

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 19 APRIL 2018

PRESENT: Mayor B McCormack (Chairperson), Clr P Culhane, Clr R Cummins, Clr P Kensit, Clr R Opie, Clr D O'Brien, Clr J Searl and Clr J Stafford, 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), Mrs H Peterson (Executive Assistant) and Ms D Crosbie (Media Officer).

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

An apology was received for the absence of Clr J Wheelwright.

87/18 **RESOLVED** by Clr Searl and Clr Kensit that the apology be received and leave of absence granted.

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Clr Richard Opie – Declared a Pecuniary Interest in Item 10.1 – Development Application No 133/2017 as he is a part owner of the property and will make the declaration, leave the Chamber and not return until the matter is resolved.

Clr Richard Opie - Declared a Non Pecuniary Interest in Item 13.8 – Health Care Centre Crookwell – Lease Renewal –as the parties involved are work colleagues and will make the declaration, not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr R Cummins - Declared a Non Pecuniary Interest in Item 11.1 – Adoption of Kerb and Gutter Construction Contributions Policy as his wife submitted an objection to the policy and will make the declaration, not participate in the debate, leave the Chamber upon making the declaration, and not return until the matter is resolved.

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SECTION 4: CONFIRMATION OF MINUTES

88/18 **RESOLVED** by Clr Searl and Clr Stafford

That the minutes of the Ordinary Council Meeting held on 15 March 2018 be adopted.

- CARRIED

SECTION 5: MAYORAL MINUTES

ITEM 5.1 **MAYORAL MINUTE – MARCH/APRIL 2018**

89/18 **RESOLVED** by Mayor McCormack and Clr Searl

That Council receive and note the activities attended by the Mayor for March/April 2018.

- CARRIED

SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 7: CORRESPONDENCE

ITEM 7.1 **CORRESPONDENCE FOR THE MONTH OF APRIL 2018**

90/18 **RESOLVED** by Clr Searl and Clr Stafford

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

1. Wallace Ashton - Planning Department – Discussion Paper – Acreage Demand.

A motion was moved by Clr Cummins and Clr Opie that Council be provided with a report with respect to the steps required to

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undertake a full review of Council's current Upper Lachlan Local Environmental Plan 2010 and with specific reference to the Housing Strategy around the villages and towns.

On being put to the meeting the motion was carried.

91/18

RESOLVED by Clr Cummins and Clr Opie that Council be provided with a report with respect to the steps required to undertake a full review of Council's current Upper Lachlan Local Environmental Plan 2010 and with specific reference to the Housing Strategy around the villages and towns.

Councillors who voted for:-

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

Councillors who voted against:- Nil

2. Floyd Davies – Crookwell Pedestrian Crossing Petition.

92/18

RESOLVED by Clr Kensit and Clr Opie that Council undertake a road safety audit of the pedestrian crossing up to an amount of \$10,000 immediately, and forwards the audit and the petition to the Streetscape Project Control Group and the Traffic Committee to implement the project.

3. Goulburn Mulwaree Council – Recreational Fishing Working Party – Invitation to Nominate.

93/18

RESOLVED by Clr Searl and Clr Kensit that Council nominates Clr O'Brien to be Upper Lachlan Shire Councils representative for the Recreational Fishing Working Party.

- CARRIED

SECTION 8: LATE CORRESPONDENCE

Nil

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SECTION 9: INFORMATION ONLY

ITEMS 9.1 – 9.12 INFORMATION ONLY ITEMS FOR APRIL 2018

94/18 **RESOLVED** by Clr Searl and Clr Kensit that

1. Items 9.1, 9.2, 9.4, 9.6, 9.7, 9.8 and 9.11 be received and noted.

- CARRIED

THE MAYOR ASKED COUNCILLORS TO IDENTIFY ANY ITEMS OF BUSINESS LISTED THAT THEY WISH TO SPEAK ON – CLR CUMMINS INDICATED HE WISHED TO SPEAK ON ITEMS 9.3, 9.5 AND 9.12 AND CLR OPIE INDICATED HE WISHED TO SPEAK ON ITEMS 9.9, 9.10 AND 9.12.

ITEM 9.3 Works In Progress - Road Maintenance Expenditure

95/18 **RESOLVED** by Clr Cummins and Clr Opie that the information be received and noted.

- CARRIED

ITEM 9.5 Works In Progress - Technical & Managerial

96/18 **RESOLVED** by Clr Searl and Clr Opie that the information be received and noted.

- CARRIED

ITEM 9.9 Library Quarterly Report - 3rd Quarter 2017/2018

97/18 **RESOLVED** by Clr Opie and Clr Cummins that the information be received and noted.

- CARRIED

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ITEM 9.10 Staffing Matters

98/18 **RESOLVED** by Clr Opie and Clr Cummins that the information be received and noted.

- CARRIED

ITEM 9.12 Action Summary - Council Decisions

99/18 **RESOLVED** by Clr Searl and Clr Cummins that the information be received and noted.

- CARRIED

A motion was moved by Clr Cummins and Clr Stafford that the General Manager be given authority to immediately implement Council's current resolution 264/17 to engage the services of a consultant who can prepare a business and economic development strategic plan specifically for the Upper Lachlan LGA and has the necessary contacts in both State and Federal Governments to be able to lobby on Councils behalf with a budget of approximately \$50,000.

On being put to the meeting the motion was carried.

100/18 **RESOLVED** by Clr Cummins and Clr Stafford that the General Manager be given authority to immediately implement Council's current resolution 264/17 to engage the services of a consultant who can prepare a business and economic development strategic plan specifically for the Upper Lachlan LGA and has the necessary contacts in both State and Federal Governments to be able to lobby on Councils behalf with a budget of approximately \$50,000.

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 10: ENVIRONMENT AND PLANNING

The time being 7.22pm Clr R Opie left the meeting in accordance with his Declaration of Interest.

ITEM 10.1 DEVELOPMENT APPLICATION NO 133/2017
101/18 RESOLVED by Clr Searl and Clr Cummins

That Council determine the proposed Development Application No 133/2017 by granting consent, subject to the conditions specified below:

PART 1 – GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of the land and/or the building is carried out in such a manner that it is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose of these conditions, the term ‘applicant’ means any person who has the authority to act on the development consent.

- (1) Except where otherwise required or permitted by conditions of development consent, the development shall be carried out generally in accordance with the information submitted in support of the development application and the following stamped approved development drawings; including any notations or amendments marked by Council in red.
 - Old Crookwell Fire Station Development Application List DA-01, DA-02, DA-03, DA-04, DA-05, DA-06, DA-07, DA-08 ,DA-09 and DA-10 prepared by mackensiepronk architects dated 12 December 2017
 - Statement of Environmental Effects prepared by Neil Mackenzie dated December 2017
- (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 that Code as in force on the date that an application for a relevant construction certificate is made.

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- (3) The Development shall comply with relevant Australian Standards for access and mobility and the Disability Discrimination Act 1992.
- (4) This consent does not permit the use of the developments commercial premises component for any purpose other than a business premises or office premises, except where such other use is identified by an environmental planning instrument as not requiring consent.
- (5) The proposed internal car parking area from Goulburn Lane is to comply with AS 2890-1-Off Street Car Parking Provisions of one (1) car parking space for people with disabilities is to be provided in the internal car parking area in accordance with AS2890.6.2009 Parking Facilities Part 6 Off-Street Parking for People with Disabilities.

In addition to the internal parking area one (1) car parking space for people with disabilities, including kerb ramp access, is to be provided at no cost to Council on the Goulburn Street frontage to the development. This space and kerb ramp access is to comply with AS 2890.5 for angled disabled parking. The disabled car parking space is to be located on the north-west side of the existing street tree and the existing driveway is to be retained and re-constructed for kerb ramp access. The driveway to the south-eastern side of the existing street tree is to be infilled and returned to a 150mm concrete standard kerb and gutter and the footpath adjusted to the new kerb level with hotmix.

- (6) In accordance with the provisions of the *Environmental Planning and Assessment Act 1979* the following contributions are to be paid to Council in accordance with section 7.11 of the Environmental Planning and Assessment Act 1979 and Upper Lachlan Shire Development Contributions Plan 2007:

Road	\$56,790
Plan Administration	\$445

TOTAL	\$57,235
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The above contributions are current at the time of determination of the development application and, until paid, shall be adjusted annually on 1 July by reference to the Consumer Price Index (All Groups) Sydney following publication by the Australian Bureau of Statistics.

- (7) In accordance with the provisions of S64 of the Local Government Act 1993, and S306 of the Water Management

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Act, 2000 contributions are required toward the provision of water, sewer and stormwater infrastructure in accordance with the Upper Lachlan Development Servicing Plan 2008 to financially assist in the provisions of infrastructure identified as necessary as a result of the development.

The current contributions under the Upper Lachlan Development Servicing Plan 2008 for water, sewer and stormwater infrastructure services are as follows (2017/2018):

Water supply charge:	\$5,962
Sewerage charge:	\$2,549

TOTAL	\$8,511
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These contributions are reviewed annually and the contribution rates are to be confirmed prior to payment.

PART 2 – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be complied with prior to the issue of a construction certificate by the principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

- (8) Prior to Council or an accredited certifier issuing a Construction Certificate payment to Council of Section 7.11 and Section 64 contributions is required.
- (9) Prior to the issue of the construction certificate, a copy of insurances shall be forwarded to Council indicate cover for any damage to Council infrastructure.

PART 3 – PRIOR TO COMMENCEMENT OF WORK

- (10) No building or subdivision work in the development shall commence unless the following provisions of the *Environmental Planning and Assessment Act 1979 (the Act)* have been complied with:
 - (a) A construction certificate for the building or subdivision work concerned shall be obtained; and
 - (b) A principal certifying authority shall be appointed and Council shall be notified of the appointment; and

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- (c) Council shall be notified in writing at least two days prior to building work commencing.
- (11) If Council is appointed as the Principal Certifying Authority for the development, at least 48 hours' notice shall be given to Council to permit inspection of building work:
- (a) After excavation for, and prior to the placement of, any footings; and
 - (b) Prior to pouring any in-situ reinforced concrete building element; and
 - (c) Prior to covering of the framework for any floor, wall, roof or other building element; and
 - (d) Prior to covering waterproofing in any wet areas, and
 - (e) Prior to covering any stormwater drainage connections; and
 - (f) 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 the Principal Certifying Authority.

Bookings for inspections should be made through Council's Crookwell Office on 02 4830 1000.

ADVISING – Any required re-inspection or additional inspection will incur a fee in accordance with Council's fees and charges, current at the time of inspection. Council will not grant an occupation certificate unless all inspection fees have been paid.

- (12) As Council is the water supply authority for the land, at least 48 hours' notice shall be given to Council to permit inspection of:-
- a) Internal drainage; and
 - b) Hot & Cold water; and
 - c) External drainage; and
 - d) Plumbing and drainage after completion.

Bookings for inspections should be made through Council's Crookwell Office on 02 4830 1000.

Any required re-inspection or additional inspection will incur a fee in accordance with Council's fees and charges, current at the time of inspection. Council will not grant an occupation certificate unless all inspection fees have been paid.

- (13) A Risk Assessment consistent with Safe Work Australia's Code of Practice for Managing Health and Safety risks in the Workplace published in December 2011 is provided to Council.

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This risk assessment will include addressing any risks associated with potential contamination within the site during construction.

- (14) An application under Section 138 of the Roads Act 1993 is to be lodged with Council for any works in Goulburn Street and Goulburn Lane. This application is to include lodgement of a Work Zone Traffic Management Plan for Council approval.

PART 4 – DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the construction of the development site.

- (15) Building work in the development shall be carried out only:
- a) On Mondays to Fridays between 7:00AM and 6:00PM; and
 - b) On Saturdays between 7:00AM and 1:00PM if audible on residential premises, otherwise 8:00AM to 1:00PM.

No building work in the development shall be carried out on Sundays or public holidays.

- (16) No construction work shall take place on Sundays or Public holidays. A written application shall be made to Council if a variation of these hours is required. The application shall indicate the reasons for the variation. The Council shall, if it so desires, grant any variation in writing.
- (17) At least 48 hours' notice shall be given to Council for inspections of any of the following works in the development:
- a) Roadworks;
 - b) Sub-grade earthworks prior to gravel
 - c) Any kerb & gutter completed
 - d) Gravel test results available
 - e) Compacted gravel base completed
 - f) Sealing completed
- (18) Vehicles and equipment associated with the work in the development will be located to minimise potential adverse impact on residential amenity in the locality.
- (19) For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
- (20) No building, subdivision or demolition shall commence unless provision has been made for temporary toilet accommodation on the side of the work.

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- (21) No work in the development shall commence unless satisfactory erosion and sediment controls have been put in place to prevent soil erosion, water pollution, and the discharge of loose sediment on surrounding land as follows. Such measures shall include:
- a) Diversion of uncontaminated run-off around cleared or disturbed areas, and;
 - b) Erection of site fencing to prevent debris escaping into drainage systems and waterways, and;
 - c) Prevention of tracking sediment by vehicles onto roads; and
 - d) Stockpiling of topsoil, excavated material, construction and landscaping supplies and debris at the site of works.

The above controls shall remain on place until all disturbed ground surfaces at the development site have been rehabilitated, vegetated and/or stabilised to prevent erosion or sediment loss.

- (22) All plumbing and drainage work shall be completed and certified by a licenced plumber to be in accordance with the National Construction Code – 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, and
- b) Certificate of Compliance for Plumbing & Drainage work.

- (23) No building material or demolition waste shall be permitted to be deposited on any Council land, including public reserves, roads, gutters or footpaths. Unless pre-existing damage to Council infrastructure is notified to Council in writing prior to commencement of any building or other work in the development, Council will hold the person(s) having the benefit of the consent liable for the cost of any necessary repairs.
- (24) Vehicles entering and leaving the premises that are carrying excavated materials, including clays, sands, soils, shall be covered at all times when not loading or unloading.
- (25) During the proposed demolition, earthworks, and reconstruction on the site, it is important that all contractors be advised of the probability of historical artefacts being unearthed. Any small items should be noted, retrieved and stored carefully. Should any major archaeological features be observed or uncovered, work on that particular section of the property should cease and Upper Lachlan Shire Council be informed immediately.
- (26) Roof water must be discharged to Council's stormwater drainage system, away from any existing or proposed building.

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Any upgrading of Council's stormwater drainage system as a result of the development is to be at no cost to Council.

PART 5 – DURING DEMOLITION

The following conditions of consent have been imposed to ensure that the demolition relating to the proposed development comply with all relevant requirements. These conditions are to be complied with during the demolition work occurring on site.

- (27) All demolition work shall comply with the *Australian Standard AS2601-2001 – The demolition of Structures*.
- (28) No demolition work in the development shall be carried out unless a person having the benefit of the consent has supplied the engaged demolition contractor's licence details to Council.
- (29) Security fencing such as hoardings shall be provided around the perimeter of the demolition site prior to work commencing to prevent access by unauthorised persons at all times during the demolition period.
- (30) Demolition must not be conducted in high winds to ensure dust does not spread beyond the site boundaries.
- (31) The handling or removal of any asbestos product from the building or site must be removed and disposed of in accordance with the requirements of WorkCover Authority. A person/contractor licensed for asbestos removal must carry out work and a copy of their licence is to be submitted to Council.
- (32) All trucks/trailers entering or leaving the site must have their loads adequately covered. A sign indicating this must be placed at the entry to and exit from the site.
- (33) Demolition work on site must only occur between the following hours:

Monday to Friday	7.00am to 6.00pm
Saturday	8.00am to 1.00pm
Sunday & Public Holidays	No work

These time restrictions are to ensure that neighbouring property occupants are not unduly affected by noise.

PART 6 – PRIOR TO ISSUE OF THE OCCUPATION CERTIFICATE

The following conditions of must be complied with prior to the issue of an occupation certificate by the principal certifying authority. All necessary information to comply with the

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following conditions of consent must be submitted with the application for an occupation certificate.

- (34) The development shall not be occupied unless an Occupation Certificate has been obtained for the development.
- (35) If any damaged is caused to any Council asset or infrastructure in the carrying out of the development or any associated transportation, no Occupation Certificate shall be granted for the development unless satisfactory repairs are carried out under Council's direction and at no expense to Council.
- (36) No Occupation Certificate shall be granted for the development unless all necessary Fire Safety Certificates, with respect to the Fire Safety Schedule, have been submitted to the Principal Certifying Authority for the development. A copy of the Fire Safety Certificate and Fire Safety Schedule shall be :
 - Forwarded to Upper Lachlan Shire Council
 - Forwarded to Commissioner of the NSW Fire Brigade; and
 - Prominently displayed in the building

PART 7 – AGENCY CONDITIONS

Nil

ADDITIONAL NOTES/REQUIREMENTS AS YOUR PRINCIPAL CERTIFYING AUTHORITY (PCA)

Dial Before You Dig

Underground assets may assist in the area that is subject to your application. In the interest of health & safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any

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person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution. Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: **Telstra's Network Integrity Team** on Phone Number 1800810443.

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

Councillors who voted against:- Nil

Abstained:- Cr Clr R Opie

- CARRIED

The time being 7.25pm Clr R Opie returned to the meeting.

ITEM 10.2 MODIFICATION TO DEVELOPMENT APPLICATION NO 89/2017
102/18 RESOLVED by Clr Searl and Clr Stafford

That Council determine the proposed modification to Development Application No 89/2017 by granting approval, subject to the modifications specified below:

PART 1 – GENERAL CONDITIONS

The following conditions have been applied to ensure that the use of land and/or the building is carried out in such a manner that it is consistent with the aims and objectives of the planning instrument affecting the land.

For the purpose if these conditions, the term 'applicant' means any person who has the authority to act on the development consent.

- (1) Except where otherwise required or permitted by conditions of development consent, the development shall be carried out generally in accordance with the information submitted in support of the development application and the following stamped

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approved development drawings; including any notations or amendments marked by Council in red.

- **Plan showing Proposed Subdivision Lot 1 DP 1162296 24 Reservoir Road Crookwell Sheet 1 and Sheet 2 dated 22/03/2018**
 - Statement of Environmental Effects 5 lot subdivision Lot 1 DP 1162296 24 Reservoir Road Crookwell prepared by Laterals Planning dated September 2017
 - Wastewater Management Assessment Residential Subdivision Development – Lot 1 DP 1162296 prepared by Sowdes dated 18 August 2017
 - Habitat Enhancement Plan for Lot 1 DP 1162296 prepared by Merops Services Pty Ltd August 2017
- (2) Condition 2 deleted

STAGE 2 – PROPOSED LOTS 4 AND 5 – GENERAL CONDITIONS

- (3) Harley Road is to be designed, upgraded and bitumen sealed to the common access point to Lots 4 and 5 starting from the existing bitumen seal, at no cost to Council. Detailed engineering designs are prepared and provided to Council for approval. This upgrade and bitumen sealing work must be undertaken in accordance with current Austroads Designs and Construction Guidelines and Upper Lachlan Development Control Plan 2010 Amendment No 2.
- (4) Condition 4 deleted.

OTHER GENERAL CONDITIONS

- (5) **Driveway access to proposed Lots 1, 2, 4, 4 and 5 will be constructed or upgraded to meet the following standards:**
- Compliance with Council sight distance standards for rural roads
 - The entrance gateway is to be setback 17 metres from the edge of the road formation. See Figure 14 – Rural Local Road – Typical Property Access (sheets 1 to 4) in Upper Lachlan Development Control Plan 2010
 - Where required, the installation of 3 x 375mm RCP with precast headwalls or similar will be necessary (minimum length 4.88 metres). The culvert is to be installed with cover and bedding requirements in accordance with manufactures recommendation based on the design load and class of pipe.
 - Provision of a vehicle access of 200 mm consolidated thickness of approved gravel, minimum 4.0 metres wide at the entrance gateway and 8.0 metres wide at the edge of the

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road pavement. Where the road pavement is sealed, from the edge of the road pavement to the gateway is to be sealed with double 14/7mm bituminous seal.

- All work in any public road reserve shall be conducted by Council, or a Council approved contractor who complies with relevant provisions of the Work Health and Safety Act 2011 and subordinate regulations.
- (6) In accordance with the provisions of S94 Environmental Planning and Assessment Act 1979 the following contributions are to be paid to Council in accordance with section 94 of the Environmental Planning and Assessment Act 1979 and Upper Lachlan Development Contributions Plan 2007

Stage 1 – Proposed Lots 1 and 2 (1 lot)

<i>Road</i>	<i>\$9,465</i>
<i>Waste Management</i>	<i>\$520</i>
<i>Open Space & Recreation</i>	<i>\$821</i>
<i>Community Facilities</i>	<i>\$1,423</i>
<i>Emergency Services</i>	<i>\$655</i>
<i>Plan Administration</i>	<i>\$178</i>
<i>TOTAL</i>	<i>\$13,062</i>

Stage 2 – Proposed Lots 3,4 and 5 (3 lots)

<i>Road</i>	<i>\$28,395</i>
<i>Waste Management</i>	<i>\$1,560</i>
<i>Open Space & Recreation</i>	<i>\$2463</i>
<i>Community Facilities</i>	<i>\$4,269</i>
<i>Emergency Services</i>	<i>\$1965</i>
<i>Plan Administration</i>	<i>\$534</i>
<i>TOTAL</i>	<i>\$39,186</i>

The above contributions are current at the time of determination of the development application and, until paid, shall be adjusted annually on 1 July by reference to the Consumer Price Index (All Groups) Sydney following publication by the Australian Bureau of Statistics.

Note: In light of requirements of conditions of consent for road construction and sealing of Harley Road, Council may consider a written request to reduce the road contributions payable, in accordance with section 2.2.3 pf Upper Lachlan Development Contributions plan 2007.

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- (7) Electricity, in respect of all lots at high or low voltage, is to be:
- a) Available in sufficient capacity from the existing high voltage distribution;
 - b) Provided to each lot, and;
 - c) Covered by an easement(s) as required by and in favour of Country Energy on the plan subdivision plan, centred on:
 - i) All existing power lines which cross the subdivision; and;
 - ii) All proposed power lines, structures, stays etc which the developer is having constructed to provide electricity to the lots within the subdivisions; and;
 - iii) All proposed power lines for which the developer is not required to make a capital contribution, but which would be required to be constructed in the future to provide power to the boundary of each lot (staged and proposed development).

PART 2 – PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

The following conditions of consent must be compiled with prior to the issue of a construction certificate by the principle certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for a construction certificate.

- (8) No construction certificate shall be granted for any subdivision work in the development unless details, specifications and drawings submitted with the application for construction certificate reflect consistency with the development consent, including the stamped approved development drawings.
- (9) No construction certificate shall be granted for any subdivision work unless three (3) copies of detailed engineering drawings of the subdivision work, prepared by a suitably qualified and experienced civil professional and consistent with the development consent and associated stamped approved development drawings, have been submitted in writing to Council.
- (10) No construction certificate shall be granted for any building or subdivision work in the development unless the name, details of qualifications, and contact details of a suitably qualified civil engineer, appointed to supervise work carried out in the development, have been submitted in writing to Council.

In this regard, all work carried out in the development shall be supervised by the appointed civil engineer on a daily basis (or as agreed to with the Principal Certifying Authority). The supervising

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engineer shall ensure compliance with and adherence to all approved specifications and design plans, and shall be responsible for quality control of work in general.

PART 3 – PRIOR TO COMMENCEMENT OF WORK

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These conditions are to be complied with prior to the commencement of any work on site

- (11) No building or subdivision work in the development shall commence unless the following provisions of section 81A of the Environmental Planning and Assessment Act 1979 (the Act) have been complied with:
 - a) A construction certificate for the subdivision work concerned shall be obtained; and
 - b) A principal certifying authority shall be appointed and Council shall be notified of the appointment; and
 - c) Council shall be notified in writing at least two days prior to subdivision work commencing.
- (12) The development must not commence until the applicant has subsequently given Council a “Commencement of Subdivision Work” Notice and advised that Council or an Accredited Certifier has been appointed as the Principal Certifying Authority.
- (13) No work in the development shall commence unless satisfactory erosion and sediment controls have been put in place to prevent soil erosion, water pollution and the discharge of loose sediment on surrounding land as follows. Such measures shall include:
 - a) Diversion of uncontaminated run-off around cleared or distributed areas; and
 - b) Erection of site fencing to prevent debris escaping into drainage systems and waterways; and Prevention of tracking of sediment by vehicles onto roads; and Stockpiling of topsoil, excavated material, construction and landscaping supplies and debris at the site of works.

The above controls shall remain in place until all disturbed ground surfaces at the development site have been rehabilitated, vegetated and/or stabilised to prevent erosion or sediment loss.

PART 4 – DURING CONSTRUCTION

The following conditions of consent have been imposed to ensure that the administration and amenities relating to the proposed development comply with all relevant requirements. These

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conditions are to be complied with during the construction of the development on site.

- (14) Subdivision and construction work in the development shall be carried out only:
- a) On Mondays to Fridays between 7:00AM and 6:00PM, and
 - b) On Saturdays between 7:00AM and 1:00PM if audible on residential premises, otherwise 8:00AM to 1:00PM.

No subdivision or construction work in the development shall be carried out on Sundays or public holidays.

- (15) At least 48 hours' notice shall be given to Council for inspection of any of the following works in the development:
- a) Roadworks
 - b) Sub-grade earthworks prior to gravel
 - c) Gravel test results available
 - d) Compacted gravel base completed
 - e) Sealing completed

No Subdivision certificate shall be granted for the development unless each of the above components of work has been completed to the satisfaction of Council's Works and Operations Department.

- (16) All work is to be undertaken in accordance with the documentation required and approved under this Consent.
- (17) The developer is responsible for ensuring all erosion and sediment control measures are implemented in accordance with the approved plan.
- (18) Vehicles and equipment associated with the subdivision work in the development shall be located to minimise potential adverse impact on residential amenity in the locality.
- (19) Subdivision and construction works shall be supervised by a suitably qualified and experienced Civil Engineer on a daily basis. The supervising engineer is to ensure compliance with the requirements of the specification, adherence to design plans and quality control of all works.
- (20) Vehicles entering and leaving the premises that are carrying excavated dusty materials, including clays, sands and soils, shall be covered at all times when not loading or unloading.
- (21) All native trees to be retained within the site are to be identified and protected during construction activities associated with the construction and upgrading of access.

PART 5 – PRIOR TO ISSUE OF THE SUBDIVISION CERTIFICATE
The following conditions of consent must be complied with prior to the issue of a subdivision certificate by the principle certifying

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authority. All necessary information to comply with the conditions of consent must be submitted with the application for subdivision certificate.

- (22) A Subdivision Certificate must be applied for and released prior to the registration of the Plan of Subdivision with Land and Property Information New South Wales. A Subdivision Certificate will only be signed when each condition has been satisfied. Compliance with conditions must be achieved either by completion of the required physical works, meeting requirements or compliance with Council procedures (eg. Lodging a bond or bank guarantee for incomplete works).

ADVISING – Current fee (2017/18) for the Subdivision Certificate \$356.00.
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- (23) Any Subdivision Certificate application to Council shall be accompanied by:
- a) The original Final Plan of Subdivision, including indication of the location of any easements and permanent improvements on one print, and
 - b) At least five (5) copies of the Final Plan of Subdivision, and
 - c) A corresponding Deposited Plan Administration Sheet (“Plan Form 6”) including a schedule of addresses in accordance with clause 60 of the Surveying and Spatial Information Regulation 2012.
- (24) No subdivision Certificate shall be granted for the development, unless contributions have been paid to Council in accordance with section 94 of the Environmental Planning and Assessment Act 1979 and Upper Lachlan Development Contributions Plan 2007.
- (25) No Subdivision Certificate shall be granted for the development unless Council has been supplied with written evidence from Essential Energy or a suitably certified or accredited person that an electricity supply service has been made available to each lot.
- (26) No Subdivision Certificate shall be granted for the development unless Council’s applicable “Works and Operations Inspection Fee Relating to a DA” has been paid to Council. In this regard Council’s current fee at the time of consent (2017/2018 financial year) is \$160 per inspection, per lot; if any re-inspection is required (e.g. if works have not been satisfactorily completed), an additional fee will apply, being 125% of the original inspection fee.
- (27) No subdivision certificate shall be granted for the development unless, if survey identifies that any public road encroached on the land to be subdivided, the affected land is dedicated as public road.

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- (28) At the conclusion of the construction works, works-as-executed (WAE) drawings must be submitted to Council. These drawings are required before the subdivision plans will be released. The preferred format for WAE drawings is on computer disk using Autocad software.
- (29) Any works bonded shall be completed by the applicant within 12 months from the date of release of the subdivision Certificate, or Council shall utilise the bond to undertake the required outstanding works.
- (30) No Subdivision Certificate shall be granted for the development unless written evidence has been submitted to Council from Telstra, or a Telstra authorised contractor, including:
 - a) A plan of the development area including current records of Telstra network and associated information relating to Telstra assets;
 - b) Written advice specific to any indicated Telstra assets within the property.

PART 6 – ON-GOING

- (31) Any works bonded shall be completed by the applicant within 12 months from the date of release of the Subdivision Certificate, or Council shall utilise the bond to undertake the required outstanding works.
- (32) If any Aboriginal artefacts are identified by the applicant during any construction work, work must stop immediately and NSW OEH must be contacted by calling 131 555. If human skeletal remains are discovered, work must stop and both the NSW Police and NSW OEH must be contacted.
- (33) If Aboriginal artefacts are identified and harm to those objects cannot be avoided, an Aboriginal Heritage Impact Permit is required to be prepared in accordance with NSW OEH guidelines.

PART 7 - AGENCY CONDITIONS

NIL

**ADDITIONAL NOTES/REQUIREMENTS AS YOUR PRINCIPLE
CERTIFYING AUTHORITY (PCA)**

- (1) To preserve and enhance the natural environment, all soil erosion and sediment control measures must be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from soil erosion and sediment control

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measures when no more than 40% capacity has been reached and appropriately disposed of. These measures shall continue in proper operation until all development activities have been completed and the site is fully stabilised.

Dial Before You Dig

Underground assets may assist in the area that is subject to your application. In the interest of health & safety and in order to protect damage to third party assets please contact Dial Before You Dig at www.1100.com.au or telephone on 1100 before excavating or erecting structures (this is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial Before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial Before You Dig service in advance of any construction or planning activities.

Telecommunications Act 1997 (Commonwealth)

Telstra (and its authorised contractors) are the only companies that are permitted to conduct works on Telstra's network and assets. Any person interfering with a facility or installation owned by Telstra is committing an offence under the Criminal Code Act 1995 (Cth) and is liable for prosecution.

Furthermore, damage to Telstra's infrastructure may result in interruption to the provision of essential services and significant costs. If you are aware of any works or proposed works which may affect or impact on Telstra's assets in any way, you are required to contact: **Telstra's Network Integrity Team** on Phone Number 1800810443.

Councillors who voted for:-

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

Councillors who voted against:- Nil

- CARRIED

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ITEM 10.3 **2017-2018 LOCAL HERITAGE PLACES GRANT APPLICATIONS**
103/18 **RESOLVED** by Clr Searl and Clr Culhane

1. Council endorses the reallocation of \$7,973.00 from the 2017-2018 Local Heritage Places Grants funds to James Valley Homestead – Lot 3 DP 150643 Valley Road, Crookwell.
2. A Letter of Offer be sent to the successful applicant.

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

Councillors who voted against:- Nil

- CARRIED

SECTION 11: WORKS AND OPERATIONS

*THE TIME BEING 7.26PM CLR R CUMMINS LEFT THE MEETING IN
ACCORDANCE WITH HIS DECLARATION OF INTEREST.*

ITEM 11.1 **ADOPTION OF KERB & GUTTER CONSTRUCTION –**
CONTRIBUTION BY PROPERTY OWNERS POLICY
104/18 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council adopts the Kerb & Gutter Construction – Contribution by Property Owners Policy effective 1 July 2018;
2. Director of Works and Operations is authorised to implement Council's resolution.

- CARRIED

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THE TIME BEING 7.30PM CLR R CUMMINS RETURNED TO THE MEETING.

THE TIME BEING 7.50PM THE MEETING ADJOURNED.

THE TIME BEING 8.00PM THE MEETING RESUMED.

SECTION 12: FINANCE AND ADMINISTRATION

ITEM 12.1 INTEGRATED PLANNING AND REPORTING - ADOPTION OF DRAFT PLANS FOR PUBLIC EXHIBITION

105/18 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council, in accordance Sections 403-406, of the Local Government Act 1993, and Sections 8A-8C, of the Local Government Act 1993, and requirements of the Local Government Amendment (Governance and Planning) Act 2016, place on public exhibition the following suite of draft plans:-

- Delivery Program 2018/2019 – 2021/2022;
- Operational Plan 2018/2019;
- Resource Strategy documents including:-
 - Long Term Financial Plan 2018 – 2027;
 - Infrastructure Plan 2018 – 2027;
 - Workforce Plan 2018/2019 – 2021/2022.

The public exhibition period commences Monday, 23 April 2018 to Thursday, 24 May 2018 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 13: GENERAL MANAGER

ITEM 13.1 CONSULTATIVE COMMITTEE MEETING MINUTES

106/18 RESOLVED by Clr Searl and Clr O'Brien

1. Council receives and notes the Consultative Committee Meeting Minutes as information.

- CARRIED

ITEM 13.2 WHS COMMITTEE MINUTES

107/18 RESOLVED by Clr Searl and Clr O'Brien

1. Council receives and notes the WHS Committee Meeting Minutes as information and adopts the following recommendation contained within the WHS Meeting Minutes:
 - The updated WHS Constitution be adopted by Council.
2. Management negotiate with the WHS Committee to include workplace inspections for the Crookwell Water Treatment Plant, Gunning Pool, Gunning Water Treatment Plant and Gunning Sewer Treatment Plant.

- CARRIED

ITEM 13.3 VANDALISM POLICY REVIEW

108/18 RESOLVED by Clr Searl and Clr O'Brien

1. Council adopts the reviewed Vandalism Policy.

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- CARRIED

ITEM 13.4 **SERVICE RECOGNITION POLICY REVIEW**
109/18 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council adopt the reviewed Service Recognition Policy.

- CARRIED

ITEM 13.5 **PRE MEETING BRIEFING SESSIONS & DEALING WITH ITEMS BY EXCEPTION**
110/18 **RESOLVED** by Clr Searl and Clr O'Brien

1. Council defer consideration as to whether to instigate Pre Meeting Briefing Sessions prior to Council Meetings on a trial basis until 17 May 2018 Council Meeting; and
2. Council include a section in the Council Business Paper for Dealing with Items by Exception (Information Only Section).

- CARRIED

A motion was moved by Clr Cummins and Clr Opie that this matter be deferred until Council receives a legal opinion on whether a pre meeting briefing session can be closed to the public under Cl. 64 (1) (a) (c) of Councils current Code of Meeting Practice and under S10a (2) (a-i) and S10b (5) of the Local Government Act.

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On being put to the meeting the motion was carried.

111/18

RESOLVED by Clr Cummins and Clr Opie that this matter be deferred until Council receives a legal opinion on whether a pre meeting briefing session can be closed to the public under Cl. 64 (1) (a) (c) of Councils current Code of Meeting Practice and under S10a (2) (a-i) and S10b (5) of the Local Government Act.

- CARRIED

ITEM 13.6

BRIBES GIFTS AND BENEFITS POLICY REVIEW

112/18

RESOLVED by Clr Searl and Clr Kensit

1. Council adopt the reviewed Bribes Gifts and Benefits Policy.

- CARRIED

ITEM 13.7

STRONGER COUNTRY COMMUNITIES FUND

113/18

RESOLVED by Clr Searl and Clr Stafford

1. Council make application for the following projects, in priority order, to be submitted as community infrastructure projects for Round 2 of the NSW Government Stronger Country Communities Fund:
 - i. Crookwell Memorial Oval Community Sports Centre Fit-out - project estimated cost of \$315,000;
 - ii. Active Villages Projects for Gunning, Dalton, Collector and Taralga - project estimated cost of \$300,000;
 - iii. Lights Football Action – project estimated cost of \$150,000;
 - iv. Pedestrian Access and Mobility Plan first priorities: project includes shared pathways in Taralga (Orchard Street to Taralga Showground) - project estimated cost of \$296,511 and priority shared pathway projects in Bigga and Binda villages - project estimated cost of \$60,261;
 - v. Breadalbane Hall Pergola – project estimated cost of \$76,900 with \$67,000 funding requested from this grant round.

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2. In addition to the above project priorities, Council will make a further project application for Pedestrian Access and Mobility Plan second priorities totalling \$430,586.

- CARRIED

THE TIME BEING 8.16PM CLR R OPIE LEFT THE MEETING IN ACCORDANCE WITH HIS DECLARATION OF INTEREST.

ITEM 13.8 HEALTH CARE CENTRE CROOKWELL – LEASE RENEWAL

114/18 RESOLVED by Clr Searl and Clr Stafford that

1. Council agrees in principle to renew the lease for the Health Care Centre at 17 Kialla Road, Crookwell for a further 5 year period with an option to renew for further 5 year period and that the Mayor and General Manager sign the lease agreement under seal of Council.

THE TIME BEING 8.20PM CLR R OPIE RETURNED TO THE MEETING.

SECTION 14: LATE REPORTS

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

ITEM 15.1 REPORTS FOR THE MONTH OF APRIL 2018

115/18 RESOLVED by Clr Searl and Clr O'Brien

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

1. Country Mayors Association – Minutes from meeting held 2 March 2018.
2. Economic Development Task Force – Minutes from meeting held 12 March 2018.

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AGENDA ITEM 4.1 – MEETING WITH CROOKWELL/TARALGA AGED CARE (LOT 3 DP 1112816).

RECOMMENDATION:

That a letter be sent to Crookwell Taralga Aged Care (CTAC) to say Council are awaiting a more detailed confirmation on what CTAC plan to do.

AGENDA ITEM 4.5 – CROOKWELL AIRPORT

RECOMMENDATION:

That Council proceed with creating hangar spaces for lease and a plan to lease those spaces on the land adjoining the airstrip.

116/18

RESOLVED by Cllr Opie and Cllr Culhane that item 4.1 and 4.5 from the Economic Development Task Force be adopted

3. Audit, Risk and Improvement Committee – Minutes from meeting held 21 March 2018.

ITEM 4.1 COUNCIL INVESTMENTS PORTFOLIO TO 28 FEBRUARY 2018

RECOMMENDATION:

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

ITEM 4.2 AUDIT OFFICE OF NSW – PRESENTATION OF CLIENT SERVICE PLAN FOR UPPER LACHLAN SHIRE COUNCIL

RECOMMENDATION:

That the Audit Office of NSW Client Service Plan including the Agreement of Terms for the external audit of Upper Lachlan Shire Council for the year ending 30 June 2018 is endorsed.

ITEM 4.3 NSW AUDIT OFFICE PERFORMANCE AUDIT – COUNCIL REPORTING ON SERVICE DELIVERY

RECOMMENDATION:

The NSW Audit Office performance audit for Council Reporting on Service Delivery be received and information noted.

ITEM 4.4 GRANT THORNTON AUSTRALIA – INTERNAL AUDIT OF STORES AND ACCOUNTS PAYABLE

RECOMMENDATION:

That the Grant Thornton Australia internal audit review report for Council on Stores and Accounts Payable be received and the Action Plan endorsed and implemented by senior management.

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**ITEM 4.5 GRANT THORNTON AUSTRALIA – INTERNAL
AUDIT OF PROCUREMENT AND CONTRACT MANAGEMENT
RECOMMENDATION:**

That the Grant Thornton Australia internal audit review report for Council on Procurement and Contract Management be received and the Action Plan endorsed and implemented by senior management.

117/18 **RESOLVED** by Clr Culhane and Clr Kensit that item 4.1 to 4.5 from the Audit Risk and Improvement Committee be adopted.

4. Taralga Historical Society – Newsletter No 1 2018.
5. Gunning Shire Hall & Showground Advisory Committee – Minutes from meeting held 5 March 2018.
6. Access Committee – Minutes from meeting held 28 March 2018.

**ITEM 5.1 MLAK KEY
RECOMMENDATION:**

That a record be kept of feedback, issues, and complaints received in relation to the MLAK keyed toilet.

**ITEM 5.2 DISABLED PARKING
RECOMMENDATION:**

That the Access Committee agree with the relocation of the proposed existing disabled parking spot across the road adjacent to the side of JD's as recommended by the Traffic Committee.

118/18 **RESOLVED** by Clr Searl and Clr Kensit that item 5.1 and 5.2 from the Access Committee be adopted

- CARRIED

SECTION 16: BUSINESS WITHOUT NOTICE

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)(a) 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:

119/18 **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) (a) 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 8.25pm and the public, staff and press left the chambers.

120/18 **RESOLVED** by Clr Searl and Clr O'Brien

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

- CARRIED

Open Council resumed at 8.38PM.

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 19: CONFIDENTIAL SESSION

ITEM 19.1 QUESTION WITH NOTICE - STAFFING MATTER

Refer to the Business Paper for Council Meeting held 19 April 2018 for the Mayor's comments.

**ITEM 19.2 QUESTION WITH NOTICE - GENERAL MANAGERS
PERFORMANCE REVIEW**

Refer to the Business Paper for Council Meeting held 19 April 2018 for the Mayor's comments.

ITEM 19.3 TEMPORARY APPOINTMENT - ACTING GENERAL MANAGER

121/18 RESOLVED by Clr Searl and Clr O'Brien

1. Council receive and note the report as information.

- CARRIED

THE MEETING CLOSED AT 8.38PM

Minutes confirmed 17 MAY 2018

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Mayor