

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 20 OCTOBER 2022

PRESENT: Mayor P Kensit (Chairperson), Cr P Culhane, Cr D O'Brien, Cr J Marshall, Cr M 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)

VIDEO LINK: Cr N McDonald

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 past Councillor Barbara Johnson and other persons in the Shire that have passed away..

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 19.3 - Upgrade of 5 x Pedestrian School Crossings – Award of 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 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF OCTOBER 2022
223/22 RESOLVED by Cr Searl and Cr Woodbridge

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

1. Office of Local Government – Circular 22-25 – New Standard Contracts of Employment for General Managers and Executive Officers and updated guidelines for the appointment and oversight of General Managers.
2. Office of Local Government – Circular 22-27 – Discussion Paper – Senior Staff Employment.
3. Office of Local Government – Circular 22-28 – Annual Report and Annual Performance Statement Checklists.

- 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

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SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS REPORT

224/22 **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

225/22 **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
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Councillors who voted against:- Nil

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 DA 36/2022 - 20 BIGGA STREET, BIGGA - CONVERSION OF FORMER CHURCH BUILDING TO DWELLING WITH ADDITIONAL AND ALTERATIONS - S4.6 VARIATION TO MINIMUM LOT SIZE

226/22 RESOLVED by Cr Searl and Cr Woodbridge

It is recommended that:

1. Council grant approval to the s4.6 request to vary the minimum allotment size requirement of Section 6.10 of the Upper Lachlan Local Environmental Plan 2010, from 4,000m² to 1,011m².
2. That DA 36/2022 for the conversion of the existing former church building to a dwelling on Lot 20 Section 6 DP 758104 (20 Bigga Street, Bigga) be undertaken and if approval is granted the following be restrictions be incorporated into the conditions of consent:
 - a restriction on the title limiting the maximum number of bedrooms to two (2);
 - a restriction on the title limiting the total floor area to that currently approved under DA 36/2022; and
 - a condition requiring the annual inspection of the waste water treatment facility, to ensure there is no adverse impact on the environment.
3. Council delegate to the Director of Environment and Planning, the final assessment and determination of the development application in line with section 4.15 of the *Environmental Planning and Assessment Act, 1979*.
4. The Department of Planning, Industry and Environment be notified of the approval of the s4.6 variation under the Upper Lachlan Shire Local Environmental Plan 2010 (LEP).

- CARRIED

Councillors who voted for:-

Crs P Culhane, P Kensit, J
Marshall, M McDonald, N
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Councillors who voted against:- Nil

ITEM 11.2 **REVIEW OF DEVELOPMENT APPLICATION FEE WAIVER POLICY.**
227/22 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopts the reviewed Development Application Fee Waiver 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/ENVIRONMENT-AND-PLANNING](https://www.upperlachlan.nsw.gov.au/council/policies/development-and-planning)

ITEM 11.3 **REVIEW OF DEVELOPMENT BONDING POLICY**
228/22 **RESOLVED** by Cr Searl and Cr M McDonald

1. Council adopts the reviewed Development Bonding Policy.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, M McDonald, N
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Councillors who voted against:- Nil

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SECTION 12: INFRASTRUCTURE DEPARTMENT

ITEM 12.1 PROPOSED ROAD CLOSURE - LAGGAN ROAD IN THE VICINITY OF COMMISSIONERS CREEK

229/22 RESOLVED by Cr Searl and Cr Woodbridge

1. Council resolve to close as public road the Council roads located shown as Lot 1 DP 1224882 and Lot 2 DP 1224882 in the vicinity of Laggan Road.
2. Council resolve that upon closure, Council transfer the closed roads to the adjoining owner as compensation for land acquired for road opening on Laggan Road.

- 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 12.2 **PROPOSED ROAD CLOSURE - GIBRALTAR ROAD**
230/22 **RESOLVED** by Cr Woodbridge and Cr Reynolds

1. Council resolve to close as public road the Council roads located on the eastern boundary of Lot 1 DP 563054 and northern boundary of Lot 129 DP 750014 in the vicinity of Gibraltar Road.
2. Council resolve that upon closure, Council transfer the closed roads to the adjoining owner as compensation for land acquired for road opening on Gibraltar Road.

- 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 **PRESENTATION OF THE 2021/2022 ANNUAL REPORT**
231/22 **RESOLVED** by Cr Woodbridge and Cr Reynolds

1. Council resolves to adopt the Upper Lachlan Shire Council Annual Report for 2021/2022 in accordance with Section 428, of the Local Government Act 1993, Part 9, Division 7, of the Local Government (General) Regulation 2021 and other applicable legislation.
2. Council notify the Office of Local Government by providing a URL link to Council website.

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, J
 Marshall, M McDonald, N
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Councillors who voted against:- Nil

ITEM 13.2 **REFERRAL FOR AUDIT - 2021/2022 FINANCIAL STATEMENTS**
232/22 **RESOLVED** by Cr Searl and Cr Reynolds

1. Council resolves that the 2021/2022 Financial Statements be referred for independent audit by external auditors, NSW Audit Office;
2. The Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer sign the Statement by Councillors and Management for the General Purpose and Special Purpose 2021/2022 Financial Statements;
3. Council adopt the 2021/2022 Financial Statements for Council, containing the General Purpose and Special Purpose Financial Statements; and
4. The General Manager be delegated the authority to authorise the Council 2021/2022 Financial Statements for issue immediately upon receipt of the Auditors Report and delegated the authority to finalise the date at which the Auditor's Report and Financial Statements are presented to the public.
5. Council fix the date for presentation of the 2021/2022 Financial Statements to the public as 17 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

SECTION 14: GENERAL MANAGER

Nil

SECTION 15: LATE REPORTS

Nil

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

**ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTH OF OCTOBER
2022**

233/22 RESOLVED by Cr Woodbridge and Cr Reynolds

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

1. Gunning Arts Festival – Minutes from meeting held 24 April 2022.
2. Gunning Arts Festival – Minutes from meeting held 26 June 2022.
3. Gunning Arts Festival – Minutes from meeting held 31 July 2022.
4. Gunning Shire Hall and Showground Advisory Committee - Meeting Minutes - 5 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

234/22 RESOLVED by Cr Woodbridge and Cr Reynolds

5. Collector Windfarm S355 Committee – Meeting Minutes – 28 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
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Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

ITEM 17.1 NOTICE OF MOTION - TRAFFIC SPEED MONITORS

RECOMMENDATION

“That Council purchase and install solar powered traffic speed/display monitors in villages in the Upper Lachlan Shire utilising residual funds allocated for Council’s Streetscape Project”.

An amendment to the original recommendation was made by Cr Searl.

235/22 RESOLVED by Cr Searl and Cr Reynolds

“That Council purchase and install initially five traffic speed/display monitors in villages in the Upper Lachlan Shire utilising residual funds allocated for Council’s Streetscape Project.

That Council bring back a report to November 2022 Council meeting with cost estimates for future purchase of traffic speed/display monitors for other villages”.

- 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 17.2 NOTICE OF MOTION - R U OK

236/22

RESOLVED by Cr Marshall and Cr Woodbridge

“That the residual amount of \$2184.83 from the Office of Regional Youth, Regional Youth Network funding for RUOK be used towards creating a “Buddy Bench” and mindfulness garden.”

- 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 18: QUESTIONS WITH NOTICE

Nil

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:

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237/22

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 (2c), 10A (2d(i)) 10A(2d(ii)) and 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 2:57pm and the public, staff and press left the chambers and live streaming ceased.

238/22

RESOLVED by Cr Searl and Cr M McDonald

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

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Councillors who voted against:- Nil

Open Council resumed at 3:11pm 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

Cr Jo Marshall left the meeting, the time being 2:59 pm and did not return to the meeting.

Environment and Planning departed the Chambers for this Item.

ITEM 19.1

STAFFING MATTERS

239/22

RESOLVED by Cr Searl and Cr M McDonald

1. Council receive and note 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

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ITEM 19.2 PROPOSED LAND ACQUISITION FOR JULONG BRIDGE UPGRADE.

240/22 RESOLVED by Cr Woodbridge and Cr Reynolds

1. Council compensate the owner of Lot 3 DP 174273 as per Council's Land Acquisition policy, to the value of \$718.00
2. Council compensate the owner of Lot 1 DP 1089216 as per Council's offer based on an independent valuation of \$11,760.00
3. Council compensate the owner of Lot 30 DP 133500 based on the property owner's valuation of \$7,208.00.

- 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

return to the meeting until the matter was resolved.

ITEM 19.3 UPGRADE OF 5 X PEDESTRIAN SCHOOL CROSSINGS - AWARD OF TENDERER

241/22 RESOLVED by Cr Woodbridge and Cr Reynolds

1. JSC Pty Ltd is awarded the tender for the works to upgrade five school raised pedestrian crossings along with line marking and signage upgrades under Stage 1 of the stimulus program - Pedestrian School Zone Safety for a lump sum price of \$375,341.34 (inclusive of GST).

- CARRIED

Councillors who voted for:- Crs P Culhane, P Kensit, 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 03:03pm

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Director of Finance and Administration returned to the meeting at 3:10pm.

General Manager, Director of Environment and Planning and Director of Infrastructure did not return to open Council.

THE MEETING CLOSED AT 3:13pm

Minutes confirmed 17 NOVEMBER 2022

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Mayor