

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

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**PRESENT:** Mayor P Kensit (Chairperson), Cr M McDonald, Cr N McDonald, Cr D O'Brien, Cr J Searl, Cr S Reynolds, Ms A Waldron (Acting General Manager / Director of Environment & Planning), Mr A Croke (Director Finance and Administration), Mr L Kruger (Director of Infrastructure), Ms K McCarthy (Executive Assistant) and Mr C Gordon (Communications Officer)

**VIDEO LINK:** Cr J Marshall and Cr L Woodbridge

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**THE MAYOR DECLARED THE MEETING OPEN AT 1:31pm**

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

*Mayor Kensit advised no public gallery today, but noted Telstra have joined us today to make a presentation to Council.*

*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 P Culhane.

**30/23** **RESOLVED** by Cr Searl and Cr N McDonald that the apology be received and a leave of absence granted.

- CARRIED

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

**Councillors who voted against:-** Nil

**SECTION 3: CITIZENSHIP CEREMONY**

Nil

**SECTION 4: DECLARATIONS OF INTEREST**

Nil

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Item was bought forward by Mayor Kensit.

**SECTION 5: PRESENTATIONS TO COUNCIL/PUBLIC**

Chris Taylor, Regional General Manager of Southern NSW, Telstra

**SECTION 6: CONFIRMATION OF MINUTES**

**ITEM 5.1**                    **RESOLVED** by Cr Searl and Cr Reynolds  
**31/23**

That the minutes of the Ordinary Council Meeting held on 16 February 2023 be adopted.

- CARRIED

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

**Councillors who voted against:-**            Nil

Cr L Woodbridge paused her video link at 1:45pm, she did not return on video until 1:50pm

**SECTION 7: MAYORAL MINUTES**

**ITEM 6.1**                    **MAYORAL MINUTE**  
**32/23**                        **RESOLVED** by Cr Searl and Cr Reynolds

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

- CARRIED

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

**Councillors who voted against:-**            Nil

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Acting General Manager referred to the Model Code of Conduct for local Council in relation to Planning matters for Councillors, Developers and the public today.

[Land use planning, development assessment and other regulatory functions](#)

3.1 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.2 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

**SECTION 8: CORRESPONDENCE**

Nil

**SECTION 9: LATE CORRESPONDENCE**

Nil

**SECTION 10: INFORMATION ONLY**

**ITEM 10.1 DEVELOPMENT STATISTICS REPORT**  
**33/23 RESOLVED by Cr Searl and Cr Reynolds**

1. Council receives and notes the report as information.

- CARRIED

**Councillors who voted for:-** Crs P Kensit, 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 10.2-10.6      INFORMATION ONLY ITEMS**  
**34/23                      RESOLVED by Cr Searl and Cr Reynolds**

1. Council receives and notes items 10.2 to 10.6 as information.

- CARRIED

**Councillors who voted for:-**                      Crs P Culhane, P Kensit, M  
McDonald, N McDonald, J  
Marshall, 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                      REVIEW OF PESTICIDE/HERBICIDE USE NOTIFICATION POLICY**  
**35/23                      RESOLVED by Cr Searl and Cr Reynolds**

1. Council adopts the reviewed Pesticide/Herbicide Use Notification Policy.

- CARRIED

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

**Councillors who voted against:-**      Nil

**<https://www.upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/pesticide-herbicide-use-notification-policy-date-adopted-16-march-2023-resolution-35-23-review-2026.pdf>**

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**ITEM 11.2**            **AMENDMENT TO THE UPPER LACHLAN SHIRE COUNCIL LOCAL STRATEGIC PLANNING STATEMENT**

**36/23**                    **RESOLVED** by Cr Searl and Cr Reynolds

1. Council not support the amendments to the Local Strategic Planning Statement until:
  - the applicant provides further supporting documentation to address the STP buffer zone based on the NSW Water Directorate STP Buffer Zone Land Use Planning guidelines; and
  - the additional information be forwarded to the relevant Government Agency for consideration and comment.
2. A further report be provided to Council for consideration to amend the Local Strategic Planning Statement on completion of the above actions.

- CARRIED

**Councillors who voted for:-**            Crs P Kensit, M McDonald, N McDonald, D O'Brien and J Searl

**Councillors who voted against:-**    Crs J Marshall, S Reynolds and L Woodbridge

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**ITEM 11.3**            **CREATION OF AN EASEMENT FOR ACCESS - LOT 21 SECTION 20 DP759000, 30 BATHURST STREET, TUENA**

**37/23**

**RESOLVED** by Cr Searl and Cr Reynolds

1. Council allocate funds to create an easement for access over Lot 21 Section 20 DP759000 30 Bathurst Street, Tuena to the benefit of Lot 117 DP753066.
2. The funds allocated shall incorporate the cost associated with creating and registering the easement, including surveyor costs and Council's legal fees.

- CARRIED

**Councillors who voted for:-**

Crs 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          WOMBEGAN CAVES ROAD SLOPE STABILITY - ADDITIONAL WORKS**

**38/23                RESOLVED by Cr Searl and Cr Reynolds**

1. Wombeyan Caves Road remains closed between Langs Road and the Wombeyan Caves Reserve until additional funds are secured to complete the works required to provide a safe road for road users.
2. Council seeks further grant funding in order to carry out the additional works required to address the safety issues which prevent the Wombeyan Caves Road from being open for public use.
3. Council's Acting General Manager be delegated authority to enter into direct commercial negotiations with the preferred tenderer once the additional funds are secured to complete the Slope Stability Works.

- CARRIED

**Councillors who voted for:-**                Crs 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**                    **ACCESS COMMITTEE - SELECTION OF NEW MEMBERS**  
**39/23**                         **RESOLVED** by Cr Searl and Cr Reynolds

1. Council write to the following four people advising them that they have been selected as new members of the Section 355 Access Committee:
  - Darren George
  - Samantha Cosgrove
  - David Johnson
  - Sharon Chan

- CARRIED

**Councillors who voted for:-**                    Crs 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**

Nil



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**SECTION 14: GENERAL MANAGER**

**ITEM 14.1 DISBURSEMENT OF FORMER COLLECTOR PUMPKIN FESTIVAL COMMITTEE FUNDS**

**40/23** **RESOLVED** by Cr Searl and Cr Reynolds

1. Council accept the minutes of the Collector Pumpkin Festival one off community grant meeting and endorses the Committee's recommendation.
2. Council releases the restricted reserve funds totalling \$83,555,95 to the Collector Bushranger Reserve Trust for Stage one of the Collector Pump Track project subject to the completion of a hydrology study/report being conducted on the entire area and all relevant surrounding land.

- CARRIED

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

**Councillors who voted against:-** 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 MARCH  
                          2023**

**41/23               RESOLVED by Cr Searl and Cr Reynolds**

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

1. Tuena Hall & Recreation Area Committee – Minutes from Annual General Meeting held 22 February 2023.
2. Tuena Hall & Recreation Area Committee – Minutes from Meeting held 22 February 2023.

- CARRIED

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

**Councillors who voted against:-**       Nil

**SECTION 17:       NOTICES OF MOTION**

Nil

**SECTION 18:       QUESTIONS WITH NOTICE**

**ITEM 18.1         MAAC**

Refer to the business paper for 16 March 2023 Council Meeting for the Acting General Manager's comments.

**CLOSED COUNCIL ITEMS**

There were no Closed Council items for this meeting.

**THE MEETING CLOSED AT 2:39pm**

Minutes confirmed 20 APRIL 2023

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Mayor