

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 17 NOVEMBER 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, Ms C Worthy (General Manager), 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)

**WEBLINK:** Cr J Marshall

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

**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*

*A return of the public gallery to Ordinary Council resumed today.*

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

*A minutes silence was observed for the passing of Ghosn Ghosn and Bob Chahine who tragically lost their lives in the recent flood events.*

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

There were no apologies.

**SECTION 3: CITIZENSHIP CEREMONY**

Nil

**SECTION 4: DECLARATIONS OF INTEREST**

Cr D O'Brien declared a non-pecuniary, non-significant interest in confidential Item 19.4 Winning and Cushing Gravel Contract as he works for the tenderer and will make a declaration, will not participate in the debate and will leave the meeting upon making the declaration and not return until the matter is resolved.

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**SECTION 5: CONFIRMATION OF MINUTES**

**ITEM 5.1**                    **RESOLVED** by Cr Searl and Cr Woodbridge  
**242/22**

That the minutes of the Ordinary Council Meeting held on 20 October 2022 be adopted.

- 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 6: MAYORAL MINUTES**

**ITEM 6.1**                    **MAYORAL MINUTE**  
**243/22**                    **RESOLVED** by Cr Searl and Cr Woodbridge

1. That Council receive and note the activities attended by the Mayor for October and November 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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A **MOTION** was moved by Mayor Kensit that -

1. Upper Lachlan Shire Council show our support for and whole-heartedly endorse the Local Government NSW declaration of State-wide Road Emergency.
2. Upper Lachlan Shire Council joins with Local Government NSW and Country Mayors Association of NSW in declaring a State-wide Road Emergency.
3. Along with these organisations Upper Lachlan Shire Council supports:
  - an acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program from the New South Wales Government;
  - a boost to Road Block Grant funding to compensate for the damage to the regional road regional network from the Federal Government;
  - new funding to provide councils with plant machinery and skilled workers to expedite road repairs from the Federal Government; and
  - the writing of letters to the Hon Anthony Albanese MP, Prime Minister of Australia, and the Hon Dominic Perrottet MP, Premier of New South Wales to express these above concerns.

On being put to the meeting the motion was carried.

**244/22**

**RESOLVED** by Cr Kensit and Cr Woodbridge

1. Upper Lachlan Shire Council show our support for and whole-heartedly endorse the Local Government NSW declaration of State-wide Road Emergency.
2. Upper Lachlan Shire Council joins with Local Government NSW and Country Mayors Association of NSW in declaring a State-wide Road Emergency.
3. Along with these organisations Upper Lachlan Shire Council supports:
  - an acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program from the New South Wales Government;
  - a boost to Road Block Grant funding to compensate for the damage to the regional road regional network from the Federal Government;
  - new funding to provide councils with plant machinery and skilled workers to expedite road repairs from the Federal Government; and

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- the writing of letters to the Hon Anthony Albanese MP, Prime Minister of Australia, and the Hon Dominic Perrottet MP, Premier of New South Wales to express these above concerns.

- 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 7: PRESENTATIONS TO COUNCIL/PUBLIC**

Nil

**SECTION 8: CORRESPONDENCE**

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

**245/22** **RESOLVED** by Cr Searl and Cr Reynolds

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

1. Office of Local Government – Circular 22-29 – End of Year Financial Reporting 2021-2022.
2. Office of Local Government – Circular 22-30 – Guidelines on the recruitment of senior council executives.
3. Office of Local Government – Circular 22-31 – Commencement of the *Public Spaces (Unattended Property) Act, 2021*.
4. Office of Local Government – Circular 22-32 – Update your Council website to include housing, employment and population projection data.
5. Office of Local Government – Circular 22-33 - Misuse of Council Resources.
6. Hon. Steph Cooke MP - Minister for Emergency Services and Resilience.
7. Hon. Steph Cooke MP – Accounting treatment of NSW Rural Fire Service (RFS) Assets.
8. Letter from the Hon. Wendy Tuckerman MP Minister for Local Government - Red Fleet Assets.
9. BJEI Australia - Biala Windfarm – Thank you letter to Council.

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10. Local Government Remuneration Tribunal - 2023 Annual Review - Invitation Letter to Councils seeking submissions.

- 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**

Nil

**SECTION 10: INFORMATION ONLY**

**ITEM 10.1 DEVELOPMENT STATISTICS REPORT**

**246/22** **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

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**ITEM 10.2-10.8    INFORMATION ONLY ITEMS**  
**247/22            RESOLVED by Cr Searl and Cr Woodbridge**

1. Council receives and notes items 10.2 to 10.8 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

**REPORTS FROM STAFF AND STANDING COMMITTEES**

**SECTION 11:        ENVIRONMENT AND PLANNING**

**ITEM 11.1            DA 12/2022 - ANIMAL BOARDING AND TRAINING**  
**ESTABLISHMENT FOR THE PURPOSE OF BREEDING AND**  
**BOARDING OF DOGS - LOT 1 DP 874867 - 2522 LAGGAN-**  
**TARALGA ROAD LAGGAN**

**248/22                RESOLVED by Cr Reynolds and Cr Woodbridge**

It is recommended that the application be refused, for the following reasons:

- Non-compliance with Council's DCP requirements chapter 9.2 objectives and potential for land use conflict
- The development is not consistent with the aims of the ULSC LEP
- The retail shed is not considered ancillary or permissible under the ULSC LEP
- The development is not consistent with the RU 2 zone objectives
- There is potential for unacceptable noise impacts to the sensitive receivers
- The development is not in the public interest
- The application contains elements that are unclear or uncertain.
- The development does not satisfy the orderly and economic development
- The potential for adverse and unacceptable impact on the amenity of the area

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- The development does not address potential biosecurity concerns

- 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 11.2  
249/22**

**LOCAL HERITAGE PLACES GRANT FUND 2022-2023**

**RESOLVED** by Cr Searl and Cr Woodbridge

1. Council notes the content of the report and endorses the proposed allocation of the 2022/2023 Local Heritage Places Grant Program with the funding provided to HA 1/2022-2023 - Book Keepers Cottage, Tuena (Bell Street Tuena) to the value of \$11,000, as a result of the damage currently occurring from rain and storms and it is at a critical point to protect and preserve the building before it deteriorates further.
2. HA 2/2022-2023 - Grabben Gullen Road, Crookwell, Stone Cottage be placed on the reserve list and receive any funding not utilised by the successful applicant.
3. A Letter of Offer be sent to the successful applicant and Letter of Offer for Reserve and advice of future potential assistance be sent to the unsuccessful applicant.

- 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**

**ITEM 12.1 PARTIAL CLOSURE OF SPRING ST, CROOKWELL, FOR TWILIGHT CHRISTMAS MARKETS / FAIR**

**250/22** **RESOLVED** by Cr Searl and Cr Woodbridge

Council approve the temporary, partial closure of Spring St, Crookwell, for the Crookwell Twilight Christmas Markets / Fair on 3 December 2022 from 11am to 11pm.

- 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 13: FINANCE AND ADMINISTRATION**

**ITEM 13.1 COUNCILLOR AND STAFF INTERACTION POLICY**

**251/22** **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopt the Councillor and Staff Interaction 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

**View policy here:**

<https://www.upperlachlan.nsw.gov.au/council/policies/governance-1>



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**ITEM 13.2            QUARTERLY BUDGET REVIEW STATEMENTS - 1ST QUARTER  
2022/2023**

**252/22                RESOLVED by Cr Searl and Cr N McDonald**

1. Council endorse the 1st Quarter Budget Review Statements for 2022/2023 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, N  
   McDonald, D O'Brien, S  
   Reynolds, J Searl and L  
   Woodbridge

**Councillors who voted against:-**    Nil

**ITEM 13.3            REVIEW OF PERFORMANCE MANAGEMENT POLICY - GENERAL  
MANAGER**

**253/22                RESOLVED by Cr Searl and Cr Woodbridge**

1. Council adopt the Performance Management Policy - General Manager.

- 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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View policy here:

<https://www.upperlachlan.nsw.gov.au/council/policies/human-resources-and-employment>

**ITEM 13.4**                    **REVIEW OF CORPORATE UNIFORM POLICY**  
**254/22**                        **RESOLVED** by Cr Searl and Cr Reynolds

1. Council adopts the reviewed Corporate Uniform 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

View policy here:

<https://www.upperlachlan.nsw.gov.au/council/policies/governance-1>

**SECTION 14:            GENERAL MANAGER**

**ITEM 14.1**                    **GUNNING FLOOD DISASTER - UPDATES**  
**255/22**                        **RESOLVED** by Cr Searl and Cr Reynolds

1. Council receive and note 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

Mayor Kensit thanked the Gunning District Association and the Gunning Lions for their kind donation to premises affected during the flood event.

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**SECTION 15: LATE REPORTS**

**ITEM 15.1 REPORTS FROM COMMITTEES FOR THE MONTH NOVEMBER 2022**

**256/22** **RESOLVED** by Cr Woodbridge and Cr N McDonald

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

1. Biala Windfarm S355 Committee – Meeting Minutes – 10 November 2022.
2. That Council write to the successful applicants of the Biala Windfarm grant.

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

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:*

**257/22**                      **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) 10A (2d(i)) 10A (2d(ii)) 10A (2c) 10A (2d(iii)) 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

Council closed its meeting at 2:34pm and the public, staff and press left the chambers and live streaming ceased.

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**258/22**                    **RESOLVED** by Cr Searl and Cr Woodbridge

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 2:45pm 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 NEW EXCAVATOR**

**259/22**                    **RESOLVED** by Cr Searl and Cr M McDonald

1. Council purchase one Caterpillar 323-2D excavator for the net sum of \$290,000 EX GST (after trade in) from Westrac Equipment.
2. Council trade in existing excavator (plant 592) with Westrac Equipment.

- 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 19.2**  
**260/22**

**GUNNING SHOWGROUND AMENITIES BLOCK TENDER**

**RESOLVED** by Cr Searl and Cr O'Brien

1. Council decline to accept all tenders received and discontinues the tender process with respect to the construction of the Gunning Showground Amenities Block due to the tendered pricing being significantly higher than project budget funding.
2. Council's General Manager be delegated authority to develop a negotiation strategy and enter into direct commercial negotiations with all three tenderers with the intent to enter a revised contract with consideration to the available budget, for construction of the Gunning Showground Amenities Block.
3. In the event direct negotiations with all three tenderers are not successfully concluded and a contract is not agreed to with any tenderer, the Council General Manager may seek to retender the Gunning Showground Amenities Block project in the near future.

- 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 19.3**            **FULL SERVICE HEAVY PATCHING AT FOUR LOCATIONS  
WITHIN THE SHIRE - TENDER**

**261/22**

**RESOLVED** by Cr Searl and Cr Woodbridge

1. Council decline to accept all tenders received due to time constraints of the 2022/23 reseal program.
2. Councils General Manager be delegated authority to develop a negotiation strategy and enter into direct commercial negotiations with Country Wide Asphalt Pty Ltd and Roadworx Pty Ltd in order to negotiate an accelerated works program, and that
3. In the event direct negotiations with the two tenderers are not successfully concluded and a contract is not agreed to with any tenderer, Councils General Manager may seek to retender the heavy patching works in the near future.

- 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

Cr Darren O'Brien left the meeting in line with his declaration the time being 02:43 pm and did not return until Council returned to open Council.

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**ITEM 19.4**                    **WINNING AND CRUSHING GRAVEL CONTRACT**  
**262/22**                      **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council accepts the Tender submitted by Denrith Pty Ltd for Winning and Crushing Gravel for a period of three years from date of award, with an option to extend it another two years, to the estimated annual value of \$540,000 (incl. GST).
2. Council delegates authority to the General Manager to formalise the Winning and Crushing Gravel contract with Denrith Pty Ltd.

- CARRIED

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

**Councillors who voted against:-**        Nil

Cr Darren O'Brien returned to the meeting, the time being 02:45pm

**THE MEETING CLOSED AT 2:45pm**

Minutes confirmed 15 DECEMBER 2022

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Mayor