

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 NOVEMBER 2017

PRESENT: Mayor B McCormack (Chairperson), Clr P Culhane, Clr R Cummins, Clr P Kensit, Clr R Opie, Clr D O'Brien, Clr J Searl, Clr J Stafford, Clr J Wheelwright, Mr J Bell (General Manager), Mr A Croke (Director Finance and Administration), Mr M Shah (Director of Works and Operations), Mrs T Dodson (Director of Environment & Planning) and Mrs H Peterson (Executive Assistant).

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Clr R Opie declared a Pecuniary Interest in Item 10.2 – Works in Progress Technical and Managerial (Streetscape) as he will be lodging a DA for a property in the main street. He will make the declaration, leave the Chamber upon making the declaration and not return to the Chamber until the matter is resolved.

Clr R Opie declared a Pecuniary Interest in Item 17.1 – Lot Averaging as he is a landholder in the shire. He will make the declaration, leave the Chamber upon making the declaration and not return to the Chamber until the matter is resolved.

Clr P Kensit declared a Pecuniary Interest in Item 17.1 – Lot Averaging as she is a landholder in the shire. She will make the declaration, leave the Chamber upon making the declaration and not return to the Chamber until the matter is resolved.

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SECTION 4: CONFIRMATION OF MINUTES -

362/17 **RESOLVED** by Clr Searl and Clr Stafford

That the minutes of the Ordinary Council Meeting held on 19 October 2017 be adopted.

- CARRIED

SECTION 5: MAYORAL MINUTES

ITEM 5.1 **MAYORAL MINUTE OCTOBER - NOVEMBER 2017**

363/17 **RESOLVED** by Mayor McCormack and Clr Culhane

That Council receive and note the activities attended by the Mayor for October/November 2017.

- CARRIED

A motion was moved Clr Cummins and Clr Opie that Council writes to the Crookwell RSL Sub Branch and apologises unreservedly, that Council places an article in the Crookwell Gazette and apologises unreservedly to the residents of Crookwell and that Council makes a donation to the Crookwell RSL Branch equivalent to the cost of purchasing a wreath.

On being put to the meeting the motion was lost.

- LOST

A division was called by Clr Cummins:

Councillors who voted for:- Crs R Cummins and R Opie.

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

SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

Will Luck and Elysia Mackay presented on their attendance at the NSW Youth Council Conference.

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SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE FOR THE MONTH OF NOVEMBER 2017

364/17 **RESOLVED** by Clr Searl and Clr Wheelwright

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

1. Campervan and Motorhome Club of Aust – Signed Acceptance of Understanding for RV Friendly Town – Bigga.
2. Crookwell & District Arts Council – Letter of Thanks for confirmation of Council Delegate.
3. Kathy Staples – Thank you for Australian Interschools Equestrian Championships.
4. SEATS – Petition calling for the Federal Government to recognise the Princes Highway as a national highway.

365/17

RESOLVED by Clr Wheelwright and Clr Searl

That Upper Lachlan Shire Council endorse the SEATS petition calling for the Federal Government to recognise the Princes Highway as a national highway.

- CARRIED

5. Goulburn Mulwaree Council – Goulburn to Crookwell Rail Line – request for support.
6. CENTROC – Centroc Constitution – suggested Constitution changes.
7. Anglican Parish of St Luke's Taralga – Jamieson Hall – Invitation to view.
8. John Barilaro MP – Media Release – Joint Organisations to bolster Regional Council.
9. Oberon Council – The Tablelands Way – Funding.

- CARRIED

SECTION 8: LATE CORRESPONDENCE

Nil

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 9: ENVIRONMENT AND PLANNING

ITEM 9.1 MONTHLY WEEDS ACTIVITIES REPORT

366/17 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council receives and notes the report as information.

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

Councillors who voted against:- Nil

- CARRIED

**ITEM 9.2 DEVELOPMENT STATISTICS FOR THE MONTH OF OCTOBER
2017**

367/17 **RESOLVED** by Clr Searl and Clr Cummins

1. Council receives and notes the report as information.

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

Councillors who voted against:- Nil

- CARRIED

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**ITEM 9.3 PROPOSED ROAD NAME IN SUBDIVISION THE SUBJECT OF
DEVELOPMENT CONSENT 91/2008, LOT 7 DP1054873, SNAKE
GULLY ROAD, CURRAWHEELA**

368/17 RESOLVED by Cllr Searl and Cllr Kensit

1. Council endorse the proposed road name as nominated by the letter of 10 October 2017 from LandTeam Australia, namely, "Greenridge Road".

Councillors who voted for:-

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

Councillors who voted against:- Nil

- CARRIED

SECTION 10: WORKS AND OPERATIONS

ITEM 10.1 WORKS IN PROGRESS - CONSTRUCTION & MAINTENANCE

369/17 RESOLVED by Cllr Stafford and Cllr O'Brien

1. Council receive the report and note the information.

- CARRIED

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ITEM 10.2 **PROPOSED ROAD CLOSURE UNDER THE ROADS ACT 1993**
LOTS 1 TO 8 INCLUSIVE DP 1186912 REIDS FLAT ROAD, BIGGA
370/17 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council close as a Public Road, that part of Reids Flat Road at Bigga, known as Lots 1 to 8 inclusive DP 1186912 under the Roads Act 1993 and, upon closure, transfer the lands to the adjoining landowners as compensation for land acquired for road widening.
2. That the Mayor and General Manager be authorised to sign and affix Council's seal to any transfers of Lots 1 to 8 inclusive DP 1186912 to the adjoining landowners, as required.

- CARRIED

ITEM 10.3 **CROWN LAND RESERVES - GRABBen GULLEN**
371/17 **RESOLVED** by Clr Searl and Clr Kensit

1. Council transfer the marked section of Crown road on formed road to Public road (as marked in maps 1), and
2. Council review the property owners' access to driveways constructed on Crown Road Reserves in Rose Street, Cambria Street and the section of Hewitts Lane, Grabben Gullen (as marked on maps 2.).

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ITEM 10.4 CLOSURE OF PUBLIC ROAD RESERVE COLLECTOR - WEST OF LOT B DP 379906

372/17 RESOLVED by Cllr Searl and Cllr O'Brien

1. Council lodges an application with NSW State Government requesting closure of the road reserve - west of lot B DP 379906;
2. Council authorise Assets and Risk Coordinator to implement Council's decision.

- CARRIED

ITEM 10.5 WATER SUPPLY AND SEWERAGE SERVICES UPDATE

373/17 RESOLVED by Cllr Searl and Cllr Wheelwright

1. Council receive the report and note the information.

- CARRIED

ITEM 10.6 ROAD CLOSURE APPLICATION - BOONGARRA ROAD

374/17 RESOLVED by Cllr Searl and Cllr Culhane

1. Council writes to NSW Department of Industry (Lands) to transfer closed section of Boongarra Road as compensation to the adjoining land owner, and create an easement over, the whole of Lot 6 DP 1200964 in favour of Lot 3 DP 1163350.
2. Council authorises the General Manager and the Mayor to execute the transfer and affix Council's seal to the necessary documents concerning same, as required.

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- CARRIED

ITEM 10.7
375/17

HYDROTHERAPY POOL PRESENTATION

RESOLVED by Clr Stafford and Clr Wheelwright

1. Council forms a Council Technical Sub-Committee consisting of two Councillors, two staff members and two community members with terms of reference to include the investigation of a hydrotherapy pool, a heated pool and performance and adequacy of existing pools within the Local Government Area and report back recommendations to Council within 6 months;
2. Council provide administrative services to the Technical Sub-Committee and that Councillors Culhane and Kensit be appointed to the Technical Sub-Committee;
3. Council authorise Director of Works and Operations to implement Council resolution.

- CARRIED

ITEM 10.8
376/17

CHRISTMAS IN THE PARK PRESENTATION

RESOLVED by Clr Kensit and Clr O'Brien

1. Council provide \$500.00 donation to the Committee towards the fees for the pool access;
2. Council allocate one outdoor staff member to install the decorations and remove them;
3. The Manager of Works is authorised to implement Council's decision.

- CARRIED

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ITEM 10.9 EMERGENCY SERVICES ACCESS

377/17 RESOLVED by Clr Searl and Clr O'Brien

1. Council request relevant authorities provide improved telecommunication services along the entire State Road (MR54).

- CARRIED

ITEM 10.10 ADOPTION OF ENGINEERING PLAN CHECKING FEES

378/17 RESOLVED by Clr Searl and Clr Stafford

1. Council adopts the new fees and start charging for all requests effective 17 November 2017;
2. Director of Works and Operations is authorised to implement Council's resolution.

- CARRIED

ITEM 10.11 PROPOSED ACQUISITION OF CROWN LAND FOR ROAD UNDER THE LAND ACQUISITION (JUST TERMS COMPENSATION ACT 1991) ON MR 248 EAST LAGGAN - TARALGA ROAD NEAR COMMISSIONERS CREEK.

379/17 RESOLVED by Clr Searl and Clr Kensit

1. The acquisition proceed by way of compulsory process under the Land Acquisition (Just Terms Compensation) Act 1991.
2. Council authorise the making of the Compulsory Acquisition application by the Minister and/or the Governor.

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3. The Mayor and General Manager be authorised to sign and affix Council's seal to any transactions, as necessary.

- CARRIED

IN ACCORDANCE WITH THE LISTED DECLARATION OF INTEREST CLR OPIE LEFT THE MEETING

ITEM 10.12 WORKS IN PROGRESS - TECHNICAL & MANAGERIAL
380/17 RESOLVED by Clr Searl and Clr Wheelwright

1. Council receive the report and note the information.

- CARRIED

CLR OPIE RETURNED TO THE MEETING

SECTION 11: FINANCE AND ADMINISTRATION

ITEM 11.1 INVESTMENTS FOR THE MONTH OF OCTOBER 2017
381/17 RESOLVED by Clr Searl and Clr Wheelwright

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

- CARRIED

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ITEM 11.2 **BANK BALANCE AND RECONCILIATION - 31 OCTOBER 2017**
382/17 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED

ITEM 11.3 **RATES AND CHARGES OUTSTANDING AT 31 OCTOBER 2017**
383/17 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED

ITEM 11.4 **PRESENTATION OF THE 2016/2017 ANNUAL REPORT**
384/17 **RESOLVED** by Clr Searl and Clr Stafford

1. Council resolves to adopt the Upper Lachlan Shire Council Annual Report for 2016/2017 in accordance with Section 428, of the Local Government Act 1993, Part 9, Division 7, of the Local Government (General) Regulation 2005, and other applicable legislation.

- CARRIED

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**ITEM 11.5 QUARTERLY BUDGET REVIEW STATEMENTS - 1ST QUARTER
2017/2018**

385/17 RESOLVED by Clr Searl and Clr O'Brien

1. Council adopts the 1st Quarter Budget Review Statements for 2017/2018 including revotes of income and expenditure to the Operational Plan; and
2. Council endorses the Operational Plan Performance Summary Report.

- CARRIED

ITEM 11.6 LIBRARY QUARTERLY REPORT

386/17 RESOLVED by Clr Searl and Clr O'Brien

1. Council receive and note the report as information.

- CARRIED

**ITEM 11.7 MEMORANDUM OF UNDERSTANDING - SOUTHERN
TABLELANDS ARTS**

387/17 RESOLVED by Clr Searl and Clr Culhane

1. The Memorandum of Understanding between the Upper Lachlan Shire Council and Southern Tablelands Arts be amended to commence 1 July 2018 and that the General Manager sign and execute on behalf of the Council.

- CARRIED

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SECTION 12: GENERAL MANAGER

ITEM 12.1 STAFFING MATTERS

388/17 RESOLVED by Clr Searl and Clr Stafford

1. Council receive and note the report as information.

- CARRIED

ITEM 12.2 WORKING TOGETHER TO DELIVER – LGNSW PROGRAM FOR COUNCIL LEADERS

389/17 RESOLVED by Clr Searl and Clr Culhane

1. Council engages Local Government NSW to facilitate the 'Working Together to Deliver' (2 day) Program, in-house on consecutive Thursdays.

- CARRIED

ITEM 12.3 GOODHEW PARK - TARALGA LAND PURCHASE

390/17 RESOLVED by Clr Searl and Clr Stafford

1. Council endorses the offer of \$50,000.00 to Maree Hopkins, the owner of Parish of Guineacor, part Lot 1 DP 743457 (being approximately 1349m²), as the total purchase price for the required area and further, that Council meets all associated costs with the land transfer.

- CARRIED

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- ITEM 12.4** **PROPERTY AQUISITION: 106-108 GOULBURN ST, CROOKWELL**
391/17 **RESOLVED** by Clr Searl and Clr O'Brien
1. Council endorses the purchase at auction of the former "Bank House", 106-108 Goulburn Street, being Parish of Crookwell, Lot 1 DP 314755, for a purchase price of \$880,000.00 (GST inclusive).
 2. The General Manager/Mayor make a further press release regarding the Council purchase of the Bank House.

- CARRIED

- ITEM 12.5** **PERFORMANCE MANAGEMENT POLICY - GENERAL MANAGER**
392/17 **RESOLVED** by Clr Searl and Clr Stafford
1. Council adopt the Performance Management Policy – General Manager.

- CARRIED

- ITEM 12.6** **ACTION SUMMARY - COUNCIL DECISIONS**
393/17 **RESOLVED** by Clr Searl and Clr Wheelwright
1. Council receive and note the report as information.

- CARRIED

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ITEM 12.7 GROWING LOCAL ECONOMIES FUND APPLICATIONS

394/17 RESOLVED by Clr Searl and Clr Stafford

1. Council makes two applications to the NSW Growing Local Economies Fund: for the reconstruction and sealing of an additional 3.532km of Main Road 258 Wombeyan Caves Road (\$3.5M project); and for the reconstruction and sealing of 10km of the unsealed sections of the first 17km of Grabine Road (\$3.5M project).

- CARRIED

SECTION 13: LATE REPORTS

395/17 RESOLVED by Clr Wheelwright and Clr O'Brien that the late report be accepted.

- CARRIED

ITEM 13.1 BUILDING BETTER REGIONS FUNDING – ROUND 2

396/17 RESOLVED by Clr Searl and Clr Stafford that

1. Council endorse the lodgement of an application under Building Better Regions to fund completion of sealing of the unsealed section of Grabine Road from Bigga Road to Wyangala Dam;
2. Council endorse the lodgement of funding application for the PAMP program;
3. Council authorise Director of Works and Operations to implement the decision.

- CARRIED

The time being 8.17pm the meeting adjourned.

The time being 8.28pm the meeting resumed.

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

ITEM 14.1 REPORTS FOR THE MONTH OF NOVEMBER 2017

397/17 RESOLVED by Clr Searl and Clr O'Brien

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

1. Upper Lachlan Shire Tourist Association – Minutes from meeting held 10 October 2017.
2. Upper Lachlan Traffic Committee – Minutes from meeting held 26 October 2017.

ITEMS 4.1 - CYCLE CLUB EVENTS APPROVAL
RECOMMENDED THAT – the proposed event is approved

ITEM 4.2 – GURRUNDAAH ROAD SIGNAGE
RECOMMENDED THAT – the approval and installation of the new road safety signs in Gurrundah Road.

ITEM 4.3 – CLIFTON STREET INTERSECTION
RECOMMENDED THAT -

1. That Council consider “no stopping” restrictions along Viewhaven side of Laggan road, based on swept paths and consider “no stopping” restrictions for 30 metres along Laggan Road on the eastern side of the Clifton Street intersection subject to consultation with Viewhaven Lodge, and
2. Install holding line, 20 metre BB line and Give Way Sign at the intersection of Clifton Street and Laggan Road in accordance with applicable standards.

398/17 RESOLVED by Clr Searl and Clr O'Brien that items 4.1, 4.2 and 4.3 of the Traffic Committee be adopted.

3. Country Mayors Association – Minutes from Annual General meeting held 3 November 2017.
4. Country Mayors Association – Minutes from meeting held 3 November 2017.

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- CARRIED

SECTION 15: BUSINESS WITHOUT NOTICE

Nil

SECTION 16: NOTICES OF MOTION

ITEM 16.1 CROOKWELL SWIMMING POOL

“That Council establishes a Crookwell Swimming Pool Review Committee to investigate the feasibility, options and potential for the expansion and improvements to the existing Crookwell Swimming Pool Complex.

The Review Committee to comprise of Councillors, Senior Staff and members of the community.

The Review Committee to be established as soon as possible.”

THE CROOKWELL SWIMMING POOL MOTION WAS WITHDRAWN

ITEM 16.2 KERB AND GUTTER IN FILL

399/17

RESOLVED by Clr Cummins and Clr O'Brien that

1. Council reviews its current requirement for residents to be charged up to 50% of the construction cost for the provision of in-fill kerb and gutter across the frontage of their property. A report to be submitted to Councils next Ordinary Meeting in December 2017, detailing the reasons why Council is imposing this fee and the implications if Council changes the requirements for imposing this fee.

- CARRIED

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ITEM 16.3 NATURAL GAS MAINS AND PIPELINE
400/17 RESOLVED by Clr Cummins and Clr Kensit that

1. Council commences investigations as to what information would be required to submit an application to any future Growing Local Economies Fund or similar grant for the construction of a natural gas mains and pipeline infrastructure to service the townships of Crookwell and Gunning.

- CARRIED

IN ACCORDANCE WITH THE LISTED DECLARATIONS OF INTEREST, CLR OPIE AND CLR KENSIT LEFT THE MEETING.

SECTION 17: QUESTIONS WITH NOTICE

ITEM 17.1 LOT AVERAGING

Refer to the Business Paper for 16 November 2017 for the General Managers comments

CLR OPIE AND CLR KENSIT RETURNED TO THE MEETING.

ITEM 17.2 CROOKWELL AIR STRIP

Refer to the Business Paper for 16 November 2017 for the General Managers comments

Mr Kadwell and Mr Fahey were given leave by the Chair to address the meeting.

ITEM 17.3 CROOKWELL WASTE DEPOT

Refer to the Business Paper for 16 November 2017 for the General Managers comments

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A motion was move by Clr Opie and Clr Searl that Council investigate an overall strategy looking at landfill facilities for the Upper Lachlan Shire and report back to the Council on the way forward.

On being put to the meeting the motion was carried.

401/17 **RESOLVED** by Clr Opie and Clr Searl that

1. Council investigate an overall strategy looking at landfill facilities for the Upper Lachlan Shire and report back to the Council on the way forward.

- CARRIED

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) (g) and 10A (2) (d(i)) 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:

402/17 **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) (g) and 10A (2) (d(i)) 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 9.38pm and the public, staff and press left the chambers.

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A member of the public raised an objection to the closure of one item in the Closed Council meeting under Section 10 B, however after some discussion/clarification decided to leave the meeting.

403/17 **RESOLVED** by Clr Searl and Clr Wheelwright

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

- CARRIED

Open Council resumed at 10.11pm.

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 CATEGORISATION OF GROUP TERMS AND LAND USE DEFINITIONS

404/17 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receives and notes the information.

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

Councillors who voted against:- Nil

- CARRIED

A motion was move by Clr Cummins and Clr Kensit that Council obtain a further legal opinion to clarify the legal correlation between note 1.5 of the Council's LEP 2010 and the notes to definition as required to be considered by the Department of Planning LEP Practice Note PN 11-03.

On being put to the meeting the motion was carried.

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405/17

RESOLVED by Cllr Cummins and Cllr Kensit that

1. Council obtain a further legal opinion to clarify the legal correlation between note 1.5 of the Council's LEP 2010 and the notes to definition as required to be considered by the Department of Planning LEP Practice Note PN 11-03.

- CARRIED

Councillors who voted for:-

Cllrs P Culhane, R Cummins, P Kensit, R Opie, D O'Brien, J Searl and J Stafford.

Councillors who voted against:-

Cllrs B McCormack and J Wheelwright.

ITEM 18.2

CROOKWELL LANDFILL UPGRADE - REQUEST FOR COMPENSATION

406/17

RESOLVED by Cllr Wheelwright and Cllr Searl

1. Council adjust Mr Fahey's charges by CPI for the previous seven years for his existing rubbish collection agreement with Council and Council offer compensation for Mr Fahey for the next two years at the adjusted level.
2. Council offer compensation for Mr Kadwell for the next two years at the same adjusted level as Mr Fahey.
3. Council review the arrangements with Mr Fahey and Mr Kadwell within 12 months after the completion of the project, if it is evidenced that there is no further impact.
4. Council consider the offer to source cover material from Mr Kadwell's dam as a part of the design phases of the project.
5. Council refer any changes to the proposed engineering design to GHD for consideration and seek advice on the benefits of closure of the crown road.
6. Council undertake consultation with the community at the Concept, Preliminary and Detailed Design of the proposed upgrade of the Crookwell Landfill facility;
7. Director Works and Operations is authorised to implement Council's resolution, subject to ratification by Council Solicitors.

- CARRIED

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THE MEETING CLOSED AT 10.11pm

Minutes confirmed 21 DECEMBER 2017

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Mayor