

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

PRESENT: Mayor P Kensit (Chairperson), Cr P Culhane, Cr D O'Brien, Cr J Marshall, Cr M McDonald, Cr N McDonald, Cr J Searl, Cr S Reynolds, Cr L Woodbridge, Mr A Croke (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)

THE MAYOR DECLARED THE MEETING OPEN AT 1:30pm

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

Mayor 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.

A minutes silence was observed for the passing of Her Majesty The Queen Elizabeth II.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

Apology was received by Colleen Worthy, General Manager.

197/22 **RESOLVED** by Cr Searl and Cr Woodbridge that the apology be received and a leave of absence granted.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Nil

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SECTION 5: CONFIRMATION OF MINUTES

ITEM 5.1 **RESOLVED** by Cr Searl and Cr Woodbridge
198/22

That the minutes of the Ordinary Council Meeting held on 18 August 2022 be adopted.

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

Councillors who voted against:- Nil

SECTION 6: MAYORAL MINUTES

ITEM 6.1 **MAYORAL MINUTE**
199/22 **RESOLVED** by Cr P Kensit and Cr Woodbridge

1. That Council receive and note the activities attended by the Mayor for August and September 2022.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, 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 requested Item 14.2 Election of Deputy Mayor be moved forward in the business order for the meeting.

ITEM 14.2 ELECTION OF DEPUTY MAYOR

200/22 RESOLVED by Cr Searl and Cr Reynolds that -

1. Item 14.2 Election of Deputy Mayor be moved forward in the meeting agenda order of business and voted on.

- CARRIED

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

Councillors who voted against:- Nil

A Croke, Director of Finance and Administration as Returning Officer called for nominations for the position of Deputy Mayor for Upper Lachlan Shire Council for the period 21 September 2022 to 21 September 2023.

There were two (2) nominations for Deputy Mayor.

Cr P Culhane and Cr M McDonald.

ITEM 14.2 ELECTION OF DEPUTY MAYOR

201/22 RESOLVED by Cr Searl and Cr Reynolds that

1. Council determined the method of election of Deputy Mayor being by ordinary ballot and conducted an election.
2. The returning officer declared Councillor Mandy McDonald elected as Deputy Mayor until 21 September 2023.

Mayor Kensit congratulated both Junior and Senior Crookwell Green Devils Rugby League teams on their excellent season and competition wins. A special mention to Lachlan Croker, Manly sea eagles on his two (best and fairest) awards during his NRL season.

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SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF SEPTEMBER 2022

202/22 **RESOLVED** by Cr Searl and Cr Woodbridge

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

1. Office of Local Government – Circular 22-22 – Development Guidelines and a model policy on the lobbying of Councillors.
2. Office of Local Government – Circular 22-23 – Audit of Written returns of interest.
3. Office of Local Government – Circular 22-24 – Consultation on draft Model Social Media and Councillor and Staff Interaction Policies and on the development of a Model Media Policy

- CARRIED

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

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Noted earlier Circular 22-26 Her Majesty The Queen correspondence from Office Of Local Government NSW.

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SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS REPORT
203/22 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, J Marshall, M McDonald, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

ITEM 10.2-10.8 INFORMATION ONLY ITEMS
204/22 RESOLVED by Cr Searl and Cr Woodbridge

1. Council receives and notes items 10.2-10.8 of the report as information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, 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 COMPANION ANIMAL MANAGEMENT PLAN POLICY
205/22 RESOLVED by Cr Searl and Cr Reynolds

1. Council adopts the reviewed Companion Animal Management Plan policy with amendments.

- CARRIED

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

Councillors who voted against:- Nil

A copy of this policy can be found on Council's website

[HTTPS://WWW.UPPERLACHLAN.NSW.GOV.AU/COUNCIL/POLICIES/ENVIRONME
NT-AND-PLANNING](https://www.upperlachlan.nsw.gov.au/council/policies/environment-and-planning)

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ITEM 11.2 **REVIEW OF PRIORITY WEEDS POLICY**
206/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopts the reviewed Priority Weeds Policy.

- CARRIED

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

Councillors who voted against:- Nil

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SECTION 12: INFRASTRUCTURE DEPARTMENT

Nil

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SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 ACCOUNTING POSITION ON RFS FIRE-FIGHTING ASSETS

207/22 **RESOLVED** by Cr Woodbridge and Cr Reynolds

1. A letter be sent to the Treasurer the Hon. Matt Kean MP, Minister for Emergency Services and Resilience, the Hon. Stephanie Cook MP and the Minister for Local Government, the Hon. Wendy Tuckerman MP:
 - a. *Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service (RFS) fire-fighting assets.*
 - b. *Inform the NSW Government that Council cannot recognise and record RFS fire-fighting assets in Council's 2021/2022 Financial Statements for the reasons outlined in Council's accounting position paper.*
 - c. *Call on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS.*
 - d. *Amend Section 119, of the Rural Fires Act 1997, so that the effect is to make it clear that RFS assets are not the property of Council.*
2. The Auditor General be advised that Council cannot recognise the RFS fire-fighting assets in Council's 2021/2022 Financial Statements, for the reasons outlined in Council's accounting position paper. Also, noting that the NSW Government's own Local Government Accounting Code of Practice and Financial Reporting Guidelines provides for councils to determine whether or not they record the RFS assets.
3. Council re-affirms its complete support of and commitment to local RFS brigades and RFS volunteers noting that Council's action is entirely directed towards the NSW Government's accounting position on RFS fire-fighting equipment assets.
4. Council affirms its support to Local Government NSW (LGNSW) for advocating on Council's behalf to get clarification from the NSW Government on the accounting treatment of RFS assets.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 13.2 ADOPTION OF PAYMENT OF EXPENSES AND PROVISION OF FACILITIES POLICY

208/22 RESOLVED by Cr Woodbridge and Cr Reynolds

1. Council in accordance with Section 252, 253 and 254, of the Local Government Act 1993, adopts the Payment of Expenses and Provision of Facilities Policy as publicly exhibited.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 13.3 **2021/2022 BUDGET REVOTES TO CARRY FORWARD TO**
INTERNAL RESTRICTED RESERVE

209/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council approves the 2021/2022 transfers to the Council internal restricted reserve fund totalling \$5,148,883 including revote of uncompleted capital works expenditure projects and internal reserve funds movements.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 13.4 **REVIEW OF DISCLOSURE OF INTERESTS AT MEETINGS POLICY**

210/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopt the reviewed Disclosure of Interests at Meetings Policy.

- CARRIED

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

Councillors who voted against:- Nil

A copy of this policy can be found on Council's website

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ITEM 13.5 **REVIEW OF QUESTIONS WITH NOTICE POLICY**
211/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopts the reviewed Questions With Notice Policy.

- CARRIED

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

Councillors who voted against:- Nil

A copy of this policy can be found on Council's website

[HTTPS://WWW.UPPERLACHLAN.NSW.GOV.AU/COUNCIL/POLICIES/GOVERNANCE-2](https://www.upperlachlan.nsw.gov.au/council/policies/governance-2)

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ITEM 13.6 REVIEW OF SERVICE RECOGNITION POLICY

MOVED by Cr Searl and Cr Woodbridge

1. Council adopts the reviewed Service Recognition Policy.

An Amendment was put to the meeting moved by Cr J Searl/ Cr Woodbridge - That Council adopts the reviewed Service Recognition Policy but delete payments to Councillors on recognition of fifteen or more years of service within the policy.

On being put to the meeting the motion was carried, therefore becoming the recommendation.

212/22 RESOLVED by Cr Searl and Cr Woodbridge

1. That Council adopts the reviewed Service Recognition Policy but delete payments to Councillors on recognition of fifteen or more years of service within the policy.

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

Councillors who voted against:- S Reynolds

On being put to the meeting the motion was carried, therefore becoming the recommendation

A further Amendment to the adopted motion was moved by Cr Woodbridge that for staff members who have 10 year service an amount of \$50.00 payment or gift to that value.

213/22 RESOLVED by Cr Reynolds and Cr Woodbridge

1. That - the service recognition policy included for staff members who have 10 year service an amount of \$50.00 payment or gift to that value be added within the policy.

- CARRIED

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

Councillors who voted against:- Nil

A copy of this policy can be found on Council's website

[HTTPS://WWW.UPPERLACHLAN.NSW.GOV.AU/COUNCIL/POLICIES/GOVERNANCE-2](https://www.upperlachlan.nsw.gov.au/council/policies/governance-2)

ITEM 13.7 DISCLOSURES OF INTEREST BY COUNCILLORS AND DESIGNATED PERSONS UNDER CLAUSE 4.21 OF THE COUNCIL CODE OF CONDUCT

214/22 RESOLVED by Cr Searl and Cr Woodbridge

1. Council notes the tabling of the Disclosures of Pecuniary Interest Returns by Councillors and Designated Persons for reporting period 1 July 2021 to 30 June 2022.

- CARRIED

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

Councillors who voted against:- Nil

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SECTION 14: GENERAL MANAGER

ITEM 14.1 COUNCIL MEETINGS - TIMES AND FREQUENCY

215/22

RESOLVED by Cr Searl and Cr Woodbridge

1. Ordinary Council Meetings are to be held on the third Thursday of the month (with the exception of January 2023 meeting) at Crookwell Council Chambers and/or remotely by webcast with all council meetings to commence at 1:30pm, as per the following schedule of meeting times and dates:-

- Ordinary Council Meeting to be held at Crookwell on Thursday, 20 October 2022 commencing at 1:30pm.
- Ordinary Council Meeting to be held at Crookwell on Thursday, 17 November 2022 commencing at 1:30pm.
- Ordinary Council Meeting to be held at Crookwell on Thursday, 15 December 2022 commencing at 1:30pm.
- Ordinary Council Meeting to be held at Crookwell on Thursday, 16 February 2023 commencing at 1:30pm.
- Ordinary Council Meeting to be held at Crookwell on Thursday, 16 March 2023 commencing at 1:30pm.
- Ordinary Council Meeting to be held at Crookwell on Thursday, 20 April 2023 commencing at 1:30pm.
- Ordinary Council Meeting to be held at Crookwell on Thursday, 18 May 2023 commencing at 1:30pm.
- Ordinary Council Meeting to be held at Crookwell on Thursday, 15 June 2023 commencing at 1:30pm.
- Ordinary Council Meeting to be held at Crookwell on Thursday, 20 July 2023 commencing at 1:30pm.
- Ordinary Council Meeting to be held at Crookwell on Thursday, 17 August 2023 commencing at 1:30pm.
- Ordinary Council Meeting to be held at Crookwell on Thursday, 21 September 2023 commencing at 1:30pm.

- CARRIED

Councillors who voted for:-

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

Councillors who voted against:- Nil

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ITEM 14.2 ELECTION OF DEPUTY MAYOR
Item dealt with at the commencement of the meeting.

SECTION 15: LATE REPORTS

Nil

COMMITTEES AND DELEGATES

ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTH OF
SEPTEMBER 2022

216/22 RESOLVED by Cr Searl and Cr Woodbridge

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

1. Breadalbane Hall S355 Committee Meeting Minutes - 21 August 2022

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
Marshall, 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

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

CLOSED COUNCIL ITEMS

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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:*

217/22 **RESOLVED** by Cr Woodbridge and Cr Searl

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), 10A(2c) and (10A (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, J
 Marshall, M McDonald, N
 McDonald, D O'Brien, S
 Reynolds, J Searl and L
 Woodbridge

Councillors who voted against:- Nil

218/22 **RESOLVED** by Cr Searl and Cr Woodbridge

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

- CARRIED

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

Councillors who voted against:- Nil

Open Council resumed at 3:08pm, live streaming and audio recording resumed before the meeting was closed by the Mayor.

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

A motion was moved by the Mayor that -

1. In accordance with clause 9.3 (a) and (b) of the council code of meeting procedure that item 19.1 Late Confidential Closed Session Report regarding Lin Cooper Sports Amenities and Change Rooms Tender Negotiations be tabled as it is time sensitive.

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

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1. In accordance with clause 9.3 (a) and (b) of the council code of meeting procedure that item 19.1 Late Confidential Closed Session Report regarding Lin Cooper Sports Amenities and Change Rooms Tender Negotiations be tabled as it is time sensitive. .

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 19.1 LIN COOPER SPORTS AMENITIES AND CHANGE ROOMS TENDER NEGOTIATIONS

220/22 RESOLVED by Cr Woodbridge and Cr Reynolds

1. Council discontinues the tender process with respect to construction of Lin Cooper Sports Amenities and Change Rooms in Crookwell.
2. Council General Manager be delegated authority to enter into direct commercial negotiations with Marathon Modular Pty Ltd (the top ranked tenderer) with the intent to enter a contract for construction of Lin Cooper Sports Amenities and Change Rooms in Crookwell.
3. In the event direct negotiations are not successfully concluded and a contract is not agreed to with Marathon Modular Pty Ltd, the Council General Manager may enter direct negotiations with other suitable tenderers or alternatively seek to retender the Lin Cooper Sports Amenities and Change Rooms project.

- CARRIED

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

Councillors who voted against:- Nil

THE MEETING CLOSED AT 3:09pm

Minutes confirmed 20 OCTOBER 2022

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Mayor