

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 18 OCTOBER 2018

PRESENT: Mayor J Stafford (Chairperson), Clr P Culhane, Clr B McCormack, Clr R Opie, Clr D O'Brien, Clr R Cummins, Clr J Searl, Mr J Bell (General Manager), Mr B Johnston (Manager of Finance and Administration), Mr M Shah (Director of Works and Operations), Mrs T Dodson (Director of Environment & Planning), Mrs D Crosbie (Media Officer), Miss K Porter (Executive Assistant)

THE MAYOR DECLARED THE MEETING OPEN AT 6:00PM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

Apologies were received for leave of absence from Clr Wheelwright and Clr Kensit.

290/18 **RESOLVED** by Clr Searl and Clr McCormack that the apologies be received and the leave of absence granted.

- CARRIED

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Clr McCormack – Declared a Pecuniary Interest as he is an owner of a livestock transport business in Item – 11.1 Heavy Vehicle Inspection Station and in Item 18.2 - Heavy Vehicles and will make the declaration, leave the Chamber and not return until the matter is resolved.

SECTION 4: CONFIRMATION OF MINUTES

291/18 **RESOLVED** by Clr Searl and Clr Culhane

That the minutes of the Ordinary Council Meeting held on 20 September 2018 be adopted.

- CARRIED

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SECTION 5: MAYORAL MINUTES

ITEM 5.1 MAYORAL MINUTE

292/18 **RESOLVED** by Mayor Stafford and Cllr Searl

That Council receive and note the activities attended by the Mayor for September and October 2018.

- CARRIED

SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

Ms Susan Reynolds and Mr David Carter presented to the Council in relation to the 'Get Heated' campaign for a heated hydrotherapy and lap pool, in Crookwell and tabled a petition and letters of support from Community Organisations, Associations, Individuals and groups of residents.

SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE FOR THE MONTH OF OCTOBER 2018

293/18 **RESOLVED** by Cllr Searl and Cllr O'Brien

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

1. Hon Pru Goward MP – Media Release – NSW Public Libraries – Increase in Annual Library Subsidy Funding.
2. Audit Office of NSW – Appointment of Deloitte as Audit Service Provider.
3. Hon John Barilaro MP – Mobile Coverage issues in Upper Lachlan Shire Council.
4. Hon David Coleman MP – Australian Citizenship Ceremonies Code.
5. CENTROC – Forward planning for the Joint Organisation and Interim arrangements.

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294/18 **RESOLVED** by Clr Searl and Clr McCormack

That Council forwards correspondence to CNSWJO confirming that Upper Lachlan Shire Council will continue to engage with the CNSWJO operational teams on the basis that engagement in any new contracts will accrue a fee of \$1,000.00 per contract.

- CARRIED

6. Crookwell Progress Association – Natural Gas for Crookwell.

295/18 **RESOLVED** by Clr Searl and Clr McCormack

That Council forwards correspondence to the Crookwell Progress Association advising that they are welcome to forward a submission when the submission process opens in November 2018 for the 2018/2019 Operational Plan on the appropriate forms.

- CARRIED

- CARRIED

SECTION 8: LATE CORRESPONDENCE

ITEM 8 LATE CORRESPONDENCE FOR THE MONTH OF OCTOBER 2018

296/18 **RESOLVED** by Clr Searl and Clr O'Brien

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

Mining and Energy Related Councils NSW – Invitation to attend Wind Farming Workshop on 8 and 9 November 2018.

- CARRIED

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ITEM 8.1 **LATE CORRESPONDENCE FOR THE MONTH OF OCTOBER 2018**
297/18 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council receive and note the late correspondence.

- CARRIED

A motion was moved by Clr Searl and Clr McCormack to bring item 12.1 forward.

On being put to the meeting the motion was carried.

298/18 **RESOLVED** by Clr Searl and Clr McCormack to bring item 12.1 forward.

- CARRIED

ITEM 12.1 **DRAFT PLAN OF MANAGEMENT FOR A RV FRIENDLY TOWN OVERNIGHT PARKING SITE AT WILLIS PARK CROOKWELL**
RESOLVED by Clr Searl and Clr McCormack

1. Council does not proceed with the adoption of the Draft Plan of Management – Public Reserve Number 71527, Willis Park at Hay Street Crookwell for a RV Friendly Town overnight short stay parking site.

An amendment to the motion was moved by Clr Cummins and Clr Opie that:

1. Council does not proceed with the adoption of the Draft Plan of Management – Public Reserve Number 71527, Willis Park at Hay Street Crookwell for a RV Friendly Town overnight short stay parking site.
2. Council staff investigates the potential of an area of land west of the Heritage Rail site and north of the Men's Shed within the John Holland railway corridor as an RV Friendly

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Town overnight parking site and prepare a further report to Council.

On being put the meeting the motion was carried.

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RESOLVED by Clr Cummins and Clr Opie

1. Council does not proceed with the adoption of the Draft Plan of Management – Public Reserve Number 71527, Willis Park at Hay Street Crookwell for a RV Friendly Town overnight short stay parking site.
2. Council staff investigates the potential of an area of land west of the Heritage Rail site and north of the Men's Shed within the John Holland railway corridor as an RV Friendly Town overnight parking site and prepare a further report to Council.

Clr Cummins and Clr Opie called for a division.

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

Councillors who voted against:- Clrs B McCormack and J
 Searl

- CARRIED

SECTION 9: INFORMATION ONLY

ITEM 9.1
300/18

MONTHLY WEEDS ACTIVITIES REPORT

RESOLVED by Clr Searl and Clr O'Brien

1. Council receives and notes the report as information.

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

Councillors who voted against:- Nil

- CARRIED

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**ITEM 9.2 DEVELOPMENT STATISTICS FOR THE MONTH OF
SEPTEMBER 2018**

301/18 RESOLVED by Clr Searl and Clr McCormack

1. Council receives and notes the report as information.

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

Councillors who voted against:- Nil

- CARRIED

ITEM 9.3 – 9.9 INFORMATION ONLY

302/18 RESOLVED by Clr Searl and Clr Cummins

1. Items 9.3, 9.4, 9.5, 9.6, 9.7, 9.8 and 9.9 be received and noted.

- CARRIED

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 10: ENVIRONMENT AND PLANNING

**ITEM 10.1 2018 / 2019 LOCAL HERITAGE PLACES GRANT
APPLICATIONS**

303/18 RESOLVED by Clr Searl and Clr O'Brien

1. Council notes the content of the report and endorses the proposed allocation of the following grants:
 - 'Caxton House" 83-85 Yass Street, Gunning – Lot 1 DP 738637 - \$1,500.00

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- 'Raeburn' Homestead and Stables 157 Old South Road, Breadalbane – Lot 5 DP 569308 - \$2500.00
- 'Templeton' 34 Collector Road, Gunning – Lot 1 DP 1242982 - \$3,000.00
- 'Collett's Cottage' 943 Collector Road, Breadalbane – Lot 230 DP 750031 - \$3,000.00
- 'Stephenson's Mill' 19 Roberts Street, Crookwell – Lot 1 DP 800629 - \$1,000.00

2. Letters of Offer be sent to all successful applicants.

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

Councillors who voted against:- Nil

- CARRIED

ITEM 10.2 DRAFT UPPER LACHLAN HOUSING STRATEGY - PROJECT SCOPE

304/18 RESOLVED by Clr Cummins and Clr Opie

1. Council receives and endorses the Draft Upper Lachlan Housing Strategy Project Scope.

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

Councillors who voted against:- Nil

- CARRIED

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SECTION 11: WORKS AND OPERATIONS

Clr McCormack left the meeting in accordance with his Declaration of Interest, the time being 6:56PM

ITEM 11.1 HEAVY VEHICLE INSPECTION STATION
RESOLVED by Clr Searl and Clr Culhane

1. Council retains the Crookwell Depot at its current location in the medium term;
2. Council consider further the location of the Crookwell Depot in the long term within the Building Review Committee.

A foreshadowed motion was moved by Clr Cummins and Clr Opie that Council defers any decision on the future of the Crookwell Depot, either short term or long term until a further report is provided to Council by the Director of Works and Operations on the total cost of the proposed works as detailed in this report to upgrade the facilities in the Depot to comply with WH&S and Environmental requirements.

On being put to the meeting the motion was carried.

305/18 RESOLVED by Clr Cummins and Clr Opie

That Council defers any decision on the future of the Crookwell Depot, either short term or long term until a further report is provided to Council by the Director of Works and Operations on the total cost of the proposed works as detailed in this report to upgrade the facilities in the Depot to comply with WH&S and Environmental requirements.

- CARRIED

Clr McCormack returned to the meeting, the time being 7:05PM

ITEM 11.2 PROPOSED NEW NATURAL DISASTER RECOVERY
ARRANGEMENTS

306/18 RESOLVED by Clr Searl and Clr McCormack

1. Council refer the proposed new National Disaster Recovery Arrangements to Council's Audit, Risk and Improvement Committee for consideration and advice to Council, and

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Council convene a briefing and workshop for Councillors and senior staff to consider advice from the Audit, Risk and Improvement Committee and the implications of the proposed new National Disaster Recovery Arrangements.

- CARRIED

SECTION 12: FINANCE AND ADMINISTRATION

ITEM 12.1 DRAFT PLAN OF MANAGEMENT FOR A RV FRIENDLY TOWN OVERNIGHT PARKING SITE AT WILLIS PARK CROOKWELL

Dealt with at the commencement of the reports in the meeting.

SECTION 13: GENERAL MANAGER

ITEM 13.1 STAFF CHRISTMAS FUNCTION & CHRISTMAS CLOSURE
307/18 RESOLVED by Clr Searl and Clr O'Brien

1. Council resolve that the staff Christmas function be held on Friday, 21 December 2018 commencing at 12.30pm at the Crookwell Services Club and finishing at 3.30pm.

- CARRIED

ITEM 13.2 COLLECTOR WIND FARM COMMUNITY ENHANCEMENT FUND - VOLUNTARY PLANNING AGREEMENT

308/18 RESOLVED by Clr Searl and Clr O'Brien

1. Council places on public exhibition the draft Collector Wind Farm Community Enhancement Fund Voluntary Planning Agreement, allowing a period of 28 days to seek public comment / submissions.

- CARRIED

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ITEM 13.3 **STRONGER COUNTRY COMMUNITIES FUND - ROUND 2**
309/18 **RESOLVED** by Cllr Searl and Cllr Culhane

1. Council accepts the letter of offer from the Department of Premier and Cabinet, regarding the following community infrastructure projects, for Round 2 of the NSW Government Stronger Country Communities Fund, and that Council's General Manager be authorised to sign and seal the Statement of Acceptance of Funding, as required:
 - Active Villages Project for Gunning, Dalton, Collector and Taralga - \$300,000;
 - Breadalbane Hall Pergola - \$67,000;
 - Pedestrian Access and Mobility Plan First Priorities - \$356,772;
 - Crookwell Memorial Oval Community Sports Centre Fitout - \$315,000;
 - Lights Football Action - \$150,000.

- CARRIED

ITEM 13.4 **CONSULTATIVE COMMITTEE MEETING MINUTES**
310/18 **RESOLVED** by Cllr Searl and Cllr O'Brien

1. Council receives and notes the Consultative Committee Meeting Minutes as information.
2. Council adopts the reviewed Child Protection Policy; and
3. Council adopts the Work Experience Placement Policy.

- CARRIED

SECTION 14: LATE REPORTS

NIL

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

ITEM 15.1 REPORTS FOR THE MONTH OF OCTOBER 2018

311/18 RESOLVED by Clr Searl and Clr Culhane

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

1. S355 Pye Cottage Precinct Committee – Minutes from meeting held 3 September 2018.
2. Audit, Risk and Improvement Committee – Minutes from meeting held 19 September 2018.

RESOLVED by Clr Searl and Clr Culhane

That items 4.1 to 4.7 of the Audit, Risk and Improvement Committee be adopted.

ITEM 4.1 Correspondence for the Month of August

That Item 4.1 - Correspondence/Information listed below be received:

1. Audit Office of NSW – Local Government Survey results.
2. Local Government Procurement – New Internal Audit and Management Consulting Services is now available.
3. Office of Local Government – Circular 18-20 – Guidance to Councils on transitioning to the new Australian Accounting Standards.

ITEM 4.2 Council Investments Portfolio to 31 August 2018

The report on Council's investment portfolio is received and information noted.

ITEM 4.3 2017/2018 Capital Budget Program Report

The 2017/2018 capital budget financial management reports are received and information noted.

ITEM 4.4 2017/2018 Financial Statements

The 2017/2018 Council Financial Statements are received and noted by the Audit, Risk and Improvement Committee.

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ITEM 4.5 NSW Audit Office Performance Audit – Fraud Controls in Local Councils

The NSW Audit Office Performance Audit Fraud Controls in Local Councils report is received and note the report as information and that the results of Upper Lachlan Shire Council survey response be tabled at the next meeting.

ITEM 4.6 Grant Thornton – Internal Audits Action Plan Review

The Grant Thornton Internal Audits Action Plan Reviews of Workplace Health and Safety and Building and Asset Management is received and the senior management responses noted.

ITEM 4.7 Chairperson Report

That the Audit, Risk and Improvement Committee advise Council to continue to follow a prudent spending policy so that in the near future it is able to fund these upcoming necessary and costly projects whilst still providing basic services to ratepayers without going into budget deficit.

- CARRIED

Clr Cummins and Clr Opie called for a division.

Councillors who voted for:-

Clrs P Culhane, B
McCormack, D O'Brien, J
Searl and J Stafford

Councillors who voted against:-

Clrs R Cummins and R
Opie

- CARRIED

SECTION 16: BUSINESS WITHOUT NOTICE

SECTION 17: NOTICES OF MOTION

Nil

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SECTION 18: QUESTIONS WITH NOTICE

ITEM 18.1 FIRE SAFETY STATEMENTS

Refer to the Business Paper for Council Meeting held 18 October 2018 for the General Manager's comments.

312/18 RESOLVED by Clr Cummins and Clr Opie

That the Director of Environment and Planning be provided with the resources and funds to implement a Class 1b-9 Building Register for the Shire and a subsequent Fire Safety Statement Register to ensure compliance with the required standards under the Environment Planning and Assessment Regulation 2000.

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

Councillors who voted against:- Nil

- CARRIED

Clr McCormack left the meeting in accordance with his Declaration of Interest, the time being 7:30PM

ITEM 18.2 HEAVY VEHICLES

Refer to the Business Paper for Council Meeting held 18 October 2018 for the General Manager's comments.

313/18 RESOLVED by Clr Cummins and Clr Opie

That a further report be provided to Council from the Director of Works and Operations detailing what assessments and actions have been taken in relation to the safety concerns raised by the community to the use of heavy vehicles on the Council's local roads, what responses have been issued and what was the outcome and findings of the enforcement action undertaken by the Roads and Maritime Services.

- CARRIED

Clr McCormack returned to the meeting, the time being 7:38PM

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The Meeting adjourned, the time being 7:40PM

The meeting resumed, the time being 7:55PM

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), 10A (2b), 10A (2d(i)), 10A (2d(ii)) and 10A (2c) 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:

314/18 **RESOLVED** by Clr Searl and Clr O'Brien

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 (2b), 10A (2d(i)), 10A (2d(ii)) and 10A (2c) of the Act 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 7:55PM and the public, staff and press left the chambers.

315/18 **RESOLVED** by Mayor Stafford and Clr O'Brien

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

- CARRIED

Open Council resumed at 8:27PM.

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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 DEVELOPMENT APPLICATION 168/2004.3 - REQUEST FOR DEFERRAL OF SECTION 94 CONTRIBUTIONS

316/18 **RESOLVED** by Clr Searl and Clr Culhane

1. Council accepts an executed Irrevocable Authority directed to Robert J McCarthy and Co that all outstanding Section 94 Contributions levied by Council (after allowance of Resolution No 374/14) be paid from the proceeds of the initial sales within 21 days of the date of registration of the Subdivision Plan by NSW Land Registry Services.

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

Councillors who voted against:- Nil

- CARRIED

ITEM 19.2 TENDER FOR THE SUPPLY OF CRUSHED GRAVEL

317/18 **RESOLVED** by Clr Searl and Clr McCormack

1. Council accept the tender submitted by Denrith Pty Ltd for Winning and Crushing Gravel Contract Number 2018/46 for the period up until 30 June 2020;
2. Director of Works & Operations to formalise the Winning and Crushing Gravel Contract Number 2018/46 with Denrith Pty Ltd.

- CARRIED

ITEM 19.3 AWARDING OF CONTRACT- SPRAYED BITUMINOUS SURFACING

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318/18

RESOLVED by Clr Searl and Clr Culhane

1. Council accept the tender submitted by Downer Australia for CONTRACT NO: ULSC 2018/17 for the period up until 30 June 2020.
2. Council delegates authority to the General Manager and Director of Works & Operations to execute Sprayed Bituminous Surfacing CONTRACT NO: ULSC 2018/17.
3. Council advises all Tenderers of Council's Decision.

- CARRIED

ITEM 19.4

PROPOSED SALE OF FORMER SALEYARDS SITE, LOT 3 DP 1112816 LAGGAN ROAD, CROOKWELL

319/18

RESOLVED by Clr Searl and Clr McCormack

1. The Mayor and General Manager be authorised to negotiate and finalise the sale to Crookwell Taralga Aged Care for the entire parcel of Lot 3 DP1112816 with the minimum sale price as per the valuation provided by Douglas Walker and Associates (Consultant Valuers) contained within the report plus GST, with all purchase costs being the responsibility of the purchaser and an appropriate covenant being arranged where the land can only be used for an aged care facility and if substantial commencement of the development is not undertaken within a period of 5 years that the land be returned to Council at the purchasers cost at the original sale price.
2. The Mayor and General Manager be authorised to sign under seal any associated documents with sale of Lot 3 DP1112816 Laggan Road, Crookwell.

- CARRIED

THE MEETING CLOSED AT 8:27PM

Minutes confirmed 15 NOVEMBER 2018

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Mayor