

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

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

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

An apology was received from Clr B McCormack.

107/19 **RESOLVED** by Clr Searl and Clr Kensit that the apology be received and the leave of absence granted.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Nil

SECTION 4: CONFIRMATION OF MINUTES

108/19 **RESOLVED** by Clr Searl and Clr O'Brien

That the minutes of the Ordinary Council Meeting held on 18 April 2019 be adopted.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

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

Councillors who voted against:- Nil

SECTION 5: MAYORAL MINUTES

ITEM 5.1 MAYORAL MINUTE

109/19

RESOLVED by Mayor Stafford and Clr Searl

That Council receive and note the activities attended by the Mayor for April 2019 and May 2019.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 5.2 MAYORAL MINUTE - EMERGENCY SERVICES LEVY INCREASE

110/19

RESOLVED by Mayor Stafford and Clr Wheelwright

That Council

1. Council request the NSW Government to cover the additional \$19m increase to local government for the first year of the Emergency Services Levy.
2. The NSW Government work with all Councils to redesign the funding mechanism for the scheme to ensure fairness into the future.
3. The General Manager liaise with Local Government NSW to provide advocacy.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

4. Council Mayor write to the NSW Premier and NSW Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local and state member in relation to the impact on Council and the local community from the unexpected increase.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE ITEMS FOR THE MONTH OF MAY 2019

111/19 **RESOLVED** by Clr Searl and Clr O'Brien

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

1. Gunning RSL Chapter C/- David Findlay - Letter of Thanks to Council for Assistance – 2019 ANZAC Day Gunning.
2. Crookwell RSL Sub Branch – Compliments to Council – On Work Carried out on Crookwell Memorial Park.
3. Crookwell RSL Sub Branch – Letter of Thanks for Attendance – ANZAC Day 2019 – Mayor John Stafford.
4. Southern Phone Company – Guidance on Forecasted Earnings for 2019 Financial Year.
5. Member for Goulburn, Wendy Tuckerman MP – Letter of Thanks for Support in Recent Election Win.

- CARRIED

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

SECTION 8: LATE CORRESPONDENCE

Nil

SECTION 9: INFORMATION ONLY

ITEM 9.2 DEVELOPMENT STATISTICS FOR THE MONTH OF APRIL 2019
112/19 RESOLVED by Clr Searl and Clr O'Brien

1. Council receives and notes the report as information.

- CARRIED

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

Councillors who voted against:- Nil

ITEMS 9.1, 9.3 – INFORMATION ONLY REPORTS
9.10

113/19 RESOLVED by Clr Searl and Clr Kensit

1. Council receive items 9.1, 9.3 to 9.10 and note the report as information.

- CARRIED

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 10: ENVIRONMENT AND PLANNING

ITEM 10.1 PROPOSED ROAD RENAMING OF GUNDAROO STREET, GUNNING

114/19 **RESOLVED** by Clr Searl and Clr Culhane

1. Council do not continue with the proposed road renaming of Gundaroo Street, Gunning (between Yass Street and Cullavin Street) to Collector Road.
2. Council write to the affected land owners advising that Council will not continue with the proposed road renaming of Gundaroo Street, Gunning (between Yass Street and Cullavin Street) to Collector Road.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

SECTION 11: INFRASTRUCTURE DEPARTMENT

ITEM 11.1 ROAD CLOSURE IN LAGGAN VILLAGE - WILLOWVALE ROAD
115/19 RESOLVED by Clr Searl and Clr O'Brien

1. Council authorise the General Manager and Mayor to sign under the Seal of Council the transfer documentation for road closure of Part Mill Road and Willowvale Road in Laggan, being Lot 1 DP 1173060.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 11.2 ROAD CLOSURE APPLICATION UNDER THE ROADS ACT ON
JUNCTION POINT ROAD, TUENA
116/19 RESOLVED by Clr Searl and Clr Wheelwright

1. Council authorise the closure of the disused section of Junction Point Road, Tuena as a public road pursuant to Division 3 – Closing of Council Roads by Council of the Roads Act 1993 and noting the road proposed for closure is identified as Lot 1 on the plan prepared by Land Team dated 11 December 2018.

- CARRIED

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

ITEM 11.3 PROPOSED ROAD CLOSURE SECTION OF IRON MINE ROAD, CROOKWELL

Item Withdrawn with no resolution

1. Council approves the closure of the disused sections of Iron Mine Road, Crookwell, as a public road pursuant to Division 3 – Closing of Council Public Roads by Council of the Roads Act and noting the roads are identified as Lot 2 to Lot 5 inclusive on the map prepared by Surveyor Flood dated 12 May 2015.

ITEM 11.4 REPORT ON THE ALLOCATION OF ADDITIONAL ROADS TO RECOVERY FUNDS

117/19 RESOLVED by Clr Searl and Clr Culhane

1. Council allocate in the 2019/2020 Operational Plan and future years Delivery Programs the additional \$240,609 each year of Roads to Recovery funding to unsealed local roads gravel re-sheeting program budget.

- CARRIED

Councillors who voted for:- Clrs P Culhane, P Kensit, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Clrs R Opie and R Cummins

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

1. The additional Roads to Recovery funds be spent on the provision of a roundabout at the intersection of Colyer Street and Goulburn Street Crookwell

On being put to the meeting the motion was lost.

Councillors who voted for:- Clrs R Opie and R Cummins

Councillors who voted against:- Clrs P Culhane, P Kensit, D O'Brien, J Searl, J Stafford and J Wheelwright

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

ITEM 11.5 REPAIR OF STRUCTURAL COMPONENTS OF BRIDGES ACROSS THE SHIRE

118/19 RESOLVED by Cllr Searl and Cllr Wheelwright

1. Council fund and undertake all urgency 1 bridge repairs as per the schedule from Pitt and Sherry using the allocated maintenance budget as a part of the 2018/2019 Operational Plan;
2. Council fund and undertake all urgency 2 bridge repairs as per the schedule from Pitt and Sherry using the allocated maintenance budget as a part of the 2018/2019 Operational Plan;
3. Council fund and undertake all urgency 3 bridge repairs as per the schedule from Pitt and Sherry using the allocated maintenance budget as a part of the 2018/2019 Operational Plan;
4. Council fund and undertake all urgency 4 bridge repairs as per the schedule from Pitt and Sherry using the allocated maintenance budget as a part of the 2018/2019 Operational Plan;
5. Council not to undertake routine maintenance on Crookwell River Bridge (Woodville Road), Diamond Creek Bridge (Kangaloolah Road) and Crookwell River Bridge (Julong Road) until upgraded as a part of the 2019/2020 Operational Plan.

- CARRIED

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

ITEM 11.6

COUNCIL'S CROOKWELL WORKS DEPOT

MOVED by Clr Searl and Clr Culhane

1. Council allocate \$100,000 from the Building Reserve to fund the engineering design, cost estimation and planning of future WH&S and environmental compliance works required at the existing Crookwell Works Depot.
2. Council refers engineering design, cost estimation and planning report related to the existing Crookwell Works Depot to the Building Review Committee for consideration and provide future recommendations to Council.

An amendment was moved by Clr Cummins and Clr Kensit that:

1. This matter be deferred until an investigation into potential sources of contamination and the processes and procedures within the Crookwell Works Depot that could have adverse impacts on Kiamma Creek is submitted to Council.

On being put to the meeting the motion was carried

119/19

RESOLVED by Clr Cummins and Clr Kensit that:

1. This matter be deferred until an investigation into potential sources of contamination and the processes and procedures within the Crookwell Works Depot that could have adverse impacts on Kiamma Creek is submitted to Council.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

SECTION 12: FINANCE AND ADMINISTRATION

ITEM 12.1 IMPLEMENTATION OF EQUAL EMPLOYMENT OPPORTUNITY AND ANTI-DISCRIMINATION POLICY

120/19 **RESOLVED** by Clr Searl and Clr Wheelwright

1. The report be received and information noted.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 12.2 QUARTERLY BUDGET REVIEW STATEMENTS - 3RD QUARTER 2018/2019

121/19 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council adopts the 3rd 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.

- CARRIED

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

SECTION 13: GENERAL MANAGER

ITEM 13.1 MAYORAL AND COUNCILLORS' REMUNERATION - LOCAL GOVERNMENT REMUNERATION TRIBUNAL

122/19 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council notes the determination of annual fees by the Local Government Remuneration Tribunal for Councillors and Mayors and resolves to set a fee structure for the period 2019/2020 being, Councillors Annual Fee of \$12,160.00 and a Mayoral Fee of \$26,530.00.

- CARRIED

Councillors who voted for:- Clrs P Culhane, P Kensit, D O'Brien, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Clrs R Opie and R Cummins

An amendment was moved by Clr Cummins and Clr Opie that:

1. Council note that due to Council's poor performance over the last 12 months that Councillors Opie and Cummins will be donating their Councillors Remuneration increase in the amount of \$300 to the Upper Lachlan Foundation and that Councillors Opie and Cummins request that all other Councillors consider making a similar donation.

On being put to the meeting the motion was lost

Councillors who voted for:- Clrs R Opie and R Cummins

Councillors who voted against:- Clrs P Culhane, P Kensit, D O'Brien, J Searl, J Stafford and J Wheelwright

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

SECTION 14: LATE REPORTS

ITEM 14.1 **LATE REPORT - EMERGENCY SERVICES LEVY INCREASE**
123/19 **RESOLVED** by Clr Searl and Clr Wheelwright that

Council receive Item 14.1 Late Reports listed below:

1. Emergency Services Levy

- CARRIED

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

Councillors who voted against:- Nil

124/19 **RESOLVED** by Clr Searl and Clr Wheelwright that

1. Council advises the NSW Government of their objection to any increase to the Emergency Services Levy above the ordinary rates rate peg limit and further advises the NSW Government of the concern that there was no consultation in advance of the increase, noting that Council's budget and integrated plans for 2019/2020 are finalised.
2. Council request that the NSW Government add the value of any increase in the Emergency Services Levy to a one-off increase in the ordinary rates rate peg limit.
3. Council request the NSW Government to defer the increase in the Emergency Services Levy until further consultation with Councils.
4. Council request Local Government NSW to advocate on behalf of all Councils to address the concerns related to the Emergency Services Levy increase.

-CARRIED

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

SECTION 15: REPORTS FROM OTHER COMMITTEES, SECTION 355
COMMITTEES AND DELEGATES

ITEM 15.1 LATE REPORTS FOR THE MONTH OF MAY 2019
125/19 RESOLVED by Clr Searl and Clr O'Brien

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

1. Gunning Arts Festival s355 Committee – Minutes from Meeting held on 7 May 2019.
2. Pool Review Committee – Minutes from meeting held 17 April 2019.

- CARRIED

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

Councillors who voted against:- Nil

1. Gunning Arts Festival s355 Committee – Minutes from Meeting held on 7 May 2019.

126/19 RESOLVED by Clr Searl and Clr Kensit that:

1. Council receive and note the Minutes of the Gunning Arts Festival Committee Meeting held 7 May 2019 and adopt the Gunning Arts Festival Committee office bearers as listed below:

Chairperson – Margarita Georgiadis
Secretary – Michelle Storey
Treasurer – Daryl Tonks
Publicity Officer – Lyn Cram
Schedule Officer – Margaret Hindley
Council Representative – Clr P Kensit and Clr J Searl as alternate

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

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

Councillors who voted against:- Nil

2. Pool Review Committee – Minutes from meeting held 17 April 2019.

127/19

RESOLVED by Clr Culhane and Clr O'Brien that:

1. Council receive and note the Minutes of the Pool Review Committee and further Council adopts the Pool Review Committee sending briefing to Mr Pontin with a view to retaining RMP at a cost of circa \$4,500 for a full site visit and full report.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 16: NOTICES OF MOTION

Nil

SECTION 17: QUESTIONS WITH NOTICE

Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

CLOSED COUNCIL ITEMS

Mayor Stafford announced that the meeting would now be moving into Closed Session and read out the statement below

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)(d)(i) and 2(c) of the Local Government 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:

128/19 **RESOLVED** by Clr Searl 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 10a (2)(d)(i) and 2 (c) 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.

- CARRIED

Council closed its meeting at 7.41pm and the public, staff and press left the chambers.

129/19 **RESOLVED** by Clr Searl and Clr O'Brien

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

- CARRIED

Clr Wheelwright left the meeting at 7.49pm and did not return to the meeting.

Open Council resumed at 7.50PM.

Resolutions from the Closed Council Meeting

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 MAY 2019

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 19.1 QUOTATION FOR CONSTRUCTION OF SEPARABLE PORTION A FOR FOOTPATH AND BOARDWALK WITHIN PAT CULLEN RESERVE, CROOKWELL

130/19 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council allocate up to \$80,842 from Council's Section 94 Development Contributions fund to complete Pat Cullen Reserve Crookwell footpath and boardwalk construction of 'Separable Portion A' (Saleyards Road to the eastern end of the disabled ramp).
2. Council accept the quotation from JL Proudman Building to construct the footpath and boardwalk under the scope described in 'Separable Portion A' (Saleyards Road to the eastern end of the disabled ramp) for a quoted price of \$100,169.09 (GST exclusive).

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

THE MEETING CLOSED AT 7.51PM

Minutes confirmed 20 JUNE 2019

.....
Mayor**131/19**