

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 15 DECEMBER 2022**

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**PRESENT:** Mayor P Kensit (Chairperson), Cr P Culhane, Cr D O'Brien, Cr M McDonald, Cr N McDonald Cr J Searl, Cr S Reynolds, Cr L Woodbridge, Mr A Croke (Acting General Manager / Director Finance and Administration), Mr L Kruger (Director of Infrastructure), Ms A Waldron (Director of Environment & Planning), Ms K McCarthy (Executive Assistant) and Mr C Gordon (Communications Officer)

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**THE MAYOR DECLARED THE MEETING OPEN AT 1:30pm**

**SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING**

*No members in the public gallery today.*

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

*An acknowledgement of Country was read to the meeting by the Mayor.*

**SECTION 2: APOLOGIES & LEAVE OF ABSENCE**

Apologies were received by Ms C Worthy (General Manager) and Cr J Marshall.

**263/22** **RESOLVED** by Cr Searl and Cr Reynolds that the apologies be received and a leave of absence granted.

- CARRIED

**Councillors who voted for:-** Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:- Nil**

*A minutes silence was observed for the passing of David Croke and the two police officers who recently lost their lives in Queensland.*

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**SECTION 3: CITIZENSHIP CEREMONY**

Nil

**SECTION 4: DECLARATIONS OF INTEREST**

Cr N McDonald made a non-pecuniary, significant declaration relating to a discussion topic in Correspondence Item 8.1. Cr P Culhane asked for an update regarding status update on Accounting Position on RFS fire-fighting assets, as Cr N McDonald is affiliated with RFS he made the declaration, did not take part in the discussion, left Council Chambers and did not return until the matter had been closed.

**SECTION 5: CONFIRMATION OF MINUTES**

**ITEM 5.1**                    **RESOLVED** by Cr Searl and Cr Woodbridge  
**264/22**

That the minutes of the Ordinary Council Meeting held on 17 November 2022 be adopted.

- CARRIED

**Councillors who voted for:-**                    Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-**           Nil

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**SECTION 6: MAYORAL MINUTES**

**ITEM 6.1 MAYORAL MINUTE**

**265/22**

**RESOLVED** by Cr Woodbridge and Cr Searl

1. That Council receive and note the activities attended by the Mayor for November and December 2022.

- CARRIED

**Councillors who voted for:-** Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil

A motion was moved from Clr P Kensit to table a statement relating to Humelink Alliance.

**MOVED** Clr Kensit and Clr Searl that -

1. That Council receive and note the statement of support for concerns related to Humelink Alliance Inc – Transgrid powerlines project transmission expansion from Mayor Kensit.

On being put to the meeting the motion was **CARRIED**.

**ITEM 6.2 MAYORAL MINUTE – HUMELINK**

**266/22**

**RESOLVED** by Cr Kensit and Cr Searl

1. That Council receive and note the statement of support for concerns related to Humelink Alliance Inc – Transgrid powerlines project transmission expansion from Mayor Kensit.

- CARRIED

**Councillors who voted for:-** Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil

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*Mayor Kensit made a special mention to Councillors Darren O'Brien and John Searl for their 10 year service as elected Councillors to Upper Lachlan Shire Council. Each were presented with a certificate of service on behalf of Local Government NSW and Council.*

**SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC**

Nil

**SECTION 8: CORRESPONDENCE**

**ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF DECEMBER 2022**

**267/22**

**RESOLVED** by Cr Searl and Cr Woodbridge

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

1. Office of Local Government – Circular 22-34 – Consultation on review of the Local Government Boundaries Commission.
2. Office of Local Government – Circular 22-35 – Councils' decisions on the administration of their September 2024 ordinary elections.
3. Office of Local Government – Circular 22-36 – Local Government Code of Accounting Practice and Financial Reporting 2022-2023 and related guidance material.

- CARRIED

**Councillors who voted for:-**

Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil

A declaration of pecuniary interest was made by Clr N McDonald on the topic raised through Clr P Culhane relating to a status update on Accounting Position on RFS fire-fighting assets, he removed himself from Council Chambers the time being 1:45pm and did not return until the matter had been closed.

Clr N McDonald returned to the meeting at 1:47pm.

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**SECTION 9: LATE CORRESPONDENCE**

**Nil**

**SECTION 10: INFORMATION ONLY**

**ITEM 10.1 DEVELOPMENT STATISTICS REPORT**

**268/22** **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council receives and notes the report as information.

- CARRIED

**Councillors who voted for:-** Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil

**ITEM 10.2-10.7 INFORMATION ONLY ITEMS**

**269/22** **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council receives and notes items 10.2 to 10.7 as information.

- CARRIED

**Councillors who voted for:-** Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil

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**ITEM 10.8**            **FIXING LOCAL ROADS POTHOLE REPAIR FUNDING**  
**PROCUREMENT**  
**270/22**            **RESOLVED** by Cr Woodbridge and Cr N McDonald

1. Council notes the additional funding of \$655,883.79 granted via the works for the Fixing Local Roads Pothole Repair Round will be allocated to the following procurement arrangements, depending on value for money considerations and procurement compliance requirements: –
  - The scope of negotiations with the preferred tenderers for the Full Service Heavy Patching at four locations within the Shire works.
  - Suppliers under new or existing panel arrangements, such as the New South Wales State vendor panel arrangement, and/ or
  - Councils internal resources, if available and/or more suitable.

- CARRIED

**Councillors who voted for:-**            Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-**    Nil

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**REPORTS FROM STAFF AND STANDING COMMITTEES**

**SECTION 11: ENVIRONMENT AND PLANNING**

**ITEM 11.1 REVIEW OF OUTDOOR DINING POLICY**  
**271/22 RESOLVED by Cr Searl and Cr Woodbridge**

1. Council adopts the reviewed Outdoor Dining Policy.

- CARRIED

**Councillors who voted for:-** Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil

**LINK TO POLICY**

<https://www.upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/outdoor-dining-policy-december-2022.pdf>

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**ITEM 11.2                    AGRITOURISM AMENDMENT**

**272/22**

**RESOLVED** by Cr Woodbridge and Cr Reynolds

1. 'Farm stay accommodation' be removed from the 'permitted with consent' section of the Upper Lachlan Local Environmental Plan land use tables applicable to the RU5 Village and R5 Large Lot Residential zones; and
2. 'Agritourism' be removed from the 'permitted with consent' section of the Upper Lachlan Local Environmental Plan land use tables applicable to RU5 Village and R5 Large Lot Residential zones.

- CARRIED

**Councillors who voted for:-**

Crs P Culhane, P Kensit, M  
McDonald, N McDonald, D  
O'Brien, J Searl and L  
Woodbridge

**Councillors who voted against:-**

Cr S Reynolds



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**SECTION 12:      INFRASTRUCTURE DEPARTMENT**

**ITEM 12.1            COST ESTIMATES FOR FUTURE PURCHASE OF TRAFFIC SPEED/DISPLAY MONITORS FOR OTHER VILLAGES**

**MOVED** by Cr Culhane and Cr O'Brien

1. Council notes the cost estimates for future purchase of traffic speed/display monitors for other villages.
2. Council holds a workshop with Transport for New South Wales to discuss the efficiency of implementing permanent traffic speed/display monitors and potential grant funding options.

LOST -

**Councillors who voted for:-**            Crs P Culhane and L Woodbridge

**Councillors who voted against:-**    Crs P Kensit, M McDonald, N McDonald, , S Reynolds and J Searl

**Councillors who abstained:-**        Cr D O'Brien

A foreshadowed motion was moved by Cr J Searl –

That council purchase a further 17 traffic speed/display monitors at approximately \$7,000 per unit for installation in villages across Upper Lachlan Shire (including Tuena and Binda) utilising residual funds allocated for Council's streetscape project.

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

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**ITEM 12.1            COST ESTIMATES FOR FUTURE PURCHASE OF TRAFFIC SPEED/DISPLAY MONITORS FOR OTHER VILLAGES**

**273/22                RESOLVED Clr J Searl and Clr M McDonald that –**

1. That council purchase a further 17 traffic speed/display monitors at approximately \$7,000 per unit for installation in villages across Upper Lachlan Shire (including Tuena and Binda) utilising residual funds allocated for Council's streetscape project.

- CARRIED

**Councillors who voted for:-**            Crs P Kensit, M McDonald, N McDonald, , S Reynolds and J Searl and L Woodbridge

**Councillors who voted against:-**    Crs P Culhane

**ITEM 12.2            PROPOSED ROAD CLOSURE AND SALE OF ALLOTMENTS NEAR MEMORY AVENUE CROOKWELL**

**274/22                RESOLVED by Cr Searl and Cr Woodbridge**

1. Council resolve and initiate the road closing process over the 'paper road' between Woodward Avenue and Memory Lane, Crookwell with the intent of creating two residential allotments as shown on the attached plan:
2. That Council create the required easements in the two lots and dispose, and sell the two allotments on the open market.
3. Council fund further stormwater infrastructure near the site from the sale of the two lots.

- CARRIED

**Councillors who voted for:-**            Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-**    Nil



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**ITEM 12.4**            **ACCESS COMMITTEE CHARTER**  
**276/22**                **RESOLVED** by Cr Searl and Cr Woodbridge

1. Adopts the Upper Lachlan Shire Council Access Section 355 Committee Charter.
2. Advertise an 'Expression of Interest' to invite members of the community to join the Upper Lachlan Shire Council Access Committee.
3. Three Councillor representatives are members of Access committee.

- CARRIED

**Councillors who voted for:-**            Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-**    Nil

**SECTION 13:        FINANCE AND ADMINISTRATION**

Nil

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**SECTION 14: GENERAL MANAGER**

**ITEM 14.1 2024 LOCAL GOVERNMENT ELECTIONS**

**277/22**

**RESOLVED** by Cr Searl and Cr Woodbridge

1. Upper Lachlan Shire Council ('the Council') resolves:
  - a. Pursuant to Sections 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner (NSW Electoral Commission) to administer all elections of Council.
  - b. Pursuant to Sections 296(2) and (3) of the Act, as applied and modified by Section 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council.
  - c. Pursuant to Sections 296(2) and (3) of the Act, as applied and modified by Section 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

- CARRIED

**Councillors who voted for:-** Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil



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**ITEM 15.1**            **REVIEW OF COMMUNITY OUTREACH MEETINGS POLICY**  
**280/22**                **RESOLVED** by Cr Woodbridge and Cr Reynolds

1. Council adopts the reviewed Community Outreach Meetings Policy.

**Councillors who voted for:-**            Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-**    Nil

**Policy Link**

<https://www.upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/Community-Outreach-Meetings-Policy-December-2022.pdf>

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

**ITEM 16.1**            **REPORTS FROM COMMITTEES FOR THE MONTH OF DECEMBER**  
**281/22**                **RESOLVED** by Cr Woodbridge and Cr N McDonald

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

1. Tuena Hall and Recreation Area Committee - Minutes - 12 October 2022.
2. Council Traffic Committee - Minutes from meeting held 1 December 2022.
3. Gunning Arts Festival - Annual Report 2021/2022.
4. Gunning Arts Festival - Minutes from meeting held 25 September 2022

- CARRIED

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**Councillors who voted for:-** Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil

**SECTION 17: NOTICES OF MOTION**

Nil

**SECTION 18: QUESTIONS WITH NOTICE**

Nil



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**CLOSED COUNCIL ITEMS**

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021, 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:*

**282/22**

**RESOLVED** by Cr Searl and Cr Woodbridge

1. That Council move into closed Council to consider business identified, together with any late reports tabled at the meeting.
2. That pursuant to of the Local Government Act 1993: the press and public be excluded from the meeting on the basis that the business to be considered is classified confidential under the provisions of section 10A (2) (2d(i)) 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 P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil

Council closed its meeting at 3:00pm and the public, staff and press left the chambers and live streaming ceased.

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**283/22**                    **RESOLVED** by Cr Woodbridge and Cr Searl

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

- CARRIED

**Councillors who voted for:-**                    Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-**        Nil

Open Council resumed at 3:03pm live streaming returned to the public prior to the meeting closing.

**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            PROCUREMENT OF ONE NEW PRIME MOVER AND TRAILER**

**284/22**                    **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council purchase one Fuso Shogun Prime Mover with Johnston tipping trailer for the total sum of \$335,277.13 (EX: GST) from Hartwigs Trucks Pty Ltd.
2. Council dispose of existing Prime Mover truck and trailer (plant numbers – 574 and 687) through public auction.

- CARRIED

**Councillors who voted for:-**                    Crs P Culhane, P Kensit, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-**        Nil

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At Conclusion of Council meeting Councillors commenced the Australia Day Awards 2023 workshop.

**THE MEETING CLOSED AT 3:03pm**

Minutes confirmed 16 FEBRUARY 2023

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Mayor