

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 20 DECEMBER 2018

PRESENT: Mayor J Stafford (Chairperson), Clr P Culhane, Clr P Kensit, Clr B McCormack, Clr R Opie, Clr R Cummins, Clr J Wheelwright, Clr J Searl, Mr J Bell (General Manager), Mr A Croke (Director Finance and Administration), Mr M Shah (Director of Infrastructure), Mrs T Dodson (Director of Environment & Planning).

Secretary: 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 O'Brien.

346/18 **RESOLVED** by Cr Searl and Clr Kensit that the apologies be received and the leave of absence granted.

- CARRIED

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Nil

SECTION 4: CONFIRMATION OF MINUTES

347/18 **RESOLVED** by Clr Searl and Clr Wheelwright

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

- CARRIED

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SECTION 5: MAYORAL MINUTES

ITEM 5.1 MAYORAL MINUTE

348/18

RESOLVED by Clr Searl and Clr McCormack

That Council receive and note the activities attended by the Mayor for November and December, 2018.

- CARRIED

SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

1. Malcolm Barlow - Chairperson of Council Audit, Risk and Improvement Committee;
2. Gunning District Association - Youth Representatives – William Luck and Elysia Mackay;
3. Economic Development Hub - Crookwell Green Innovation Technology Hub - Susan Reynolds and Douglas McIntyre.
4. Pool Review Committee – Report for Council – Julie Simpson

A motion was moved by Clr Searl and Clr Kensit to bring item 15.1 – Pool Review Committee – Report for Council, forward.

On being put to the meeting the motion was carried.

349/18

RESOLVED by Clr Searl and Clr Kensit to bring item 15.1 – Pool Review Committee – Report for Council, forward.

- CARRIED

See resolution no. 375/18 in section 15.1

The meeting was adjourned the time being 7:18pm
The meeting reconvened the time being 7:36pm

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SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE ITEMS FOR THE MONTH OF DECEMBER 2018

350/18 **RESOLVED** by Cllr Searl and Cllr McCormack

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

1. Mining and Energy Related Councils NSW – Proposal to join Association.

351/18 **RESOLVED** by Cllr Searl and Cllr Kensit

1. Council forwards correspondence to the Mining and Energy Related Councils NSW, accepting the offer to join the association from 1 July 2019, with an annual payment of \$7,630.00.

- CARRIED

2. Country Mayors Association – Waste to Energy Feasibility Study Outline.
3. Hon Gabrielle Upton MP – Media Release – Council Credit Card Crackdown.
4. Hon Pru Goward MP – Media Release – Crookwell and Gunning Libraries Tech Savvy Seniors.
5. Hon Gabrielle Upton MP – Media Release – Councils Court Out Over Rates Debt Collection
6. Office of Local Government – Circular 18-39 – Debt Management and Hardship Guidelines.
7. Australian Local Government – Future Focused – Discussion Paper 2019.
8. Liverpool City Council – 2019 Australian Local Government Women's Association NSW Conference.

352/18 **RESOLVED** by Cllr Searl and Cllr Cummins

1. Council nominate Cllr Kensit as the Council representative to the 2019 Australian Local Government Women's Association NSW to be held in Sydney from 4 – 6 April, 2019.

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9. Office of Local Government – Circular 18-41 – Misuse of Council Resources – March 2019 State Election.
10. Petition against the Crookwell Aerodrome Proposal presented to the General Manager on 11 December 2018, presented by Mr Jim Hutson, Mrs Jenny Rootsey, Mr Warren Rootsey.

A motion was moved by Clr Cummins and Clr Searl to bring item 11.3 – Feasibility Study and Plan for Crookwell Aerodrome, forward.

On being put to the meeting the motion was carried.

353/18 **RESOLVED** by Clr Cummins and Clr Searl to bring item 11.3 – Feasibility Study and Plan for Crookwell Aerodrome, forward.

- CARRIED

See resolution no. 363/18 in section 11, Works and Operations, Report 11.3

- CARRIED

SECTION 8: LATE CORRESPONDENCE

Nil

SECTION 9: INFORMATION ONLY

ITEM 9.2 – 9.6, INFORMATION ONLY
9.8 – 9.10

354/18 **RESOLVED** by Clr Cummins and Clr Wheelwright

1. Items 9.2 – 9.6 and 9.8 – 9.10 be received and noted.

- CARRIED

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ITEM 9.1 DEVELOPMENT STATISTICS FOR THE MONTH OF
NOVEMBER 2018

355/18 RESOLVED by Clr Cummins and Clr Wheelwright

1. Council receives and notes the report as information.

Councillors who voted for:- Clrs P Culhane, P Kensit,
 B McCormack, R Opie, R
 Cummins, J Searl, J
 Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

ITEM 9.7 WHS COMMITTEE MINUTES

356/18 RESOLVED by Clr Searl and Clr Cummins

1. Council receives and notes the WHS Committee Meeting Minutes as information.
2. Council adopts the Draft Asbestos Management Plan.

- CARRIED

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 10: ENVIRONMENT AND PLANNING

**ITEM 10.1 PLANNING PROPOSAL TO REZONE LOT 2 DP 1160080
KIALLA ROAD, CROOKWELL (CROOKWELL HOSPITAL
LAND)**

357/18 **RESOLVED** by Cllr Searl and Cllr Kensit

1. Council support the Planning Proposal and draft amendments to Upper Lachlan Local Environmental Plan 2010 to rezone Lot 2 DP 1160080 Kialla Road Crookwell from SP2 Infrastructure (Health Services Facility) to E3 Environmental Management.
2. Council forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination under Section 3.34 of the Environmental Planning and Assessment Act 1979.
3. 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.
4. Council authorise the General Manager have delegation to authorise all required documentation to support the Planning Proposal and subsequent amendment to the Upper Lachlan Local Environmental Plan 2010.

Councillors who voted for:-

Cllrs P Culhane, P Kensit,
B McCormack, R Opie, R
Cummins, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

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ITEM 10.2 **REQUEST TO REVIEW DETERMINATION OF DEVELOPMENT APPLICATION 17/2017.2 - DEVELOPMENT FOR THE PURPOSE OF A MIXED USE DEVELOPMENT COMPRISING A FOOD AND DRINK PREMISE AND A SHOP - LOT 1 DP 655209 - 210 GOULBURN STREET, CROOKWELL.**

358/18 **RESOLVED** by Clr Searl and Clr Culhane

1. The Council as a consequence of its review of its determination of Development Application 17/2017.2 confirm the determination without change.

Councillors who voted for:- Clrs P Culhane, P Kensit,
B McCormack, R Opie, R
Cummins, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

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

1. The Director of Environment and Planning be given the authority to have further discussions with the applicant and if an agreement can be reached a further report to be presented to Council.

On being put to the meeting the motion was carried.

359/18 **RESOLVED** by Clr Cummins and Clr Opie

1. That the Director of Environment and Planning be given the authority to have further discussions with the applicant and if an agreement can be reached a further report to be presented to Council.

Councillors who voted for:- Clrs P Culhane, P Kensit,
B McCormack, R Opie, R
Cummins, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

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ITEM 10.3 MEMORANDUM OF UNDERSTANDING - GUNNING AND DISTRICT HISTORICAL SOCIETY

360/18 RESOLVED by Clr Searl and Clr Culhane

1. Council sign the Memorandum of Understanding between Upper Lachlan Shire Council and Gunning and District Historical Society and return a copy of the signed Memorandum of Understanding including a site map to the Gunning and District Historical Society.

Councillors who voted for:- Clrs P Culhane, P Kensit,
B McCormack, R Opie, R
Cummins, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:- Nil
- CARRIED

ITEM 10.4 DEVELOPMENT APPLICATION 99/2018 - DEMOLITION, ALTERATIONS, ADDITIONS AND THE CARRYING OUT OF WORKS FOR THE PURPOSE OF A PUB - LOT 2 DP 800629 - 34 GOULBURN STREET, CROOKWELL

361/18 RESOLVED by Clr Wheelwright and Clr McCormack

Council determine the application by granting consent, subject to the conditions listed in Attachment 3 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.

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- (1) Except where otherwise permitted or required 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 stamped approved development drawings including any notations or amendments marked by Council in red.

Plan Details	Drawing Number	Dated	Prepared by
Cover Sheet	18140 - DA 01 (Rev3)	31/08/2018	Source Architects
Site/Roof Plan	18140 - DA 02 (Rev3)	31/08/2018	Source Architects
Ground Floor Plan	18140 - DA 03 (Rev5)	31/08/2018	Source Architects
First Floor Plan	18140 - DA 04 (Rev4)	31/08/2018	Source Architects
Elevations	18140 - DA 05 (Rev3)	31/08/2018	Source Architects
Section	18140 - DA 06 (Rev3)	31/08/2018	Source Architects
Landscape	18140 - DA 07 (Rev2)	31/08/2018	Source Architects
Statement of Environmental Effects	18150	Undated	Source Architects

- (2) All building work must 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 to that code as in force on the date the application for the relevant construction certificate is made.
- (3) This approval does not necessarily protect or guarantee against a possible claim of discrimination (intentional or unintentional) under the Disability Discrimination Act 1992, and the applicant/owner is therefore advised to investigate their liability under this Act.
Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.
- (4) The construction and operation of the food premises shall comply with all applicable legislation/regulation and standards, including:
- The Food Act 2003

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- Food Regulation 2015
 - Food Standards Australia and New Zealand - Food Standards Code
 - Relevant Australian Standards for Design, Construction and Fit out of Food Premises AS4674-2004
 - Mechanical ventilation - Australian Standard 1668.2-2002
- (5) As Council is the authority responsible for water & sewerage, **48 hours notice** must be given to Council to permit inspection of:-
- a. Internal drainage, and
 - b. Hot & cold water; and
 - c. External drainage.

Bookings for inspections should be made through the Crookwell Office on 4830 1000.

ADVISING - Any re-inspection or additional inspection will incur a fee in accordance with the current Management Plan for Upper Lachlan Shire Council. This fee must be paid prior to the release of the Occupation Certificate.

- (6) This Development Consent does not constitute approval to carry out construction work. Construction work may only commence upon the issue of a Construction Certificate, appointment of a Principal Certifying Authority (PCA), and lodgement of Notice of Commencement.
- (7) Requirements of the approved Waste Management Plan shall be complied with during site preparation and throughout demolition and construction. Waste management and its storage must not pose a threat to public health or the environment.
- (8) The development consent does not permit erection or display of any signage not identified by an environmental planning instrument as exempt development or development permitted without development consent.
- (9) The development shall be conducted in a manner to ensure that the environment and amenity in the locality are not adversely affected, disturbed or disrupted, including by way of dust emissions, excessive noise and the like.

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- (10) Adequate security lighting shall be provided to the site in accordance with the relevant Australian Standard and to not cause a nuisance to adjoining neighbouring properties.
- (11) Should existing underground services be located within the vicinity of proposed new structural supports for the verandah, the applicant will at their own cost, divert or relocate these services to the satisfaction of the relevant service authority.
- (12) Any proposed works that is to be carried out in the road reserve, shall obtain a Section 138 approval under the Roads Act 1993 from Council.
- (13) The veranda and posts must;
 - Not restrict pedestrian access
 - Lighting design and construction underneath the verandah shall comply with AS1158.3.1 – 2005
 - Verandah posts must not affect any existing kerb ramps, and if need be, be relocated at no cost to Council.

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.

- (14) Council considers pursuant to clause 94 of the Regulation that it is appropriate to require the existing building to be upgraded to partial conformity with the Building Code of Australia (BCA).

The Construction Certificate plans and specification required to be submitted to the Certifying Authority pursuant to clause 139 of the Regulation must detail building upgrade works required by this condition.

The Certifying Authority must be satisfied that such work, to be implemented as part of the development, will upgrade the existing building to bring it into compliance with the following provisions of the BCA in force at the date of issue of the Construction Certificate:

 - a. Fire resistance and stability - Part C1;
 - b. Compartmentation and separation - Part C2;

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- c. Protection of openings - Part C3;
- d. Provision for escape (access and egress) - Part D1;
- e. Construction of exits - Part D2;
- f. Fire fighting equipment - Part E1;
- g. Smoke hazard management - Part E2;
- h. Emergency lighting, exit signs and warning systems - Part E4;

Note: *The Certifying Authority issuing the Construction Certificate has no power to remove the requirement to upgrade the existing building as required by this condition. Where this condition specifies compliance with performance requirements of the BCA, the Certifying Authority (subject to their level of accreditation) may be satisfied as to such matters. Where this condition specifies compliance it cannot be varied unless this condition is reviewed under sections 8.2, 8.3, 8.4 & 8.5 or amended under section 4.55 of the Act.*
(Reason: Fire Safety)

- (15) Access for people with disabilities must be provided in accordance with the requirements of the Building Code of Australia, relevant Australian Standards and with regard to the Disability Discrimination Act 1992.
Prior to the issue of a Construction Certificate, the plans shall demonstrate compliance.
Note: Disability (Access to Premises - Buildings) Standards 2010 - As of 1 May 2011, if access is provided to the extent covered by this Standard, then such access cannot be viewed as unlawful under the Disability Discrimination Act 1992.

- (16) The premises is to be designed, constructed and operated in accordance with the Food Act 2003, Food Regulation 2015, Australia & New Zealand Food Standards Code and Australian Standard AS 4674-2004, Design, construction and fit-out of food premises.

Details of compliance are to be included in the documentation for the Construction Certificate to the satisfaction of the certifying authority.

- (17) Liquid trade waste is to be disposed of in accordance with the requirements of the 'Liquid Trade Waste Management Guidelines'. Prior to the issue of the construction certificate

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an Application under Section 68 of the Local Government Act shall be submitted to Council for Assessment and determination in regards to the sizing & placement of the proposed Grease trap.

ADVISING – A minimum 1100L grease trap shall be located on the site. The grease trap shall be located external to the building.

- (18) Prior to the issue of a Construction Certificate, detailed stormwater drainage plans shall be submitted to Council for approval.

FOOD PREMISES CONDITIONS

The following conditions are applied to ensure compliance with the Food Act 2003 and to ensure public health and safety.

- (19) Food safety practices and operation of the food premises must be in accordance with the *Food Act 2003, Food Regulation 2015, Food Standards Code* and Food Safety Standards at all times, including the requirements and provisions relating to:
- Food handling – skills, knowledge and controls.
 - Health and hygiene requirements.
 - Requirements for food handlers and businesses.
 - Cleaning, sanitising and maintenance.
 - Design and construction of food premises, fixtures, fitting and equipment.

A failure to comply with the relevant food safety requirements is an offence and may result in legal proceedings, service of notices and/or the issuing of on-the-spot penalty infringement notices.

- (20) The Proprietor of the food business and all staff carrying out food handling and food storage activities must have appropriate skills and knowledge in food safety and food hygiene matters, as required by the Food Safety Standards.
- (21) Adequate provisions are to be made within the premises for the storage, collection and disposal of trade/commercial waste and recyclable materials, to the satisfaction of Council.

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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.

- (22) Prior to commencing any building work, the following provisions of the Environmental Planning and Assessment Act 1979 (the 'Act') shall be complied with:
- (a) A Construction Certificate shall be obtained in accordance with Section 81A (2) (a) of the Act.
 - (b) A Principal Certifying Authority shall be appointed and Council is to be notified of the appointment in accordance with Section 81A (2) (b) and (b1) of the Act.
 - (c) Council shall be notified in writing, at least two days prior to the intention of commencing building work, in accordance with Section 81A (2) (c) of the Act.
- (23) A sign shall be erected on the development site, which shows the builders name and contact details, the details of the PCA and must include the words "*Unauthorised entry to the work site is prohibited*". The sign shall be maintained while the building work, subdivision work or demolition work is being carried out, but shall be removed when the work has been completed.
- (24) Provision shall be made for temporary toilet accommodation on-site prior to the commencement of building works.
- (25) Run-off and erosion controls shall be implemented to prevent soil erosion, water pollution or the discharge of loose sediment on surrounding land as follows:
- Divert uncontaminated run-off around cleared or disturbed areas, and
 - Erect a silt fence to prevent debris escaping into drainage systems and waterways, and
 - Prevent tracking of sediment by vehicles onto roads, and
 - Stockpile topsoil, excavated material, construction and landscaping supplies and debris within the site.

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The controls shall remain in place until all disturbed ground surfaces are rehabilitated/vegetated and 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 conditions are to be complied with during the construction of the development on site.

- (26) That all construction work shall be carried out only between the hours of 7.00 a.m. and 6.00 p.m. Mondays to Fridays inclusive and on Saturdays between 7.00 a.m. and 1.00 p.m. if inaudible on residential premises, otherwise 8.00 a.m. to 1.00 p.m.

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.

- (27) All work is to be undertaken in accordance with the documentation required and approved under this Consent.
- (28) All plumbing and drainage work must be completed and certified by a licensed plumber to be in accordance with the National Construction Code Series – Plumbing Code of Australia. The following documentation shall be submitted to Council prior to the issue of the Occupation Certificate:
- a. Notice of Work;
 - b. An accurately drawn sewer diagram;
 - c. Certificate of Compliance for Plumbing & Drainage Work.
- (29) Building material must not be deposited on Council roads, gutters and or footpaths, unless existing damage to infrastructure is notified in writing prior to commencement, the builder or land owner will be liable for the cost of repairs.
- (30) Roofwater must be discharged to the street gutter or stormwater system.

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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.

- (31) Demolition works shall be carried out in accordance with the following:
- a. Prior to commencement of any works on the land, the demolition Contractor(s) license details must be provided to Council.
 - b. The handling or removal of any asbestos product from the building/ site must be carried out in accordance with *Work Cover* provisions. A person/ contractor licensed for asbestos removal must carry out all work and a copy of their license shall be submitted to Council.
 - c. An appropriate fence preventing public access to the lot site shall be erected for the duration of demolition works.
 - d. Copies of the demolisher's current public liability/risk insurance policy indicating a minimum cover of \$10,000,000.00.
 - e. Demolition works involving the removal and disposal of asbestos cement must only be undertaken by contractors who hold a current WorkCover - Demolition License and a current WorkCover - Class 2 (Restricted) Asbestos License.
 - f. All demolition work shall comply with the *Australian Standard AS2601-2001 – The Demolition of Structures*.

- **ADVISING**
- All demolition work shall comply with the *Australian Standard AS2601-2001 – The Demolition of Structures*.
- Security fencing such as hoardings shall be provided around the perimeter of the demolition site prior to work commencing to prevent access by unauthorized persons at all times during the demolition period.
- Demolition must not be conducted in high winds to ensure dust does not spread beyond the site boundaries.
- All lead contaminated materials identified in the building must be handled and disposed of in accordance with the NSW Environment Protection Authority's requirements.

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- Dust controls must be implemented on site prior to and during demolition.
- Should any asbestos be identified in the building, it must be removed and disposed of in accordance with the requirements of WorkCover Authority.
- 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.
- Temporary toilet facilities must be provided on the site until all demolition work is completed.
- 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 determined by the EPA and are designed to ensure that neighbouring property occupants are not unduly affected by noise.
- Sound pressure levels measured as LA10 15 minutes emanating from the site must not exceed the background levels at the nearest affected residence by the following criteria for the time interval specified:

20dB(A) (Demolition) period up to 4 weeks
10dB(A) (Demolition) period greater than 4 weeks and not exceeding 26 weeks
5dB(A) (Demolition) period exceeding 26 weeks

These are levels determined by the EPA and are designed 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 consent must be complied with prior to the issue of an occupation certificate by the principal certifying authority. All necessary information to comply with the following conditions of consent must be submitted with the application for an occupation certificate.

- (32) A person must not commence occupation or use (or *change of use where an existing building*) of the whole or any part of a building (within the meaning of section 6.9 of the *Act*) unless an Occupation Certificate has been issued in relation to the building or part. The Principal Certifying

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Authority is required to be satisfied, amongst other things, that:

- a. All required inspections (including each applicable mandatory critical stage inspection) have been carried out; and
 - b. Any preconditions to the issue of the certificate required by a development consent have been met.
- (33) Upon completion of the work and prior to the issuing of an Occupation Certificate, the premises must be inspected by Council's Environmental Health Officer to ascertain compliance with relevant Food Safety Standards and the written approval of Council (being the relevant Food Authority for this food business) must be obtained prior to the operation of the food business.
- (34) Prior to an Occupation Certificate being issued, Council's Environmental & Planning Department must be notified that the premises is being used for the preparation, manufacture or storage of food for sale so that the premises can be registered on Council's food premises database.
- (35) A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, prior to the issue of the Final Occupation Certificate for the building.
A copy of the Fire Safety Certificate and fire safety schedule shall be:-
- a. Forwarded to Upper Lachlan Shire Council;
 - b. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
 - c. Prominently displayed in the building.
- (36) The Right of Carriageway shall be constructed with a 4.0 metre wide bitumen pavement and compacted thickness 150 mm thick with drainage structures designed in accordance with AUSTROADS specifications.
- (37) The wheel stops and proposed line marking shall be constructed in accordance with AS2890.5 – 1999 for on street parking and at no cost to Council.

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ADVISING – Wheel stops shall be setback a minimum of 900mm from the kerb face as per AS2890.5-1999

ON-GOING CONDITIONS

- (38) Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulation (as amended) the owner of the building shall furnish Council with an Annual Fire Safety Statement from a competent person so as to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.

A copy of the Fire Safety Statement obtained and Fire Safety Schedule shall also be:-

- a. Forwarded to the Commissioner of the New South Wales Fire Brigade; and
- b. Prominently displayed in the building.

AGENCY CONDITIONS

Nil

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

Nil

Councillors who voted for:-

Clrs P Culhane, P Kensit, B McCormack, R Opie, R Cummins, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

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SECTION 11: WORKS AND OPERATIONS

ITEM 11.1 PROPOSED ROAD NAMES IN THE "GREENS OF GUNNING"
SUBDIVISION IN COOPER STREET GUNNING

362/18 RESOLVED by Cllr Searl and Cllr McCormack

1. Council endorse the proposed road names as nominated by the developer, namely, "Green Avenue" and "Ambar Lane".

- CARRIED

ITEM 11.2 CROOKWELL SEWER TREATMENT AND TARALGA WATER
SUPPLY - FUNDING OF IMPERATIVE WORKS

363/18 RESOLVED by Cllr McCormack and Cllr Searl

1. Council allocate \$16,000 from the reserves to fund the Crookwell Sewerage Treatment Works;
2. Council allocate \$270,000 from the Water Supply reserves to fund the Taralga Water Supply works.
3. Council include the proposed works within the 2018/19 Operational Plan and adjust the December 2018 Quarterly Budget Review to reflect these changes;
4. Council authorise the Manager of Operations to implement Council resolution.

- CARRIED

ITEM 11.3 FEASIBILITY STUDY AND PLAN FOR CROOKWELL
AERODROME

364/18 RESOLVED by Cllr Wheelwright and Cllr Searl

1. Council endorse the original plan from 2010 (B7) for the proposed use of the Crookwell Aerodrome;

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2. Council allocate \$10,000 from unrestricted cash reserves to fund a planning proposal, associated contracts and the development of community consultation.

- CARRIED

**ITEM 11.4 COUNCIL DEPOT LAND ACQUISITION - LAND
CLASSIFICATION AND COMPENSATION**

365/18 RESOLVED by Clr Cummins and Clr Opie

1. Council considers the location of the depot at a future Council meeting;
2. Council compulsory acquire Lot 101 DP 1242155 being part of the land in Lot 7009 DP 1027045 and Lot 102 DP 1242155 being part of the land currently in Lot 7006 DP 1027032.
3. Council authorise the Mayor and the General Manager to sign and seal the proposed acquisition and make an application to the Minister for the Compulsory Acquisition of Lot 101 and Lot 102 DP 1242155, subject to the statutory requirements being complied with under the appropriate Legislation;
4. Council proceed to acquire Lot 100 for widening of road in Spring Street Crookwell.

- CARRIED

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

1. That part 4 of Resolution No 270/18 and Resolution No 305/18 be the subject of a further report to Council, at the 21 February 2019 Council Meeting.

On being put to the meeting the motion was carried.

366/18 RESOLVED by Clr Cummins and Clr Opie

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1. That part 4 of Resolution No 270/18 and Resolution No 305/18 be the subject of a further report to Council, at the 21 February 2019 Council Meeting.

- CARRIED

ITEM 11.5
367/18

SOUTHERN LIGHTS PROJECT

RESOLVED by Cllr Culhane and Cllr Cummins

1. Council support the business case for funding of the smart street lighting program by the NSW Government at a cost of \$61.4M and seek support for the project from the local member;
2. Council support the rollout of LED lighting with smart technology capability for all street lights in the local government area.

- CARRIED

SECTION 12: FINANCE AND ADMINISTRATION

ITEM 12.1

APPLICATION FOR WAIVER OF MULTIPLE RURAL WASTE CHARGES

368/18

RESOLVED by Cllr Searl and Cllr McCormack

1. Council in accordance with Section 610E, of the Local Government Act 1993, waive the multiple Rural Waste Charges totalling \$382.80 (GST Inclusive).

- CARRIED

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ITEM 12.2 **DELIVERY PROGRAM BI-ANNUAL REVIEW 2018/2019**
369/18 **RESOLVED** by Cllr Searl and Cllr Wheelwright

1. Council adopt the Delivery Program Review and the Fit for the Future Action Plan Review Reports for the six month period ended 31 December 2018.

- CARRIED

SECTION 13: GENERAL MANAGER

ITEM 13.1 **COLLECTOR WIND FARM COMMUNITY ENHANCEMENT PROGRAM**
370/18 **RESOLVED** by Cllr Searl and Cllr Wheelwright

1. Council adopts the Collector Wind Farm Community Enhancement Fund Voluntary Planning Agreement and authorises the General Manager to sign and seal the Collector Wind Farm Community Enhancement Fund Voluntary Planning Agreement on behalf of Council.

Councillors who voted for:- Cllrs P Culhane, P Kensit, B McCormack, R Opie, R Cummins, J Searl, J Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

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ITEM 13.2 **CONSULTATIVE COMMITTEE MEETING MINUTES**
371/18 **RESOLVED** by Clr Searl and Clr Culhane

1. Council receives and notes the Consultative Committee Meeting Minutes as information.
2. Council adopts the reviewed Phased Retirement Policy.

- CARRIED

ITEM 13.3 **REGIONAL GROWTH ENVIRONMENT AND TOURISM FUND**
372/18 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council proceeds with the approved GLEF funding allocation of \$2,428,000 in accordance with Council Resolution no. 335/18 to fund the 2.5km upgrade of Wombeyan Caves Road.
2. Council does not accept the RGETF funding allocation of \$2,796,560 (which is yet to be approved and offered), noting that the GLEF grant funding would be retracted should Council pursue this option.

- CARRIED

SECTION 14: LATE REPORTS

Nil

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

ITEM 15.1 **REPORTS FOR THE MONTH OF DECEMBER 2018**
373/18 **RESOLVED** by Clr Searl and Clr McCormack

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

1. Collector Oval Committee – Minutes from Annual General Meeting held 11 October 2018.
2. Crookwell Potato Festival Committee – Minutes from meeting held 31 October 2018.
3. Upper Lachlan Shire Sports & Recreation Committee – Minutes from meeting held 5 November 2018.
4. Economic Development Task Force Committee – Minutes from meeting held 13 November 2018.

374/18

RESOLVED by Clr Searl and Clr Cummins

1. Council facilitate a community open date by offering funding up to \$500.00 to each Progress Association of Community Group from each town and village interested in hosting a Community Open Day in the 2019-2020 financial year.
2. That Council sign the acceptance form/Memorandum of Understanding for the Sustainable Councils and Community Program.
3. Council waive the fees associated with Outdoor Dining as per the “Easy to do business” initiative.
4. Council provide two Yellow Bins to the main streets of Crookwell, Collector and Gunning to support the recycling initiative until the Streetscape Project is initiated and further Council market a recycling awareness campaign for proper use of the yellow recycling bins through social media.
5. The EDTF Committee request that Council request Council’s IT Department to review the functionality of Council’s website.

- CARRIED

5. Economic Development Task Force Committee – Minutes from meeting held 3 December 2018.
6. Audit, Risk and Improvement Committee – Minutes from meeting held 21 November 2018.

375/18

RESOLVED by Clr Searl and Clr Culhane

Item 4.1 Correspondence for the month of August 2018

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RESOLVED by Mr Martin and Clr Culhane

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

1. Audit Office – Appointment of Deloitte as Audit Service Provider.

- CARRIED

Item 4.2 Council Investments Portfolio to 31 October 2018

RESOLVED by Mr Martin and Mr Marshall

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

- CARRIED

Item 4.3 Disaster Recovery Funding Agreement

RESOLVED by Cl Wheelwright and Mr Marshall

1. The Committee recommend that Council accepts the revised co-contribution model arrangements of the NSW Government Department of Justice and authorise the General Manager to sign the agreement with the NSW Government

- CARRIED

Item 4.4 2017/2018 NSW Audit Office Final Audit Management Letter

RESOLVED by Clr Culhane and Clr Wheelwright

1. The Audit Office of NSW Final Management Letter on the conduct of the external audit for the year ended 30 June 2018 be received and the management response addressing the audit issues is endorsed.

- CARRIED

Item 4.5 2017/2018 NSW Audit Office – Engagement Closing report for Upper Lachlan Shire Council

RESOLVED by Clr Culhane and Mr Martin

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1. The Audit Office of NSW Engagement Closing Report for the external audit of Upper Lachlan Shire Council Financial Statements for the year ending 30 June 2018 is received and noted as information.

- CARRIED

Item 4.6 2017/2018 Financial Statements and Audit Office of NSW Independent Auditor's Report

RESOLVED by Clr Wheelwright and Mr Martin

1. The Committee receive and note as information the Audit Office of NSW Independent Auditor's Report and Report on the Conduct of the Audi for the 2017/2018 Financial Statements, in addition this Committee wishes to commend management and staff in producing the increasingly large and detailed annual Financial Statements that once again have earned a positive Auditors Report.

- CARRIED

- CARRIED

7. Community Technology Centre – Minutes from Annual General Meeting held 22 November 2018.
8. Taralga Historical Society Inc. – Newsletter 4 – December 2018.
9. Upper Lachlan Tourist Association – Minutes from meeting held 4 December 2018.
10. Pye Cottage Precinct Committee – Minutes from meeting held 5 December 2018 and letter to Council to dissolve Committee.

376/18

RESOLVED by Clr Searl and Clr Culhane

1. Council dissolve the Pye Cottage Precinct s355 Committee and that Council assumes direct management of the site and buildings.

- CARRIED

11. Pool Review s355 Committee – Report for Council consideration received 7 December 2018

377/18

RESOLVED by Clr Culhane and Clr Kensit:

1. Council continue the current s355 Committee to carry the project on to a full costing, feasibility and planning for a fit for

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purpose facility based on the findings of the current Committee;

2. Council endorse and support the Committee Charter to provide a heated and hydrotherapy pool, provided it is affordable for Council on an ongoing basis;
3. Council consider funding all short-term recommendations for inclusion in the fiscal 2019-2020 Operational Plan;
4. Council considers allocating \$10,000 within the 2018-2019 Operational Plan from unrestricted cash reserves to fund a Quantity Surveyor for the proposed heated and hydrotherapy pool.

Clr Wheelwright and Clr McCormack called for a division:

Councillors who voted for:-

Clrs P Culhane, P Kensit,
B McCormack, R Opie, R
Cummins, J Searl, J
Stafford and J Wheelwright

Councillors who voted against:- Nil

- CARRIED

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

That Council include the following items to be costed for consideration of funding in the 2019/2020 Operational Plan or for grant applications for:

- A) A roof over the new and old change rooms;
- B) The old change rooms to be renovated for a useful purpose as determined by the s355 Pool Review Committee; and
- C) The old change rooms be fitted out for that purpose.

On being put to the meeting the foreshadowed motion was carried.

378/18

RESOLVED by Clr Cummins and Clr Opie

That Council include the following items to be costed for consideration of funding in the 2019/2020 Operational Plan or for grant applications for:

- A) A roof over the new and old change rooms;

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- B) The old change rooms to be renovated for a useful purpose as determined by the s355 Pool Review Committee; and
- C) The old change rooms be fitted out for that purpose.

- CARRIED

- CARRIED

SECTION 16: BUSINESS WITHOUT NOTICE

Nil

SECTION 17: NOTICES OF MOTION

Nil

SECTION 18: QUESTIONS WITH NOTICE

ITEM 18.1 SERVICE DELIVERY - CORRESPONDENCE

Refer to the Business Paper for Council Meeting held 20 December 2018 for the General Manager's comments.

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

379/18 **RESOLVED** by Clr Searl and Clr Wheelwright

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to of the Local Government Act 1993: the press and public be excluded from the meeting on the basis

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that the business to be considered is classified confidential under the provisions of section 10A (2), 10A (2a), 10A (2c), 10A (2d(i)), 10A (2d(ii)), 10A (2d(iii)), 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 8:57PM and the public, staff and press left the chambers.

380/18 **RESOLVED** by Clr Searl and Clr Kensit

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

- CARRIED

Open Council resumed at 9:35PM.

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 19: CONFIDENTIAL SESSION

ITEM 19.1 STAFFING MATTERS

381/18 **RESOLVED** by Clr Wheelwright and Clr Opie

1. That Council offers the Director of Infrastructure, Director of Environment and Planning and the Director of Finance and Administration, renewal of appointment, with further 5 year terms individually, under the Directors Contracts of Employment, with Upper Lachlan Shire Council.

- CARRIED

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ITEM 19.2 HEAVY PATCHING PROGRAMME CONTRACT

382/18 RESOLVED by Clr McCormack and Clr Wheelwright

1. Council accept the schedule of rates quotation submitted by Stabilfix as first preference and Stabilised Pavement Australia as the second preference and delegate the General Manager to expend funds allocated within the Operational Plan.

- CARRIED

**ITEM 19.3 DESIGN, SUPPLY AND INSTALLATION OF FOOTBRIDGE
AT PAT CULLEN RESERVE, CROOKWELL**

Item 19.3 has been withdrawn and from this Council Meeting, 20 December 2018 and deferred to the 21 February 2019 Council Meeting.

ITEM 19.4 ABERCROMBIE RIVER BRIDGE REPLACEMENT

383/18 RESOLVED by Clr McCormack and Clr Cummins

1. Council accept the estimated quote of \$500,000 from Oberon Shire Council for the construction of the culvert over the Abercrombie River;
2. Council receives a further report with confirmed cost during the February Council Meeting;
3. Council accept the quotation of \$390,000 from Oberon Shire Council for the construction of the two road approaches;
4. Council advise the unsuccessful tenders accordingly.

- CARRIED

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**ITEM 19.5 COMMUNITY SERVICES UPGRADE AT PAT CULLEN
RESERVE**

*Item 19.5 has been withdrawn and from this Council Meeting, 20
December 2018 and deferred to the 21 February 2019 Council
Meeting.*

THE MEETING CLOSED AT 9:36PM

Minutes confirmed 21 FEBRUARY 2019

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Mayor