

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 17 FEBRUARY 2022

PRESENT: Mayor Cr P Kensit, Cr P Culhane, Cr D O'Brien, Cr J Searl, Cr J Marshall, Cr M McDonald, Cr S Reynolds, Cr L Woodbridge, Ms C Worthy (General Manager), Mr A Croke (Director Finance and Administration), Mr G Lacey (Director of Infrastructure), Ms A Waldron (Director of Environment & Planning), Ms S Pearman (Administration Officer) 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 Kensit advised that the meeting is being webcast live and audio recorded in accordance with Council Code of Meeting Practice.

The Mayor also advised in-person Council Meetings had resumed still requiring all Councillors and staff to wear masks during Council meetings as required by NSW Public Health Order for COVID-19.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

There were no apologies.

SECTION 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Clr Marshall declared a Pecuniary interest in Item 19.2 – Proposed Crown Road (Graywood Siding Road, Woodhouselee) transfer to a Council Public Road as an associated company or body of the Councillor has an interest in the land and upon making the declaration will leave the Chamber and not return until the matter is resolved.

SECTION 5: CONFIRMATION OF MINUTES

13/22 **RESOLVED** by Cr Searl and Cr Reynolds

That the minutes of the Ordinary Council Meeting held on 13 January 2022 be adopted.

- CARRIED

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

14/22 **RESOLVED** by Cr Kensit and Cr Searl

That Council receive and note the activities attended by the Mayor for January 2022 and February 2022.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Global Power Generation Australia – Local Community Engagement Officer, Jo Marshall – Crookwell 3 Windfarm update.

SECTION 8: CORRESPONDENCE

A motion was moved by Clr McDonald and Clr Woodbridge that

1. Council write to all community associations and progress associations and any other necessary organisations giving thanks and recognition for all the services provided.

On being put to the meeting the motion was carried.

15/22 **RESOLVED** by Cr McDonald and Cr Woodbridge

1. Council write to all community associations and progress associations and any other necessary organisations giving thanks and recognition for all the services provided.

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

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

SECTION 10: INFORMATION ONLY

ITEM 10.1 BIOSECURITY REPORT

16/22

RESOLVED by Cr Searl and Cr Woodbridge

1. Council receive and note the report as information.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J Marshall, M 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 LOCAL ENVIRONMENTAL PLAN OPTIONAL CLAUSE 5.22 - SPECIAL FLOOD CONSIDERATIONS

19/22 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council advises the Department of Planning, Industry and Environment that it would like to 'opt in' to optional clause 5.22 of the Standard Instrument (Local Environmental Plans) Order 2006.
2. Council under clause 18 of the Environmental Planning and Assessment Regulation 2000 exhibits the proposed amendments to the Flood Prone Land Development Control Plan Chapter for a period of 28 days.
3. Council receives a further report following the public exhibition of the Flood Prone Land Development Control Plan Chapter.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 11.2 AMENDMENTS TO THE LOCAL STRATEGIC PLANNING STATEMENTS

20/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council endorse the proposed amendments to the local strategic planning policy.
2. Council put the draft local strategic planning policy on exhibition for community input.
3. Council advise the Department of Planning Industry and Environment of the Proposed Amendments

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

Councillors who voted against:- Nil

ITEM 11.3 PLANNING PROPOSAL LAGGAN LANE ESTATE 297 PEELWOOD ROAD LAGGAN

MOVED by Cr Marshall and Cr Reynolds

1. Council submit the planning proposal for a Gateway Determination to amend the Upper Lachlan Local Environmental Plan 2010 by Changing the Zone and Minimum Lot Size Provisions of Lot 2 DP 1233492 and Lot 1 DP 239858 from RU2 Rural Landscape to RU4 Rural Smallholding in part and to RU5 Village in part.
2. Council requested the Department of Planning Industry and Environment to authorise Council to exercise delegation of plan making functions in accordance with the Environmental Planning and Assessment Act 1979.
3. Council delegate authority to the General Manager to undertake any required changes.
4. Council notify the community of the proposed changes to the local environmental plan through appropriate processes at the time.

An Amendment was moved by Cr Searl and Clr Culhane that

1. The matter be left on the table for Councillors to attend a workshop.

On being put to the meeting the Amendment was carried and became the motion.

21/22 RESOLVED by Clr Searl and Clr Culhane

1. The matter be left on the table for Councillors to attend a workshop.

- CARRIED

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

SECTION 12: INFRASTRUCTURE DEPARTMENT

Nil

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 INTEGRATED PLANNING AND REPORTING - PUBLIC EXHIBITION OF THE DRAFT UPPER LACHLAN COMMUNITY STRATEGIC PLAN TOWARDS 2042!

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

1. Council, in accordance with the Integrated Planning and Reporting Guidelines and requirements of Section 402 and Sections 8A-8C, of the Local Government Act 1993, place on public exhibition the Draft Upper Lachlan Community Strategic Plan Towards 2042.
2. The public exhibition period for the Draft Upper Lachlan Community Strategic Plan Towards 2042 is 21 February to 30 April 2022 inclusive, with the plan available for inspection on Council's website, link to Council's Facebook Page, available to view at the three Council Administration Offices at Crookwell, Taralga and Gunning, and at the Crookwell and Gunning Libraries.
3. All public submissions to the Draft Upper Lachlan Community Strategic Plan Towards 2042 shall be considered by Council.
4. Council, in accordance with the Integrated Planning and Reporting Guidelines, and requirements of Section 402A, of the Local Government Act 1993 accept the Community Engagement Report.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 13.2 **DELIVERY PROGRAM BI-ANNUAL REVIEW 2021/2022**
23/22 **RESOLVED** by Cr Searl and Cr Marshall

1. Council adopt the Delivery Program Review for the six month period ended 31 December 2021.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 13.3 **QUARTERLY BUDGET REVIEW STATEMENTS - 2ND QUARTER**
24/22 **RESOLVED** by Cr Searl and Cr Reynolds

1. Council endorse the 2nd Quarter Budget Review Statements for 2021/2022, as at 31 December 2021, 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, P Kensit, J Marshall, M 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 DISCLOSURE OF INTEREST RETURNS BY COUNCILLORS
 UNDER THE CODE OF CONDUCT**

25/22 RESOLVED by Cr Searl and Cr Reynolds

1. Council notes the tabling of the Disclosure of Interests Returns by Councillors and receives the report as information.

- CARRIED

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

Councillors who voted against:- Nil

**ITEM 14.2 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2022 AND
 VOTING DELEGATE**

26/22 RESOLVED by Cr Searl and Cr O'Brien

1. The Mayor and General Manager will attend the Annual Conference of Local Government NSW for 2022.
2. The Mayor is nominated as the Council's voting delegate.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 14.3 **NSW PLANNING PORTAL COMMITTEE NOMINATION**
27/22 **RESOLVED** by Cr Searl and Cr O'Brien

1. Council agrees to delegate Councillor Paul Culhane, Mayor Pam Kensit and the Upper Lachlan Shire Council's Director of Environment and Planning as the Southern Regional Planning Panel committee representatives and delegates up until the end of term in September 2023.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 15: LATE REPORTS

Nil

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

ITEM 16.1 **REPORTS FROM COMMITTEES FOR THE MONTH OF FEBRUARY 2022**
28/22 **RESOLVED** by Cr Searl and Cr Woodbridge

That Item 16.1 - Minutes of Committee/Information listed below be received:

1. Potato Festival Committee – AGM Minutes and Resignations – October – November 2021.
2. Breadalbane Hall Committee - Minutes - 26 November 2021.
3. Gunning Arts Festival – Minutes from Annual General meeting held 28 November 2021.
4. Tuena Hall Committee - Minutes - Annual General Meeting - 12 January 2022.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

ITEM 17.1 NOTICE OF MOTION – WASTE TRANSFER STATIONS

29/22 **RESOLVED** by Cr Marshall and Cr McDonald

“That the Upper Lachlan Shire Council reviews the opening times of all waste transfer stations in the shire to make sure they are open at times that are convenient for the rate payers and provide a substitute day should their tip day fall on a public holidays.”

- CARRIED

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

Councillors who voted against:- Nil

ITEM 17.2 NOTICE OF MOTION – RESILIENCE TRAINING & SUPPORT

30/22 Moved by Cr Marshall and Cr Culhane

“That the Upper Lachlan Shire Council staff are provided resilience training and support as part of the Drought Resilience Plan to be developed with Hilltops Council and Resilience NSW.”

An Amendment was moved by Clr Woodbridge and Clr Reynolds that

1. That Upper Lachlan Shire Council staff continues to be provided with resilience training and support.

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On being put to the meeting the Amendment was carried and became the motion.

RESOLVED by Clr Woodbridge and Clr Reynolds

1. That Upper Lachlan Shire Council staff continues to be provided with resilience training and support.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 17.3
31/22

NOTICE OF MOTION – ACKNOWLEDGEMENT OF CLR STAFFORD

RESOLVED by Cr Culhane and Cr Marshall

“Council express our acknowledgement and thanks to the former Mayor and Councillor John Stafford for his significant contribution during the past term of Council”.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 17.4 NOTICE OF MOTION – SUPPORT FOR PROGRESS ASSOCIATIONS

32/22 RESOLVED by Cr Culhane and Cr O'Brien

“That myself, Councillor Culhane or other Councillor delegate meet on an agreed regularly basis with the Taralga Progress Association or other local representative body to ensure Taralga residents have a direct line of communication with ULSC councillors on localised issues as they have always have done in the past”.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 17.5 NOTICE OF MOTION – CHANGE OF MEETING TIME

MOVED by Cr O'Brien and Cr Reynolds

“That Council move Ordinary Council meetings to the third Thursday of the month to a 4:00pm time slot”.

An Amendment was moved by Clr McDonald and Clr Searl

1. That Council move Ordinary Council meetings to the third Thursday of the month to commence at 1.30pm.

On being put to the meeting the Amendment was carried and became the Motion.

33/22 RESOLVED by Clr McDonald and Clr Searl

1. That Council move Ordinary Council meetings to the third Thursday of the month to commence at 1.30pm.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 18: QUESTIONS WITH NOTICE

Nil

*The meeting adjourned for a short break the time being 10.50am.
The meeting resumed the time being 11.04am.*

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)(a) and 2(d)i 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:

34/22 **RESOLVED** by Cr O'Brien 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) 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, D

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O'Brien, S Reynolds, J Searl and
L Woodbridge

Councillors who voted against:- Nil

Council closed its meeting at 11.04am and staff and press left the chambers.

35/22 **RESOLVED** by Cr Searl and Cr O'Brien

That Council move out of Closed Council and into Open Council.

- CARRIED

Open Council resumed at 12.13pm.

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 NEW GRADER

36/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council purchase one John Deere 670GP for the sum of \$440,000 EX GST from RDO Equipment.
2. Sell existing grader through auction providing best value for money.

- CARRIED

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

Councillors who voted against:- Nil

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11.13am.

ITEM 19.2 PROPOSED CROWN ROAD (GRAYWOOD SIDING ROAD, WOODHOUSELEE) TRANSFER TO A COUNCIL PUBLIC ROAD

37/22 RESOLVED by Cr Kensit and Cr McDonald

1. Council approves the transfer of Crown Road, Graywood Siding Road, to a Council Public Road for the construction and operation of Crookwell 3 Wind Farm.
2. Global Power Generation Australia is to meet the full cost of constructing the Public Road to Council's requirements in accordance with the Deed of Agreement.
3. Global Power Generation Australia is to meet the full cost of maintaining the Public Road to Council's requirements for 30 years or the lifespan of the windfarm, whichever is the longest and is in accordance with the Deed of Agreement.
4. Council extends delegation to the General Manager to negotiate with Global Power Generation Australia to extend the works on Woodhouselee Road with the intent to include in the Deed of Agreement.

- CARRIED

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

Councillors who voted against:- Nil

Abstained:- Cr J Marshall

Clr Marshall returned to the Chamber the time being 11.49am

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ITEM 19.3 PROPOSED CROWN ROAD (JARVIS STREET, BINDA) TRANSFER TO A COUNCIL PUBLIC ROAD

MOVED by Cr O'Brien and Cr Reynolds

1. Council approves the transfer of the unformed Jarvis Street Crown Road, Binda to a Council Public Road.
2. The applicant is to meet the full cost of constructing the property access in the Public Road and Council accepts no responsibility to maintain the road.

Councillors who voted for:- Crs P Culhane, J Marshall, D O'Brien and L Woodbridge

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

The Mayor used her casting vote against the motion declaring the motion lost.

- LOST

Clr Kensit and Clr Searl Foreshadowed a Motion that "Council defer the matter".

On being put to the meeting the Foreshadowed Motion was carried.

38/22 RESOLVED by Clr Kensit and Clr Searl

1. That Council defer the matter.

- CARRIED

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

Councillors who voted against:- Crs P Culhane and J Marshall

THE MEETING CLOSED AT 12.13PM

Minutes confirmed 17 MARCH 2022

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Mayor