

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

PRESENT: Mayor J Stafford (Chairperson), Clr P Culhane, Clr P Kensit, Clr B McCormack, Clr R Opie, Clr R Cummins, Clr J Searl, Clr J Wheelwright, 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), Ms D Crosbie (Media Officer) and Ms S Pearman (Executive Assistant).

THE MAYOR DECLARED THE MEETING OPEN AT 6.00PM.

SECTION 1: APOLOGIES & LEAVE OF ABSENCE

An apology was received from Clr D O'Brien.

35/19 **RESOLVED** by Clr Searl and Clr McCormack that the apology be received and the leave of absence granted.

- CARRIED

SECTION 2: CITIZENSHIP CEREMONY

Nil

SECTION 3: DECLARATIONS OF INTEREST

Clr Opie – Declared a Pecuniary Interest in Item 8.1 Late Correspondence - Gunning District Community Health Services Inc as his wife is a Consultant will make the declaration, leave the Chamber and not return until the matter is resolved.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

SECTION 4: CONFIRMATION OF MINUTES

36/19 **RESOLVED** by Clr Searl and Clr Wheelwright

That the minutes of the Ordinary Council Meeting held on 21 February 2019 be adopted.

- CARRIED

SECTION 5: MAYORAL MINUTES

ITEM 5.1 MAYORAL MINUTE

37/19 **RESOLVED** by Mayor Stafford and Clr Searl

That Council receive and note the activities attended by the Mayor for February 2019 and March 2019.

- CARRIED

SECTION 6: PRESENTATIONS TO COUNCIL/PUBLIC

Ms Jo Marshall – Australian Agricultural Centre.

SECTION 7: CORRESPONDENCE

ITEM 7.1 CORRESPONDENCE ITEMS FOR THE MONTH OF FEBRUARY 2019

38/19 **RESOLVED** by Clr Searl and Clr Kensit

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

1. Tarlo Rural Fire Service – Compliments to Council for support towards Refurbishment of Shed Kitchen.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

2. Gunning Roos – Pumping Water from Community Bore.

39/19

RESOLVED by Clr Searl and Clr McCormack that:

1. Council donate the water use charges to the Gunning Roos Football Club Inc from 1 January 2019 to 31 March 2019.

- CARRIED

3. Peter Primrose and Ursula Stephens – Media Release – Regional Towns and Villages to Benefit Under Labor.

- CARRIED

SECTION 8: LATE CORRESPONDENCE

Clr Opie left the Chamber in accordance with his declaration the time being 6.30pm

ITEM 8.1

LATE CORRESPONDENCE FOR THE MONTH OF MARCH 2019

40/19

RESOLVED by Clr Searl and Clr Culhane

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

1. Gunning District Community and Health Service Incorporated – Appointment of Councillor to the Management Committee.

41/19

RESOLVED by Clr McCormack and Clr Wheelwright that:

1. Council appoints Clr John Searl as Councils representative for the Gunning District Community and Health Service Incorporated.

- CARRIED

Clr Opie returned to the Chamber the time being 6.35pm

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

SECTION 9: INFORMATION ONLY

ITEM 9.1 DEVELOPMENT STATISTICS FOR THE MONTH OF FEBRUARY 2019

42/19 RESOLVED by Clr Searl and Clr McCormack

1. Council receives and notes the report as information.
2. That the Director of Environment and Planning prepares a report to Council detailing what is required under a Local Strategic Planning Statement (LSPS), how this statement will be prepared and what impact that will have on Council both in time and financially and will update the status of the housing strategy.

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 9.2, 9.4 – INFORMATION ONLY
9.8

43/19 RESOLVED by Clr Searl and Clr Cummins

1. Items 9.2, 9.4 to 9.8 be received and noted.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

ITEM 9.3 **ROAD MAINTENANCE COUNCIL CONTRACT (RMCC) -**
CONTRACTOR PERFORMANCE REPORT FOR THE PERIOD Q4
44/19 **RESOLVED** by Cllr Cummins and Cllr Opie

1. Council receive and note the report as information.
2. That the Director of Infrastructure prepares a report to Council detailing what is required by the RMCC corrective action requests, how these statements will be prepared, and what impact that will have on Council both in time and financially.

- CARRIED

ITEM 9.9 **ACTION SUMMARY - COUNCIL DECISIONS**
45/19 **RESOLVED** by Cllr Opie and Cllr Cummins that -

1. Council receive and note the report as information.
2. The General Manager prepares a report to Council detailing the policy of participation for gender equality and disability.
3. The Director of Infrastructure provides a report outlining all the stages to enable the completion of the airport project and timeline.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 10: ENVIRONMENT AND PLANNING

Nil

SECTION 11: INFRASTRUCTURE DEPARTMENT

ITEM 11.1 PROPOSED ROAD NAME - UNNAMED PUBLIC ROAD OF KANGALLOOLAH ROAD, BINDA

46/19 **RESOLVED** by Clr McCormack and Clr Wheelwright

1. A further detailed report be provided detailing status of each section of the unnamed public road (off Kangaloolah Road) and the financial impacts to Council in accepting the road.

- CARRIED

ITEM 11.2 UPDATES ON QUARRY IMPROVEMENT PROGRAM

47/19 **RESOLVED** by Clr Kensit and Clr Opie

1. Council endorse the quarry operations improvement program for the period 2019 to 2023.

- CARRIED

ITEM 11.3 REPORT ABOUT THE EPA COMPLIANCE CROOKWELL SWIMMING POOL

Transferred into Closed Council

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

SECTION 12: FINANCE AND ADMINISTRATION

ITEM 12.1 COMMUNITY OUTREACH MEETINGS AND BUDGET WORKSHOP
48/19 RESOLVED by Clr Searl and Clr McCormack

1. Council endorses Community Outreach Meeting locations and dates as follows:-

Locality	Day	Date	Time	Venue
Collector	Wednesday	22 May 2019	6.30pm	Collector Memorial Hall
Crookwell	Wednesday	15 May 2019	6.30pm	Crookwell Council Chambers
Gunning	Wednesday	8 May 2019	6.30pm	Gunning Council Chambers
Taralga	Wednesday	1 May 2019	6.30pm	Taralga Masonic Hall

- CARRIED

SECTION 13: GENERAL MANAGER

ITEM 13.1 GOULBURN MULWAREE COUNCIL - TRANSFER OF ASSETS UPDATE
49/19 RESOLVED by Clr Searl and Clr Wheelwright

1. Council receive and note the report as information.

- CARRIED

SECTION 14: LATE REPORTS

Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

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

ITEM 15.1 REPORTS FOR THE MONTH OF MARCH 2019

50/19 RESOLVED by Cllr Searl and Cllr Culhane

That item 15.1 - [Minutes of Committee/information] listed below be received:

1. Tuena Hall & Recreation Area Committee – Minutes from Annual General Meeting held 13 February 2019.
2. Tuena Hall & Recreation Area Committee – Minutes from meeting held 13 February 2019.
3. Upper Lachlan Tourist Association – Minutes from meeting held 5 February 2019.
4. Gunning Shire Hall and Showground Advisory Committee – minutes from meeting held 3 December 2018.

51/19 RESOLVED by Cllr Searl and Cllr McCormack that

1. Council agrees to the placement of two 20m containers at the extreme western end of the showground for interim storage of materials for the soccer and rugby league clubs, following advice from the Director of Environment and Planning.
2. Council notes the Committee's agreement that study be undertaken towards the acquisition of land close to the showground to accommodate a football pitch as there is no suitable area within the showground.
3. Council agrees to the placement of an inclusive playground in the showground adjacent to the outdoor gym and skatepark.

- CARRIED

5. Gunning shire hall and showground advisory committee – Minutes from meeting held 4 March 2019.

52/19 RESOLVED by Cllr Searl and Cllr McCormack that

1. Council approve that the open stables on the southeast side of the showground be named the Bruce Hillier Memorial Stables.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

6. The Tony Foley Memorial Gunning District Community Centre – minutes from meeting held 1 November 2018.
7. Taralga Historical Society – Newsletter 1 2019.

Clr Opie declared a Pecuniary Interest in the item below as he is an owner of property in Goulburn Street, Crookwell and will make the declaration, leave the Chamber and not return until the matter is resolved.

Clr Opie left the Chamber in accordance with his declaration the time being 7.54pm.

8. Streetscape Committee – Minutes from meeting held 19 February 2019.

53/19

RESOLVED by Clr Cummins and Clr Culhane that

1. Items 4.1 and 4.2 as listed below of the streetscape committee minutes from 19 February 2019 be adopted

Item 4.1 Request for feedback on the Draft Streetscape plan for towns and villages

RESOLVED by Clr Searl and Ms Skelly

1. Committee reviews the attached drawings in accordance with the schedule attached.
2. Council request a quote for rubbish bin enclosures (at 70% and 100% of those nominated in the designs), noticeboards and benches for all areas and the replacement of tree guards in gunning.
3. Council's grants officer be requested to review the preliminary design costing estimates and advise on possible funding opportunities for the works in the design plans, especially where they align with current Council projects.

Item 4.2 Streetscape Committee Charter

RESOLVED by Clr Cummins and Cr Searl

The Streetscape Committee Charter be reviewed and forwarded to Council for adoption.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

Upper Lachlan Shire Council
Section 355 Streetscape Committee Charter

A Purpose of the Section 355 Streetscape Committee

Legal status

The Committee is constituted under section 355 *Local Government Act 1993*.

Compliance

The Committee and members will be required to comply with applicable Council policies and statutory requirements.

These may include but not limited to:

Anti-Discrimination Act 1977;
Crimes Act 1900;
Environmental Planning and Assessment Act 1979;
Government Information (Public Access) Act 2009;
Independent commission against corruption act 1988;
Local Government Amendment (Community Land Management) Act 1998;
NSW Local Government (General) Regulation 2005;
NSW Local Government Act 1993;
NSW Ombudsman Act, 1974;
NSW State Records Act 1998;
Privacy and Personal Information Act 1998;
Public Interest Disclosures Act 1994;
Work Health and Safety Act 2011;
Bribes, Gifts and Benefits Policy;
Code of Business Practice;
Code of Conduct;
Code of Meeting Practice – Section 355 Committees;
Complaints Management Policy;
Disciplinary Policy;
Fraud and Corruption Prevention Policy;
Government Information (Public Access) Policy;
Interaction between Councillors and Staff Policy;
Payment of Expenses and Provision of Facilities Policy;
Privacy Policy;
Public Interest Disclosures Policy;
Purchasing and Acquisition of Goods Policy and Procedures;
Records Management Policy;
Risk Management Policy;
Section 355 Committee Policy;
Service delivery Policy;

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

ICAC Publication “no excuse for misuse, preventing the misuse of Council resources”;
NSW Ombudsman - good conduct and administrative practice (guidelines for state and local government) June 2006; and
Any other relevant legislation and guidelines as applicable

Resources

The Council will appoint a resource as Minute Secretary to the Committee.

The Committee is to be serviced by Council and will be provided with a reasonable amount of assistance.

Section 355 Streetscape Committee

Roles and responsibilities

The Committee will act as an advisory Committee to Council and has no executive powers, except those expressly provided by the Council. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the council and the General Manager as defined by the *Local Government Act 1993*, and associated regulations.

It is intended that the Committee leverages the experiences, expertise, and insight of key individuals committed to building professionalism in project management. The Committee's role is to:

Consider and advise on options for the streetscape plans within the 12 villages and towns;

Consider and advise on options for the possible location of various streetscape facilities;

Consider traffic and parking option affecting streetscape and refer such issues to the Local Traffic Committee for technical review;

Consider and evaluate options and make recommendations to Council.

The responsibilities of the Committee may be revised or expanded by the Council from time to time. The Committee's responsibilities are to assist Council to discharge its responsibilities with due care and diligence.

Council will review the effectiveness and performance of the Committee on a regular basis.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

Composition

The Committee shall be comprised of:

Mayor of Upper Lachlan Shire Council or his/her delegate;
General Manager of Upper Lachlan Shire Council or delegate;
Three Councillor representatives from the Upper Lachlan Shire Council; and
Three community representatives with demonstrated skills and experience relating to the terms of reference contained in this Streetscape Committee Charter
Director of Infrastructure of Upper Lachlan Shire Council or his/her delegate (note: this is a non- voting position);
Project engineer or his/her delegate.

Any vacancies occurring on the committee by way of resignation, removal or insufficient community expressions of interest may be filled by the Council in such a way as it determines for each vacancy.

The Mayor shall be ex-officio Chair of the Committee.

A quorum for the Committee requires a simple majority of the appointed members, including at least three Upper Lachlan Shire Council representatives. Meetings can be held in person, by telephone or by video conference. If an Upper Lachlan Shire Council representative nominated to the Committee is unable to attend, they may choose an alternate Upper Lachlan Shire Council representative to attend in their place.

This alternate of Council's executive will attend all meetings of the Committee and other Council officers will attend at the discretion of the General Manager.

Note: all Committee members will be provided with agendas for all meetings a week in advance of the meeting. Any Councillor not a member of the committee has the right to attend any Committee meeting, (as an observer).

Conflict of interest

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

Where members or invitees at committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from committee deliberations on the issue where the conflict of interest may arise. The final arbiter of such a decision is the chairperson of the committee.

Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

Review of the charter

The Streetscape Committee will review this Charter on an as needs basis.

Appointments

Appointments to the Committee will be made by Council for a period of one year (commencing September each year) and Council will have the option to advertise for community representatives or to reappoint existing members for a further term without advertising (up to a maximum of 4 years).

Removal of a member

Council reserves the right to remove any Committee member at any time, with the disclosure of reason being given, and the Committee member has the right of appeal.

Meetings

The Streetscape Committee will meet every month or as required, to keep track of issues and the progress of the project's implementation and on-going support to its stakeholders.

The Council or Committee Chair will have the power to call extraordinary meeting at any time to discuss business of an urgent nature.

Reporting

The minutes of every meeting, including recommendations to the Council, will be completed in an approved format, distributed to

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

members, and forwarded to the General Manager's Executive Assistant within three working days of the meeting being held.

Remuneration

No sitting fee will be paid to a member of this committee.

Insurance

Members of the Committee are covered by Council's insurance policies.

Terms of reference

The Streetscape Committee has the primary responsibility for higher level guidance not operational matters in relation to the streetscape project, to provide advice to Council and to act as a conduit between the community and Council's project control group that is responsible for delivering the streetscape project;

Advise on the identification of possible locations for a proposed infrastructure facilities within the main streets of each of the 12 towns and villages;

Committee will have interaction with Council's appointed consultants or contractors only through the Council's Project Manager;

All Committee recommendations are proposed to be by consensus and any dissenting views must be reported to Council along with the majority recommendation.

Consider community conflicts and disputes, reconciling differences of opinion and approach to possible solution.

Foster positive communication outside of the Streetscape 355 Committee regarding the committee's progress and outcomes.

Consider all ideas and issues raised by all stakeholders for both Council community and streetscape infrastructure (furniture).

9. Streetscape Committee – Minutes from meeting held 12 March 2019.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

1. Item 4.1 listed below of the Streetscape Committee minutes from 12 March 2019 be adopted.

Item 4.1 Quotes on Street Furniture

1. The Committee recommends that Council authorise staff to review the practical location of seats, noticeboards, and bins and report back to the Streetscape Committee with recommendations within the available Streetscape Committee budget.
2. The Committee recommends that Council authorise staff to review the kerb return designs and costings in Gunning.

Clr Opie returned to the meeting the time being 7.58pm.

10. Traffic Committee – Minutes from meeting held 7 March 2019.

55/19

RESOLVED by Clr McCormack and Clr Searl that -

1. Items 4.1 to 4.5 listed below of the Traffic Committee meeting held 7 March 2019 be adopted.

Item 4.1 Laggan Memorial Hall Parking

1. Council prepare a draft concept for the consideration of the Local Traffic Committee.

Item 4.2 Taralga 200 celebrations October 2019

1. The Committee recommends to Council that further information be requested about the event as provided in the report.

Item 4.3 Grabben Gullen Village Speed Zone

1. Council refers the speed zone request to the Roads and Maritime and consider the bus stop directly with the customer, Grabben Gullen Progress Association and Bus Operator on site.

Item 4.4 Vehicles travelling above 50km down Cullerin Road in Gunning

1. Council advise the applicant that the speeding request be referred to the local police for enforcement.

Item 4.5 Review of the Traffic Management Plan – Collector Village Pumpkin Festival – NSW

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

1. The Committee recommends to Council to approve the proposed event subject to the 17 concerns raised in the report are adequately conditioned as part of the development application.

- CARRIED
- CARRIED

SECTION 16: BUSINESS WITHOUT NOTICE

Nil

SECTION 17: NOTICES OF MOTION

ITEM 17.1 NOTICE OF MOTION - 'NSW EVERYONE CAN PLAY' INCLUSIVE PLAY SPACES GUIDELINES

56/19 **RESOLVED** by Cllr Searl and Cllr Culhane

“That Council use the NSW “Everyone Can Play” Guidelines to create inclusive play spaces for new and upgraded play spaces, and commit to provide inclusive play spaces in the next review of Council’s Disability Inclusion Action Plan.

- CARRIED

SECTION 18: 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 (2) 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:

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

57/19

RESOLVED by Clr Searl and Clr Wheelwright

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to 10A (2) of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2) as outlined above.
3. That the report relevant to the subject business be withheld from access to the media and public as required by section 11(2) of the Local Government Act, 1993.

- CARRIED

Council closed its meeting at 8.05pm and the public, staff and press left the chambers.

The meeting adjourned the time being 8.05pm.

The meeting resumed the time being 8.20pm

58/19

RESOLVED by Clr Searl and Clr Culhane

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

- CARRIED

Open Council resumed at 10.46pm.

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 11.3

REPORT ABOUT THE EPA COMPLIANCE CROOKWELL SWIMMING POOL

59/19

RESOLVED by Clr Kensit and Clr Cummins that -

1. Council receives and notes this report for information.
2. The Director of Infrastructure provides Council with a further report advising Council that they are complying with the

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

Section 120 and Section 128 of the Protection of the Environment Operations Act and what action Council has taken to ensure compliance with Section 120 and Section 128 of the Protection of the Environment Operations Act in relation to both Crookwell and Gunning Pools.

- CARRIED

ITEM 19.1
60/19

STAFFING MATTERS

RESOLVED by Clr Wheelwright and Clr Searl -

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

- CARRIED

Clr Cummins requested his name be recorded as being against the motion.

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

1. The Mayor talks with the General Manager on his future with Council and reports back to Council on the outcome of these negotiations at the April 2019 Council Meeting.

- LOST

On being put to the meeting the motion was lost.

Clr Cummins and Clr Opie called for a division.

Councillors who voted for:-

Clrs R Opie and R Cummins

Councillors who voted against:-

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

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

ITEM 19.2 REPORT ON THE PROGRESS OF THE REALIGNMENT

61/19 RESOLVED by Cllr McCormack and Cllr Searl

1. Council receives the report and notes the information.

- CARRIED

ITEM 19.3 PROPOSED CROWN ROAD TRANSFER TO A COUNCIL PUBLIC ROAD

62/19 RESOLVED by Cllr Searl and Cllr Wheelwright

1. Council approves the transfer of the unnamed Crown Road to Council as a Council Public Road in accordance with the agreement.
2. The applicant is to meet the full cost of upgrading the Public Road to Council's standards.
3. The applicant is to meet the full cost of closing the Council road.

- CARRIED

ITEM 19.4 WORKS DEPOT UPDATE

63/19 RESOLVED by Cllr Searl and Cllr Wheelwright

1. That Council receives and notes the report.
2. Council defers any further action on the Crookwell Depot until the Director of Infrastructure provides a report to Council that establishes estimates for the WHS and Environmental Compliance works and a staged improvement of the works and advice as to what future course of action Council requires.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MARCH 2019

**ITEM 19.5 MANAGEMENT OF WASTE DISPOSAL ACROSS THE SHIRE
UPDATE**

64/19 RESOLVED by Clr Searl and Clr Culhane

1. Council receives and notes this report as information.
2. That the Director of Infrastructure provides Council with a further report on the outcome of the Economic Feasibility Study carried out by AgConPlus on the possible options for Council to provide a waste disposal service across the Shire.

- CARRIED

THE MEETING CLOSED AT 10.46pm

Minutes confirmed 18 APRIL 2019

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Mayor