

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

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

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**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**

Nil

**SECTION 4: CONFIRMATION OF MINUTES**

**ITEM 4.1** **RESOLVED** by Clr Searl and Clr Stafford

**49/18** That the minutes of the Ordinary Council Meeting held on 15 February 2018 be adopted.

- CARRIED

**SECTION 5: MAYORAL MINUTES**

**ITEM 5.1** **MAYORAL MINUTE - FEBRUARY/MARCH 2018**

**50/18** **RESOLVED** by Mayor McCormack and Clr Searl

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

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC**

Mr Floyd Davies – Recycling Unit in Crookwell.

**SECTION 7: CORRESPONDENCE**

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

**51/18** **RESOLVED** by Clr Searl and Clr Culhane

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

1. Hon John Barilaro MP – Stronger Country Communities Fund.
2. Local Government – Circular 18/01 – Establishment of a Council Engagement Team.
3. Keith Brown – Letter of Thanks & Appreciation.
4. Building Review Committee – Resignation letter of Peter Mayoh from the Committee.

**52/18** **RESOLVED** by Clr Opie and Clr Searl

1. Council accepts Peter Mayoh's resignation and thanks him for his valuable contribution to the Building Review Committee and further, Council advertises for a replacement Building Review Committee member, with appropriate architectural expertise.

- CARRIED

5. Southern Phone Company – 2016/17 Dividend.
6. Jo Marshall – Request for Council Representative on the Australian Agricultural Centre.

**53/18** **RESOLVED** By Clr Wheelwright and Clr Searl

1. That Clr Culhane and the General Manager be Council's representatives on the Australian Agricultural Centre.

- CARRIED

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**SECTION 8: LATE CORRESPONDENCE**

**ITEM 8.1 LATE CORRESPONDENCE FOR THE MONTH OF MARCH 2018**

**54/18** **RESOLVED** by Clr Searl and Clr Stafford

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

1. Laurie Chalker – Restoration works at Stonequarry Cemetery.

**55/18** **RESOLVED** By Clr Searl and Clr Kensit

1. That Council forwards correspondence to Stephen Horn and Rita Sophia thanking them for the works undertaken at Stonequarry Cemetery noting that their program is to be finalised by 30 March 2018 so that the Stonequarry s355 Committee can continue the restoration works project.

- CARRIED

- CARRIED

**REPORTS FROM STAFF AND STANDING COMMITTEES**

**SECTION 9: ENVIRONMENT AND PLANNING**

**ITEM 9.1 MONTHLY WEEDS ACTIVITIES REPORT**

**56/18** **RESOLVED** by Clr Searl and Clr Wheelwright

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

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

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

**57/18                      RESOLVED by Clr Searl and Clr Stafford**

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 9.3                      REQUEST TO REVIEW DETERMINATION OF DEVELOPMENT APPLICATION 8/2017 - MIXED USE DEVELOPMENT COMPRISING INTENSIVE LIVESTOCK AGRICULTURE AND AGRICULTURAL PRODUCE INDUSTRY, LOTS 4 & 5 DP742425 AND LOTS 3, 6, 20, 21, 67 & 68 DP753031, GREENMANTLE ROAD, BIGGA**

**58/18                      RESOLVED by Clr Searl and Clr Culhane**

1. The Council, as a consequence of its review of its determination of development application 8/2017, confirm that determination without change.

**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

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**ITEM 9.4**  
**59/18**

**PRIMARY PRODUCTION SUBDIVISIONS**

**RESOLVED** by Clr Searl and Clr Stafford

1. Council prepares an amendment to the Upper Lachlan Development Control Plan 2010 to introduce appropriate planning controls to address subdivisions below the lot size for agricultural/primary production purposes.
2. Council adopts, as an interim measure, the following information requirements to be supplied with subdivision applications for primary production to enable Council to consider and assess these proposals:
  - Details of the potential future use of the lots and the suitability of the land;
  - Evidence that each of the proposed lot/s for primary production will be agriculturally viable and have the carrying capacity to support sustainable and productive agriculture;
  - Evidence that demonstrates that the size, shape and location of the lots are suitable for primary production purposes and that the size of the proposed lot/s will be consistent with the size of lots used for primary production immediately surrounding the proposed subdivision;
  - The demand for the lots and the need for the subdivision to facilitate farm adjustments including the transfer of farming land. This may include evidence of agreement to purchase the land by existing primary producers;
  - Whether the lots created will support a new agricultural practice, rural industry or permitted employment generating industry;
  - Whether financial assessment (e.g. business plan) of the subdivision is needed to support ongoing primary production;
  - The location of, and the need for additional infrastructure, water and other factors that would facilitate primary production being carried out on the lots;
  - When the primary production activity is to commence;
  - Whether the proposed subdivision will result in the fragmentation of rural lands including creating lots separated from adjoining or adjacent lands under different ownership by a public Council road, will isolate fertile agricultural land, will

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

prevent access to existing water supply including creeks, rivers, dams or bores and/or reduce existing water supply entitlements/licenses;

- The nature of surrounding land uses including location of existing dwelling houses to ensure the proposed subdivision will not create potential for land use conflicts; and
- Whether the land will be used according to sustainable land management practices.

**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 9.5**

**PLANNING PROPOSAL TO AMEND UPPER LACHLAN LOCAL ENVIRONMENTAL PLAN 2010 - IN2 LIGHT INDUSTRIAL ZONE LAND USE TABLE**

**60/18**

**RESOLVED** by Clr Cummins and Clr Opie

1. Council prepare a planning proposal in accordance with the *Environmental Planning and Assessment Act 1979* for submission to the Department of Planning and Environment seeking a Gateway Determination to amend the *Upper Lachlan Local Environmental Plan 2010* by removing the land use term 'storage premises' from 4 *Prohibited* in the Land Use Table to Zone *IN2 Light Industrial*, and;
2. Council request the Department of Planning and Environment to authorise Council to exercise delegation of plan making functions in accordance with the *Environmental Planning and Assessment Act 1979*; and
3. Council's General Manager have delegation to authorise all required documentation in relation to the Planning Proposal and the subsequent *Upper Lachlan Local Environmental Plan 2010* amendment.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**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

**SECTION 10:      WORKS AND OPERATIONS**

**ITEM 10.1            RV PARKING TARALGA**

**61/18                RESOLVED by Clr Searl and Clr Stafford**

1. That Council considers the proposed Taralga Recreational Vehicle parking area project for consideration within the 2018/2019 annual budgetary process.

- CARRIED

**ITEM 10.2            BOURKE STREET EXTENSION IN COLLECTOR**

**62/18                RESOLVED by Clr Searl and Clr O'Brien**

1. Council accepts the newly completed 120m of Bourke street extension in Collector subject to a 12 months warranty period;
2. Council consider adding \$600 per annum to the Operational Plan to maintain this new asset.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**ITEM 10.3**                    **GUNNING SHOWGROUND / GUNNING ROOS**  
**63/18**                        **RESOLVED** by Clr Searl and Clr Kensit

1. Council writes to the Gunning Roos donating the payment of the outstanding water account totalling \$2281.40;
2. Council reviews fee schedules for sporting fields.

- CARRIED

A motion was moved by Clr Opie and Clr Kensit that the Director of Works provide a report to Council in regard to the EPA concerns.

On being put to the meeting the motion was carried.

**64/18**                        **RESOLVED** by Clr Opie and Clr Kensit

1. That the Director of Works and Operations provide a report to Council in regard to the EPA concerns.

- CARRIED

*The meeting adjourned for a short break the time being 7.42pm*  
*The meeting resumed the time being 7.55pm*

**SECTION 11:        FINANCE AND ADMINISTRATION**

**ITEM 11.1**                    **INVESTMENTS FOR THE MONTH ENDING FEBRUARY 2018**  
**65/18**                        **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**ITEM 11.2            BANK BALANCE AND RECONCILIATION - 31 JANUARY 2018  
AND 28 FEBRUARY 2018**

**66/18                RESOLVED by Clr Searl and Clr Stafford**

1. Council receive and note the report as information.

- CARRIED

**ITEM 11.3            RATES AND CHARGES OUTSTANDING AS AT 28 FEBRUARY  
2018**

**67/18                RESOLVED by Clr Searl and Clr O'Brien**

1. Council receive and note the report as information.

- CARRIED

**ITEM 11.4            COMMUNITY OUTREACH MEETINGS AND BUDGET WORKSHOP**

**68/18                RESOLVED by Clr Searl and Clr Stafford**

1. Council receives the report as information and endorses Community Outreach Meeting locations and dates as detailed below:

Locality	Day	Date	Time	Venue
Collector	Wednesday	23 May 2018	6.30pm	Collector Memorial Hall
Crookwell	Wednesday	16 May 2018	6.30pm	Crookwell Council Chambers
Gunning	Wednesday	9 May 2018	6.30pm	Gunning Council Chambers
Taralga	Wednesday	2 May 2018	6.30pm	Taralga Masonic Hall

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**ITEM 11.5**                    **COMMUNITY OUTREACH MEETINGS POLICY**  
**69/18**                        **RESOLVED** by Clr Searl and Clr O'Brien

1. Council adopts the Community Outreach Meetings Policy.

- CARRIED

**ITEM 11.6**                    **COMMUNITY ENGAGEMENT POLICY AND STRATEGY**  
**70/18**                        **RESOLVED** by Clr Searl and Clr Stafford

1. Council adopts the Community Engagement Policy and Strategy.

- CARRIED

**ITEM 11.7**                    **NSW AUDIT OFFICE PERFORMANCE AUDIT - COUNCIL**  
**71/18**                        **REPORTING ON SERVICE DELIVERY**  
**RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**ITEM 11.8**                      **NEW GULLEN RANGE WIND FARM - DEED OF AGREEMENT**  
**72/18**                              **RESOLVED** by Clr Searl and Clr O'Brien

1. Council endorse the Deed of Agreement with the New Gullen Range Wind Farm.

- CARRIED

**SECTION 12:              GENERAL MANAGER**

**ITEM 12.1**                      **STAFFING MATTERS**  
**73/18**                              **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED

**ITEM 12.2**                      **CROOKWELL AIRSTRIP UPDATE**  
**74/18**                              **RESOLVED** by Clr Searl and Clr Stafford

1. Council withdraws its offer under resolution no. 39/17 to Icarus Air International Pty Ltd for a lease for the use of the Crookwell Airstrip.
2. Council commissions a feasibility study/business plan with respect to the future use of the Crookwell Airstrip and the surrounding land.
3. Council contracts an appropriate legal firm to draw up draft lease agreements for the use of parts of the Crookwell Airstrip (being lot 417, DP 754115 and part lot 421, DP 257517), noting that exclusive possession of the Crookwell Airstrip is not included.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**ITEM 12.3                    MEDIA COMMUNICATIONS UPDATE**

**75/18                        RESOLVED by Clr Searl and Clr Stafford**

1. Council receive and note the report as information.

- CARRIED

**ITEM 12.4                    GRANTS REPORT**

**76/18                        RESOLVED by Clr Searl and Clr Cummins**

1. Council receive and note the report as information.

- CARRIED

**ITEM 12.5                    JOINT ORGANISATIONS - CBRJO**

**77/18                        RESOLVED by Clr Searl and Clr Kensit**

1. That for the purposes of the resolution passed by Upper Lachlan Shire Council on Thursday, 21 December 2017 concerning the approval of Council's area being included in the Canberra Region Joint Organisation's area, that – in addition to those Council areas prescribed in the previous resolution - Council endorses the area of the Wingecaribee Shire Council area being included in the area of the Canberra Region Joint Organisation.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**ITEM 12.6**                      **ACTION SUMMARY - COUNCIL DECISIONS**  
**78/18**                              **RESOLVED** by Clr Searl and Clr Stafford

1. Council receive and note the report as information.

- CARRIED

**SECTION 13:        LATE REPORTS**

Nil

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

**ITEM 14.1**                      **REPORTS FOR THE MONTH OF MARCH 2018**  
**79/18**                              **RESOLVED** by Clr Searl and Clr Culhane

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

1. Tony Foley Memorial Community Centre s355 Committee – Minutes from meeting held 23 January 2018.
2. Tourist Association – Minutes from meeting held 13 February 2018.

**ITEM 7 – TOURISM ACTIVITY REPORT**  
**RECOMMENDATION:**

The Upper Lachlan Shire Council accepts the quote from OSKY Interactive Pty Ltd for the provision of website design and development for Tourism in the absence of any further quotes received from Paper Monkey, Wisdom or Cre8ive. Project cost \$16864 ex GST to be funded from the Internally Restricted Reserve – Upper Lachlan Tourist Association (ULTA).

**80/18**                              **RESOLVED** by Clr Kensit and Clr Stafford

1. That Item 7 of the Upper Lachlan Tourist Association Committee be adopted.

- CARRIED

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

3. Breadalbane Hall Committee – Minutes from meeting held 25 February 2018.
4. Crookwell District Arts Council – Confirmation of 2018 Executive Committee.

- CARRIED

**SECTION 15: BUSINESS WITHOUT NOTICE**

Nil

**SECTION 16: NOTICES OF MOTION**

**ITEM 16.1 NOTICE OF RESCISSION MOTION**

**81/18**

**RESOLVED** by Clr Cummins and Clr Opie

1. Council Resolution 17/18 NSW EPA Organic Collection Grants is rescinded.

Clr Cummins called for a division

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

**Councillors who voted against:-** Clrs P Culhane, B McCormack, J Searl and J Wheelwright

- CARRIED

**82/18**

**RESOLVED** by Clr O'Brien and Clr Cummins

1. Council implement its current resolution (428/17) to provide a green waste service to commence by September 2018 and that Council provides a report to the 19 April Council meeting regarding possible grant funding.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

2. Council revotes an amount of \$115,000 from the Domestic Waste Management Reserve in the 2017/2018 Capital Budget for the purchase and distribution of the green bins.

Clr Cummins called for a division

**Councillors who voted for:-**

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

**Councillors who voted against:-**

Clrs McCormack, J Searl and J Wheelwright

- CARRIED

**SECTION 17: QUESTIONS WITH NOTICE**

Nil

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

**83/18**

**RESOLVED** by Clr Searl and Clr Kensit

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(2a), 10A(2c), 10A(2d(i)) and 10A(2d(ii)) 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.

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

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 8.27pm and the public, staff and press left the chambers.

**84/18**                      **RESOLVED** by Clr Searl and Clr Stafford

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

- CARRIED

Open Council resumed at 8.35PM.

**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            STAFFING MATTERS**

**85/18**                      **RESOLVED** by Clr Searl and Clr Wheelwright

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

Clr Cummins called for a division

<b>Councillors who voted for:-</b>	Clrs P Culhane, McCormack, D O'Brien, J Searl and J Wheelwright
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<b>Councillors who voted against:-</b>	Clrs R Cummins, P Kensit, J Stafford and R Opie
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- CARRIED



**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 MARCH 2018**

---

**ITEM 18.2            PROCUREMENT OF REPLACEMENT TRUCK FOR THE  
INFRASTRUCTURE CONSTRUCTION TEAM**

**86/18                RESOLVED by Clr Searl and Clr O'Brien**

1. Council enters into negotiations with Southern Truck Centre regarding the procurement of Mack Metroliner for an indicative price of \$276,000.00.
2. Council sell existing Water Truck plant No: 283 via Pickles Auctions.

- CARRIED

**THE MEETING CLOSED AT 8.35pm**

Minutes confirmed 19 APRIL 2018

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Mayor