

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 16 FEBRUARY 2023

PRESENT: Mayor P Kensit (Chairperson), Cr J Marshall, 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)

VIDEO LINK: Cr P Culhane

THE MAYOR DECLARED THE MEETING OPEN AT 1:35pm

SECTION 1: NOTICE OF WEBCASTING/AUDIO RECORDING OF MEETING

Mayor Kensit advised no public gallery today

Mayor Kensit 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.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

Apology was received by Cr D O'Brien.

09/23 **RESOLVED** by Cr Searl and Cr Reynolds 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, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

SECTION 3: CITIZENSHIP CEREMONY

Nil

A minutes silence was observed for Vanessa Mackay who passed away.

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SECTION 4: DECLARATIONS OF INTEREST

Mrs K McCarthy (Executive Assistant to General Manager and Mayor) declared a Non- Pecuniary Interest in confidential Item 19.1 Land Sale Contract – Laggan Road Crookwell, as her husband has acted for Council on this matter previously as their legal representative and will make the declaration, leave the Chamber upon making the declaration, and not return to the Chamber. Ms S Pearman will assume the chair as minute taker for the confidential section of the Council Meeting.

Cr S Reynolds declared a Pecuniary Interest in Item 11.2 Modification of DA89/2017.2 24 Reservoir Road Crookwell as she is the land owner and will make the declaration, leave the Chamber upon making the declaration, and not return to the Chamber until the matter is resolved.

The Mayor noted Council had been advised by the developer that Item 11.2 Modification of DA89/2017.2 24 Reservoir Road Crookwell be deferred to a later Council meeting.

SECTION 5: CONFIRMATION OF MINUTES

ITEM 5.1 RESOLVED by Cr Searl and Cr Woodbridge
10/23

1. That the minutes of the Ordinary Council Meeting held on 15 December 2022 be adopted.

- 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

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ITEM 5.2 **RESOLVED** by Cr Searl and Cr Woodbridge
11/23

1. That the minutes of the Extraordinary Council Meeting held on 23 January 2023 be adopted.

- 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

ITEM 5.3 **RESOLVED** by Cr Searl and Cr Woodbridge
12/23

1. That the minutes of the Extraordinary Council Meeting held on 13 February 2023 be adopted.

- 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

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SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

13/23

RESOLVED by Cr Woodbridge and Cr Searl

1. That Council receive and note the activities attended by the Mayor for January and February 2023.

- 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

ITEM 6.2 MAYORAL MINUTE - RESIGNATION FROM CROOKWELL COMMUNITY CONSULTATION COMMITTEE (HEALTH)

14/23

RESOLVED by Cr Searl and Cr Reynolds

1. Council receive and note the resignation of the Mayor from Crookwell Community Consultation Committee.

- 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

SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

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SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF DECEMBER 2022
15/23 RESOLVED by Cr Searl and Cr Woodbridge

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

1. Office of Local Government - Circular 22-37 - Model Media Policy.
2. Office of Local Government – Circular 22-38 – Consultation on the outcomes of the review of the Councillor misconduct framework.
3. Office of Local Government – Circular 22-39 – Release of Cyber Security Guidelines for NSW Local Government.
4. Office of Local Government – Circular 22-40 – Amendments to the tendering provisions of the Local Government (General) Regulation 2021 and consultation of the development of new procurement guidelines for councils.
5. Office of Local Government – Circular 22-41 – Update on the Guidelines for Risk Management and Internal Audit for Local Government in NSW.
6. Office of Local Government – Circular 22-42 – Council and Joint Organisations to provide OLG’s credit card guidelines to their AIRC’s.

- CARRIED

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

Councillors who voted against:- Nil

Cr Paul Culhane left the meeting, the time being 1:42 pm and did not return.

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A **MOTION** was moved by Cr Woodbridge that -

That Council review Model Media Policy after workshop within the next three months.

On being put to the meeting the motion was carried

16/23

RESOLVED by Cr Woodbridge and Cr Reynolds

1. That Council review Model Media Policy after workshop within the next three months.

- CARRIED

Councillors who voted for:-

Crs P Kensit, J Marshall, M
McDonald, N McDonald, 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
17/23 RESOLVED by Cr Searl and Cr Reynolds

1. Council receives and notes the report as information.

- CARRIED

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

Councillors who voted against:- Nil

ITEM 10.2-10.9 INFORMATION ONLY ITEMS
18/23 RESOLVED by Cr Woodbridge and Cr Searl

1. Council receives and notes items 10.2 to 10.9 as information.

- CARRIED

Councillors who voted for:- Crs P Kensit, M McDonald, N
McDonald, J Marshall, 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 AMENDMENTS TO THE LOCAL STRATEGIC PLANNING STATEMENT

19/23 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopt the amended Upper Lachlan Local Strategic Planning Statement as attached.
2. The amended Local Strategic Planning Statement be uploaded to the NSW Planning Portal and a copy forwarded onto the office of the Department of Planning – Southern Region.
3. A DIVISION be called in accordance with the requirements of Section 375A(3) of the Local Government Act, 1993.

- CARRIED

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

Councillors who voted against:- Nil

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Cr Susan Reynolds left the meeting in line with her declaration, the time being 02:16pm.

**ITEM 11.2 MODIFICATION OF DA89/2017.2 24 RESERVOIR ROAD,
CROOKWELL
STAFF RECOMMENDATION**

It is recommended that;

1. Council not support the application to modify Condition 25 of Development Approval 89/2017.2 based on;
 - Modifying the condition would be in direct contradiction of the requirements of the Upper Lachlan Development Control Plan 2010;
 - The developer was aware of this requirements when the original approval was issued on 21 December 2017, enabling the cost to provide the services to be factored into the design and lot costs;
 - The justification to vary the condition on cost grounds is not based on sound planning grounds;
 - The existing power infrastructure is in close proximity to the proposed development site enabling same to be extended to service all properties; and
 - Provide purchasers of the lots with an option to be connected to the grid, be self-sufficient or a combination of both.

2. That Condition 3 not be modified and the developer only be required to seal from the existing bitumen seal to the common access point to Lots 4 and 5

A motion was moved by Cr Searl and Cr Woodbridge that the matter Item 11.2 Modification Of DA89/2017.2 24 Reservoir Road, Crookwell be deferred to a future Council Meeting.

On being put to the meeting the motion was carried.

20/23 RESOLVED by Cr Searl and Cr Woodbridge

1. That the matter Item 11.2 Modification Of DA89/2017.2 24 Reservoir Road, Crookwell be deferred to a future Council Meeting.

- CARRIED

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

Councillors who voted against:- Nil

Cr Susan Reynolds returned to the meeting, the time being 02:18pm

SECTION 12: INFRASTRUCTURE DEPARTMENT

ITEM 12.1 CROOKWELL DEPOT WORKSHOP ALTERATIONS

MOVED by Cr Woodbridge and Cr Reynolds

1. Council allocate \$120,760 held from Internal Restricted Reserve Uncompleted Carry Over Works for alterations to the workshop building at the Crookwell Depot.
2. Council source the remaining \$54,240 of funding being requested, these funds will be utilised from Council's unrestricted cash.

An Amendment was moved by Cr Searl and Cr Reynolds to add point 3 in addition to points 1 and 2 that –

1. Council allocate \$120,760 held from Internal Restricted Reserve Uncompleted Carry Over Works for alterations to the workshop building at the Crookwell Depot.
2. Council source the remaining \$54,240 of funding being requested, these funds will be utilised from Council's unrestricted cash.
3. Council discontinue potential sale of Crookwell Depot at this time

On being put to the meeting the Amendment was carried.

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21/23

RESOLVED by Cr Searl and Cr Reynolds

1. Council allocate \$120,760 held from Internal Restricted Reserve Uncompleted Carry Over Works for alterations to the workshop building at the Crookwell Depot.
2. Council source the remaining \$54,240 of funding being requested, these funds will be utilised from Council's unrestricted cash.
3. Council discontinue potential sale of Crookwell Depot at this time.

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

Councillors who voted against:- Cr J Marshall

ITEM 12.2

TRANSFER OF FUNDS FOR DEPOT ADMINISTRATION IMPROVEMENTS

22/23

RESOLVED by Cr Searl and Cr Woodbridge

1. Subject to a formal quotation process Council allocate money from Council's Building Reserve to develop a design and cost estimate for improvements to Council's Crookwell Depot.

- CARRIED

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

Councillors who voted against:- Nil

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SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 QUARTERLY BUDGET REVIEW STATEMENTS - 2ND QUARTER 2022/2023

23/23 **RESOLVED** by Cr Woodbridge and Cr Reynolds

1. Council endorse the 2nd 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 Kensit, J Marshall, M McDonald, N McDonald, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

ITEM 13.2 DELIVERY PROGRAM BI-ANNUAL REVIEW 2022/2023

24/23 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopt the Delivery Program Review for the six month period ended 31 December 2022.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 13.3 **ADOPTION OF CHILD SAFETY AND WELLBEING POLICY**
25/23 **RESOLVED** by Cr Woodbridge and Cr Reynolds

1. Council adopts the Child Safety and Wellbeing Policy.
2. Council endorses the organisation's Commitment to Child Safety Statement.

- CARRIED

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

Councillors who voted against:- Cr J Marshall

[HTTPS://WWW.UPPERLACHLAN.NSW.GOV.AU/WP-CONTENT/UPLOADS/2023/02/CHILD-SAFETY-AND-WELLBEING-POLICY-DATE-ADOPTED-16-FEBRUARY-2023-RESOLUTION-25-23-REVIEW-2026.PDF](https://www.upperlachlan.nsw.gov.au/wp-content/uploads/2023/02/child-safety-and-wellbeing-policy-date-adopted-16-february-2023-resolution-25-23-review-2026.pdf)

SECTION 14: GENERAL MANAGER

Nil

Mayor Kensit thanked the General Manager, Colleen Worthy on behalf of Council and the Shire for her efforts during her three year service at Upper Lachlan Shire Council.

The General Manager thanked the Staff and Management Executive Team (Directors) for their efforts and support during her tenure and is looking forward to her retirement.

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 FEBRUARY
2023**

26/23 RESOLVED by Cr Reynolds and Cr Woodbridge

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

1. Breadalbane Hall Committee - AGM and Meeting Minutes - 20 November 2022.
2. Breadalbane Hall Committee - Chairs report - 2022.
3. Breadalbane Hall Committee - Letter advising change in Committee.

- CARRIED

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

Councillors who voted against:- Nil

27/23 RESOLVED by Cr Searl and Cr Woodbridge that -

1. Council write to Breadalbane Hall S355 Committee accepting the newly appointed committee members Sylvie Hayles, Gayle White, Sally Hoskins, Christine McLean, Vanessa Edwards, Cr John Searl (Clr representative), Sally McLean, Karen Lyn, Jan Weir, Rod Edwards and Libby Webster.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

Nil

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SECTION 18: QUESTIONS WITH NOTICE

Nil

Mrs K McCarthy left the meeting in accordance with her declaration and Ms S Pearman resumed as Minute Secretary the time being 2:57pm. Ms K McCarthy did not return to the meeting.

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:*

28/23 **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(2g), 10A(2c), 10A(2d(i)) 10A(2d(ii)) 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 Kensit, J Marshall, M
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Councillors who voted against:- Nil

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SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1 LAND SALE CONTRACT - LOT 3 DP 1112816 LAGGAN ROAD, CROOKWELL

MOVED by Cr Woodbridge and Cr Reynolds

1. Council receive and note the report as information and make a determination on the preferred course of action with regard to the sale of land contract at Lot 3 DP 1112816, Laggan Road Crookwell.

An Amendment was moved by Clr Searl and Clr Kensit

That Council make an application to the Supreme Court for an order to rescind the sale of land contract to Crookwell Taralga Aged Care Limited being Lot 3 DP 1112816, Laggan Road Crookwell.

On being put to the meeting the Amendment became the Motion.

30/23 RESOLVED by Cr Searl and Cr Kensit

1. That Council make an application to the Supreme Court for an order to rescind the sale of land contract to Crookwell Taralga Aged Care Limited being Lot 3 DP 1112816, Laggan Road Crookwell.

- CARRIED

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

Councillors who voted against:- Nil

