historical Society
 - Gunning Golf Club Management Committee

On being put the meeting the below amendment was made to the recommendation.

71/21 **RESOLVED** by Cr Kensit and Cr Searl

1. The following Council committees listed below be dissolved as Section 355 Committees effective from 30 June 2021:-
 - Youth Council (YA'MAD)
 - Pool Review Committee
 - Streetscape Committee
 - Upper Lachlan Tourist Association
 - Economic Development Task Force Committee
 - Building Review Committee
 - Tony Foley Memorial Community Centre
 - Community Technology Centre (CTC) Committee [Bigga and Tuena]
 - Taralga War Memorial Hall Committee
 - Gunning Golf Club Management Committee

- CARRIED

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

Councillors who voted against:- Nil

SECTION 15: LATE REPORTS

A motion was moved by the Mayor and Cr Searl that -

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting procedure Item 15.1 NSW Planning Portal be considered as it is of a urgent nature due to the item being time sensitive and requires a 28 day advertisement to the public.

On being put to the meeting the motion was carried.

72/21

RESOLVED by Mayor and Cr Searl

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting procedure Item 15.1 NSW Planning Portal be considered as it is of a urgent nature due to the item being time sensitive and requires a 28 day advertisement to the public.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 15.1 NSW PLANNING PORTAL

73/21 RESOLVED by Mayor Stafford and Cr Searl

1. Note for information the requirement for planning applications and post consent certificates to be submitted via the NSW State Government Planning Portal.
2. In accordance with Section 532 of the *Local Government Act 1993* publically exhibit the fees and charges associated with submitting an application via the planning portal for a period of 28 days; and
3. A further report be submitted to Council for consideration after completion of the exhibition period.

- CARRIED

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

Councillors who voted against:- Nil

COMMITTEES AND DELEGATES

ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTH OF APRIL/MAY

74/21 RESOLVED by Cr Searl and Cr McCormack

That Item 16.1 - Minutes of Committee/Information listed below be received:

1. Crookwell Potato Festival – Meeting Minutes – 2 March 2021
2. Crookwell Potato Festival – Meeting Minutes – 22 March 2021

- CARRIED

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

Councillors who voted against:- Nil

3. Gunning Shire Hall & Showground Advisory Committee – Minutes of Annual General Meeting held 2 November 2020.

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75/21

RESOLVED by Cr Searl and Cr McCormack that –

1. Council write to Gunning Shire Hall & Showground Advisory Committee accepting elected office bearers for 2020-21, Chairperson Kelly Dowling, Deputy Chairperson Kathy Johnson & Secretary Michael Coley

- CARRIED

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

Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

Nil

SECTION 18: QUESTIONS WITH NOTICE

Nil

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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:*

76/21 **RESOLVED** by Cr Searl and Cr McCormack

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), 10A (2c), 10A (2g) 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

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

Councillors who voted against:- Nil

Council closed its meeting at 10:35am and the public, staff and press left the meeting.

767/21 **RESOLVED** by Cr Searl and Cr McCormack

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

- CARRIED

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

Councillors who voted against:- Nil

Open Council resumed at 10:41am

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 19: CONFIDENTIAL SESSION

ITEM 19.1 STORMWATER RECTIFICATION WORKS CROOKWELL AND GUNNING

78/21 RESOLVED by Cr Searl and Cr Kensit

1. It is recommended that the projects be carried out as early as possible in the 2021/22 financial year, subject to funding being made available in the 2021/22 Operational Plan.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 19.2 TENDER AWARDMENT - INTEGRATED WATER CYCLE MANAGEMENT (IWCM) STRATEGY

79/21 RESOLVED by Cr Searl and Cr Culhane

1. Council engage NSW Public Works Advisory to undertaken the IWCM Strategy for Upper Lachlan Shire Council at their Tender Price of \$328,510.00. With one variation being a Council Workshop presentation at an additional cost of \$8,000 for a total cost of \$336,510.00.

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

Councillors who voted against:- Nil

THE MEETING CLOSED AT 10:41am

Minutes confirmed 17 JUNE 2021

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Mayor