

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

PRESENT: Mayor J Stafford (Chairperson), Clr P Culhane, Clr R Cummins, Clr P Kensit, Clr R Opie, Clr J Searl, Clr J Wheelwright, Ms C Worthy (General Manager), Miss K Dewar (Executive Assistant) and Ms S Pearman (Administration Officer).

VIDEOLINK: Mr A Croke (Director Finance and Administration), Mrs T Dodson (Director of Environment & Planning) and Mr C Gordon (Media Officer).

THE MAYOR DECLARED THE MEETING OPEN AT 9:00AM

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

Mayor Stafford advised that the meeting is being webcast live and audio recorded in accordance with Council Code of Meeting Practice.

A minutes silence was observed for the passing of Vladimir Tysluk.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

Apologies were received from Cr McCormack and Cr O'Brien.

79/20 **RESOLVED** by Cr Searl and Cr Wheelwright that the apologies be received and a leave of absence granted.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 3: CITIZENSHIP CEREMONY

Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

SECTION 4: DECLARATIONS OF INTEREST

Clr Opie declared a Pecuniary Interest in Item 17.1 – Notice of Motion as he is a business owner in Upper Lachlan Shire, and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr Opie declared a Non-Pecuniary Interest in Item 19.2 – Hardship request for rebate of water use charges – Robertson Lane, Crookwell as he has a business association with applicant, and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr Stafford declared a Pecuniary Interest in Item 17.1 — Notice of Motion as he is a business owner in Upper Lachlan Shire, and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

Clr Culhane declared a Pecuniary Interest in Item 17.1 – Notice of Motion as he is has another interest arising out of a mortgage, lease, trust option and will make the declaration, leave the Chamber upon making the declaration, and not return until the matter is resolved.

SECTION 5: CONFIRMATION OF MINUTES

80/20

RESOLVED by Clr Searl and Clr Wheelwright

1. That the minutes of the Ordinary Council Meeting held on 16 April 2020 be adopted.

- CARRIED

Councillors who voted for:-

Crs P Culhane, R Cummins,
P Kensit, R Opie, J Searl,
J Stafford and J Wheelwright

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

81/20 **RESOLVED** by Mayor Stafford and Cllr Searl

1. That council receive and note the activities attended by the Mayor for April 2020 and May 2020.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE ITEMS FOR THE MONTH OF APRIL/MAY

82/20 **RESOLVED** by Cllr Searl and Cllr Wheelwright

That Item 8.1 - [Minutes of Committee/Correspondence/Information] listed below be received:

1. Tuena Hall & Recreation Area Committee – Thank you for the cleaning up of the Tuena area.
2. Frankston City Council – Federal Government Royal Commission Reform – Gambling Harm.
3. Hon Brad Hazzard – Crookwell District Hospital – Upgrade.
4. Office of Local Government – Council Update on COVID-19.
5. Local Government of NSW – Presidents Message – 27 March 2020.
6. Local Government of NSW – September 2020 Elections Postponed.
7. National Bushfire Recovery Agency – Product Purchasing Program.
8. Joint letter Minister Lee and Ray James re Anzac Day - RSL NSW / Department of Veteran's Affairs.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

9. Minister Hancock – Message 16 April 2020.
10. Office of Local Government – Circular 20-07 – Employment Arrangements and international and domestic travel in relation to COVID-19.
11. Office of Local Government – Circular 20-08 – Release of the Guide to Webcasting Council and Committee Meetings.
12. Office of Local Government – Circular 20-09 – Compliance with Social Distancing requirements.
13. Office of Local Government – Circular 20-10 – COVID-19 Postponement of the September Local Government Elections.
14. Office of Local Government – Circular 20-11 – COVID -19 Financial Accounting business areas - final code of accounting practice and financial reporting update.
15. Office of Local Government – Circular 20-12 – COVID -19 Development Updates Modification of statutory requirements.
16. Office of Local Government – Circular 20-13 – COVID -19 Development update Managing fraud and corruption risks.
17. Office of Local Government – Circular 20-14 – COVID -19 Social distancing requirements.
18. Office of Local Government – Circular 20-15 – COVID -19 New Integrated Planning and Reporting requirements.
19. Minister Hancock - Message 26 April 2020.
20. DPIE Fast Tracked Assessments Further Information.
21. Media Release - Wendy Tuckerman - Rent Relief - April 2020.
22. Office of Local Government - Council COVID19 update 17 April 2020.
23. Australian Local Government Association NEWS - Relief for NSW Council Workers and Local planning emergencies 17 April 2020.
24. OLG - COVID-19 Council Updated 20 April 2020.
25. OLG - COVID-19 Council Updated 21 April 2020.
26. OLG - COVID-19 Council Updated 23 April 2020.
27. OLG - COVID-19 Council Updated 4 May 2020.
28. OLG - COVID-19 Council Updated 6 May 2020.
29. Local Government NSW - Stimulus package for councils a big win for local government.
30. Media Release - Regulatory Changes to Local Government - Wendy Tuckerman.
31. Minister Hancock 24 April 2020.
32. Regulatory changes to take pressure off ratepayers, businesses and councils - Office of Local Government NSW - Minister Hancock.
33. RSL Gunning Chapter - Gunning Cenotaph request - E R Waters - 05 February 2020 - Thank you letter.

- CARRIED

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

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

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS FOR THE MONTH OF APRIL 2020
83/20 RESOLVED by Clr Searl and Clr Kensit

1. Council receives and notes the report as information.

- CARRIED

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

Councillors who voted against:- Nil

ITEMS 10.2 – INFORMATION ONLY ITEMS
10.8

RESOLVED by Clr Searl and Clr Wheelwright

1. Council receive and notes items 10.2 – 10.8 as information.

- CARRIED

Councillors who voted for:- Crs P Culhane, R Cummins,
P Kensit, R Opie, 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 MAY 2020

Councillors who voted against:- Nil

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 DRAFT COMPANION ANIMAL MANAGEMENT PLAN 2020
84/20 RESOLVED by Clr Searl and Clr Culhane

1. The Draft Companion Animal Management Plan 2020 be placed on public exhibition for a minimum period of 28 days.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 12: INFRASTRUCTURE DEPARTMENT

ITEM 12.1 ROAD CLOSURE APPLICATION UNDER THE ROADS ACT ON
JUNCTION POINT ROAD, TUENA
85/20 RESOLVED by Clr Searl and Clr Kensit

1. Council authorise the closure of the disused section of Junction Point Road, Tuena as a Public road pursuant to Division 3 - Closing of Council roads by Council of the Roads Act 1993 and noting the road proposed for closure is identified as Lots 1 and 2 on DP 1261378.

- CARRIED

Councillors who voted for:- Crs P Culhane, R Cummins,
P Kensit, R Opie, 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 MAY 2020

Councillors who voted against:- Nil

ITEM 12.2 ADOPTING COUNCILS INFRASTRUCTURE ASSETS NAMING POLICY

86/20 RESOLVED by Clr Searl and Clr Wheelwright

1. Council adopts the draft Infrastructure Assets Naming Policy as per Attachment 1

- CARRIED

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

Councillors who voted against:- Nil

ITEM 12.3 ADOPT PRIVATE WORKS AND PLANT HIRE POLICY

87/20 RESOLVED by Clr Searl and Clr Culhane

1. Council adopts the Draft Private Works and Plant Hire Policy as per attachment 1

- CARRIED

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 QUARTERLY BUDGET REVIEW STATEMENTS - 3RD QUARTER 2019/2020

88/20 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council adopts the 3rd Quarter Budget Review Statements for 2019/2020 including revotes of income and expenditure to the Operational Plan; and
2. Council endorses the Operational Plan Performance Summary Report.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 13.2 EMERGENCY SERVICES LEVY

89/20 **RESOLVED** by Clr Searl and Clr Culhane

1. Council writes to the NSW Government and Member for Goulburn, Wendy Tuckerman MP, of their objection and disappointment in relation to the announced substantial increases to the Emergency Services Levy, noting an increase in Upper Lachlan Shire Council annual contribution of \$333,267 or 74.81% increase in 2020/2021 since the 2018/2019 levy.
2. Council express concerns to the NSW Government and Member for Goulburn, Wendy Tuckerman MP, as previously was the case in 2019, there was no consultation in advance of 2020 for the

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

projected increase in the Emergency Services Levy payable by NSW councils.

3. Council writes to Local Government NSW requesting advocacy on behalf of all councils to address the concerns related to the substantial Emergency Services Levy increases each year.
4. Council receive and notes as information the NSW Government COVID-19 Local Government Economic Stimulus Package noting no financial benefit is available to Council.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 14: GENERAL MANAGER

Nil

SECTION 15: LATE REPORTS

90/20 **RESOLVED** by Searl and Culhane

That Item 15.1 - [Late report] listed below be received:

- CARRIED

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

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

**ITEM 15.1 RESPONSE TO COUNCIL RESOLUTION 74/20 - COLLECTOR
PUMPKIN FESTIVAL COMMITTEE**

91/20 RESOLVED by Cllr Searl and Cllr Wheelwright

1. Council receive and note the report as information.

- CARRIED

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

Councillors who voted against:- Nil

**SECTION 16: REPORTS FROM OTHER COMMITTEES, SECTION 355
COMMITTEES AND DELEGATES**

ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTH OF APRIL

Due to COVID-19 no committee meetings have occurred for this period.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

SECTION 17: NOTICES OF MOTION

The Mayor Clr Stafford, Clr Opie and Clr Culhane left the chamber in accordance with their declaration the time being 10.28am.

ITEM 17.1 NOTICE OF MOTION

This item be adjourned to 18 June 2020 Council meeting. The matter is adjourned because of the absence of a quorum. Clr McCormack, Clr O'Brien were apologies for the entire meeting and for Item 17.1 The Mayor Clr Stafford, Clr Culhane and Clr Opie left the chamber in accordance with their declaration.

“That Council waive the payment of rates for businesses under Councils Rating Categories for Crookwell, Gunning, Taralga and General – excluding those businesses owned by Local Government, Essential Services, Churches and other public institutions, for a period of six (6) months, to take effect from the 1st July 2020.”

The Mayor Clr Stafford, Clr Opie and Clr Culhane returned to the Chamber the time being 10.30am.

SECTION 18: QUESTIONS WITH NOTICE

ITEM 18.1 CROOKWELL POOL

Refer to the business paper for 21 May 2020 Council Meeting for the General Manager's comments.

ITEM 18.2 REVIEW OF BUDGET

Refer to the business paper for 21 May 2020 Council Meeting for the General Manager's comments.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

ITEM 18.3 RESTRUCTURE OF THE ENGINEERING DEPARTMENT

Refer to the business paper for 21 May 2020 Council Meeting for the General Manager's comments.

ITEM 18.4 COUNCIL MEETING TIMES

Refer to the business paper for 21 May 2020 Council Meeting for the General Manager's comments.

ITEM 18.5 LOCAL STRATEGIC PLAN PROCESS

Refer to the business paper for 21 May 2020 Council Meeting for the General Manager's comments.

ITEM 18.6 FLOOD PLAIN RISK MANAGEMENT

Refer to the business paper for 21 May 2020 Council Meeting for the General Manager's comments.

ITEM 18.7 CROOKWELL SWIMMING POOL

Refer to the business paper for 21 May 2020 Council Meeting for the General Manager's comments.

Clr Culhane left the meeting the time being 10.58am and did not return.

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

ITEM 18.8 SECTION 94 CONTRIBUTIONS

Refer to the business paper for 21 May 2020 Council Meeting for the General Manager's comments.

ITEM 18.9 EPA ISSUES

Refer to the business paper for 21 May 2020 Council Meeting 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 (2b) 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:*

92/20 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 that the business to be considered is classified confidential under the provisions of section 10A (2b) 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

Councillors who voted for:-

Crs R Cummins, P Kensit,
R Opie, 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 MAY 2020

Councillors who voted against:- Nil

Council closed its meeting at 10.59am and the public, staff and press left the chambers.

Council adjourned the meeting at 10:59am

Council reconvened the meeting at 11:12am

93/20 **RESOLVED** by Clr Searl and Clr Kensit

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

- CARRIED

Councillors who voted for:- Crs R Cummins, P Kensit,
R Opie, J Searl, J Stafford and
J Wheelwright

Councillors who voted against:- Nil

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 **HARDSHIP REQUEST FOR ADDITIONAL REBATE OF WATER
USE FOR UNDETECTED WATER LEAK - RESERVOIR ROAD,
CROOKWELL****

94/20 **RESOLVED** by Clr Searl and Clr Wheelwright

1. Council approve a write-off of \$1,058 being 50% of the balance owing for water use charges on Assessment Number 8348 at 50 Reservoir Road, Crookwell.

- CARRIED

Councillors who voted for:- Crs R Cummins, P Kensit,
R Opie, J Searl, J Stafford and
J Wheelwright

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

Clr Opie left the chamber in accordance with his declaration at 11:09am

**ITEM 19.2 HARDSHIP REQUEST FOR REBATE OF WATER USE CHARGES -
ROBERTSON LANE, CROOKWELL**

95/20 RESOLVED by Clr Searl and Clr Wheelwright

1. Council approve a write-off of \$964 being 50% of the balance owing for water use charges on Assessment Number 1471 at 5 Robertson Lane, Crookwell.

- CARRIED

Councillors who voted for:- Crs R Cummins, P Kensit,
J Searl, J Stafford and
J Wheelwright

Councillors who voted against:- Nil

Abstained:- Cr R Opie

Clr Opie returned to the chamber in at 11:10am

**ITEM 19.3 HARDSHIP REQUEST FOR ADDITIONAL REBATE OF WATER
USE CHARGES FOR UNDETECTED WATER LEAK - KIALLA
ROAD, CROOKWELL**

96/20 RESOLVED by Clr Searl and Clr Wheelwright

1. Council approve a write-off of \$1,507 being 50% of the balance owing for water use charges on Assessment Number 4108 at 57 Kialla Road, Crookwell.

- CARRIED

Councillors who voted for:- Crs R Cummins, P Kensit, R
Opie, J Searl, J Stafford and J
Wheelwright

Councillors who voted against:- Nil

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 21 MAY 2020

THE MEETING CLOSED AT 11.12AM

Minutes confirmed 18 JUNE 2020

.....
Mayor