

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 13 JANUARY 2022**

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**PRESENT:** Cr P Culhane, Cr P Kensit, 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 Waldron (Director of Environment & Planning), Ms K Dewar (Executive Assistant) and Mr C Gordon (Media Officer).

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**THE GENERAL MANAGER DECLARED THE MEETING OPEN AT 09:00am**

The General Manager read a statement from John Stafford, resigning from Council.

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

*General Manager as the Returning Officer assumed the Chair and advised the meeting is being webcasted live and audio recorded in accordance with Council Code of Meeting Practice.*

*The General Manager 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.*

*The General Manager advised all Councillors would be required to take their oath or affirmation today and called upon Councillors to stand and take their individual oath.*

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**OATH AND AFFIRMATION AND MAYORAL ELECTIONS**

Clr Darren O'Brien took an oath.  
Clr Mandy McDonald took an affirmation.  
Clr Paul Culhane took an oath.  
Clr Lauren Woodbridge took an affirmation.  
Clr Jo Marshall took an oath.  
Clr Susan Reynolds took an affirmation.  
Clr Pam Kensit took an affirmation.  
Clr John Searl took an affirmation.

Oath: I swear that I will undertake the duties of the office of councillor in the best interests of the people of Upper Lachlan Shire Council Local Government Area and the Upper Lachlan Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

Affirmation: I solemnly and sincerely declare and affirm that I will undertake the duties of the office of councillor in the best interests of the people of Upper Lachlan Shire Council Local Government Area and the Upper Lachlan Shire Council and that I will faithfully and impartially carry out the functions, powers, authorities and discretions vested in me under the Local Government Act 1993 or any other Act to the best of my ability and judgement.

The General Manager advised Items 14.1 and 14.2 be moved up in the agenda for Mayor and Deputy Mayor elections.

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**01/22**                    **RESOLVED** by Cr O'Brien and Cr Kensit

1. Items 14.1 Election of the Mayor and 14.2 Election of Deputy Mayor be moved forward in meeting agenda.

- CARRIED

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

**Councillors who voted against:-**        Nil

The General Manager as Returning Officer called for nominations for the position of Mayor for Upper Lachlan Shire Council for the period 13 January 2022 to 21 September 2023.

There were two (2) nominations for Mayor.

Cr P Kensit and Cr J Marshall.

**ITEM 14.1**                    **ELECTION OF MAYOR (SECTION 225-230, LOCAL GOVERNMENT ACT, 1993)**

**02/22**                    **RESOLVED** by Cr Searl and Cr O'Brien

1. Council determine the method of election of Mayor being by ordinary ballot and conduct an election.

- CARRIED

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

**Councillors who voted against:-**        Nil

**03/22**                    **RESOLVED** by Cr Woodbridge and Cr Searl

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1. The General Manager declared Cr Pam Kensit the successful Councillor elected as Mayor, until September 2023, and assume the role of Chairperson.

- 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

The Mayor assumed the Chair, the General Manager, Returning Officer continued with the election of Deputy Mayor.

The General Manager as Returning Officer called for nominations for the position of Deputy Mayor for Upper Lachlan Shire Council for the period 13 January 2022 to 15 September 2022.

There were two (2) nominations for Deputy Mayor.

Cr J Searl and Cr M McDonald

**ITEM 14.2**                    **ELECTION OF DEPUTY MAYOR (SECTION 231, LOCAL GOVERNMENT ACT, 1993)**

**04/22**                    **RESOLVED** by Cr Woodbridge and Cr McDonald

Council determine the method of election of Deputy Mayor being by ordinary ballot and conduct an election.

**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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**05/22**

**RESOLVED** by Cr Woodbridge and Cr Reynolds

1. The Mayor declared Councillor Mandy McDonald elected as Deputy Mayor until September 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

*The meeting took a short break for 10 minutes and resumed at 9:35am*

*A minutes silence was observed for the passing of Ron Larkham, Max Keith and Barbara Barlow.*

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

There were no apologies.

**SECTION 3: CITIZENSHIP CEREMONY**

Nil

**SECTION 4: DECLARATIONS OF INTEREST**

Cr Marshall declared a Non-Significant, Non-Pecuniary interest in Item 14.3 Regional Drought Resilience Program as she is the CEO of the Australian Agricultural Centre, she will make the declaration, stay in the chamber and participate in the debate and vote.

**SECTION 5: CONFIRMATION OF MINUTES**

**06/22**

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

1. That the minutes of the Ordinary Council Meeting held on 18 November 2021 be adopted.

It was noted that - Cr McCormack left the room during his declaration of Pecuniary Interest on the meeting held on 18 November 2021, and did not take part in the debate.

- 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**

Nil

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

Nil

**SECTION 8: CORRESPONDENCE**

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

**07/22** **RESOLVED** by Cr Searl and Cr O'Brien

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

1. Office of Local Government - New Councillor Webinars - 21-40 - 7 December 2021.
2. Independent Pricing and Regulatory Tribunal NSW (IPART) Information Paper - Rate Peg for NSW Councils for 2022/2023 – 13 December 2021.
2. NSW Electoral Commission - Disclosing Political Donation Fact Sheet - 20 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

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A motion was moved by Cr Culhane that:

Council write to the Local Government Minister Wendy Tuckerman MP and implore her to accept the recommendations of the August 2020 NSW Productivity Commission and the then President Linda Scott of the Local Government NSW to scrap rate pegging in NSW as in all states other than Victoria and allow Councils to determine their own rating income and be judged accordingly.

On being put to the meeting the motion was carried.

**08/22**

**RESOLVED** Cr P Culhane and Cr J Marshall that –

1. Council write to the Local Government Minister Wendy Tuckerman MP and implore her to accept the recommendations of the August 2020 NSW Productivity Commission and the then President Linda Scott of the Local Government NSW to scrap rate pegging in NSW as in all states other than Victoria and allow Councils to determine their own rating income and be judged accordingly.

- CARRIED

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

**Councillors who voted against:-** Crs M McDonald, S Reynolds, J Searl and L Woodbridge

On being put the meeting the Mayor used her casting vote.

**SECTION 9: LATE CORRESPONDENCE**

Nil

**SECTION 10: INFORMATION ONLY**

**ITEM 10.1 ACTION SUMMARY - COUNCIL DECISIONS**

**09/22** **RESOLVED** by Cr O'Brien and Cr Searl

1. Council receive and note the report as information.

- 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

**REPORTS FROM STAFF AND STANDING COMMITTEES**

**SECTION 11: ENVIRONMENT AND PLANNING**

Nil

**SECTION 12: INFRASTRUCTURE DEPARTMENT**

Nil

**SECTION 13: FINANCE AND ADMINISTRATION**

Nil



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**SECTION 14: GENERAL MANAGER**

**ITEM 14.3 REGIONAL DROUGHT RESILIENCE PROGRAM (RDRP)**

**10/22** **RESOLVED** by Cr Searl and Cr Marshall

1. Upper Lachlan Shire Council (ULSC) enter into a funding agreement with Government to accept funding of \$500k for ULSC and Hilltop Councils, through Australian Government Futures Drought Fund and the NSW Government's Regional Growth Fund to develop a Drought Resilience Plan.
2. ULSC is the auspicing body for grant reporting purposes for Drought Resilience Plan for our two Local Government Areas.
3. Council enters into a memorandum of Understanding (MoU) with Hilltops Council to develop a Drought Resilience Plan.

- 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 14.4 COUNTBACK TO FILL CASUAL VACANCY OF COUNCILLOR**

**11/22** **RESOLVED** by Cr Searl and Cr Reynolds

1. Pursuant to Section 291A (1)(b), of the *Local Government Act 1993*, Upper Lachlan Shire Council declares that casual vacancies occurring in the office of a councillor within 18 months after the last ordinary election of councillors for Upper Lachlan Shire on 4 December 2021 are to be filled by a countback of votes cast at that election for the office in accordance with Section 291A (1).
2. Council directs the General Manager to notify the Office of Local Government and NSW Electoral Commission within 7 days of the decision.

- 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

**ITEM 14.5**                    **DELEGATIONS – COUNCIL MAYOR AND DEPUTY MAYOR**  
**12/22**                        **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council resolves to adopt the delegations to the Mayor and Deputy Mayor.
2. Council affixes the Common Seal of the Upper Lachlan Shire Council to the delegations to the Mayor and Deputy Mayor.

- 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 15: LATE REPORTS**

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

**CLOSED COUNCIL ITEMS**

Nil

**THE MEETING CLOSED AT 9:59am**

Minutes confirmed 17 FEBRUARY 2022

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Mayor