

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

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**PRESENT:** Cr M McDonald (Deputy Chairperson), Cr P Culhane, Cr D O'Brien, Cr J Searl, Cr J Marshall, Cr N McDonald, Cr S Reynolds, Cr L Woodbridge, Ms A Waldron (Chief Executive Officer), Mr L Kruger (Director of Infrastructure), Mr A Croke (Director Finance and Administration), Mr S Arkinstall (Director of Environment & Planning), Mrs K Bowerman (Acting Executive Assistant) and Ms S Pearman (Administration Officer).

**VIDEO LINK:** Mayor Cr P Kensit

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**THE DEPUTY MAYOR DECLARED THE MEETING OPEN AT 1.30PM.**

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

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

*Deputy Mayor McDonald advised that the meeting was being webcast live and audio recorded in accordance with the Council Code of Meeting Practice.*

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

There were no apologies.

**SECTION 3: CITIZENSHIP CEREMONY**

Nil

**SECTION 4: DECLARATIONS OF INTEREST**

Nil

**SECTION 5: CONFIRMATION OF MINUTES**

**210/23**                    **RESOLVED** by Cr Searl and Cr Reynolds

That the minutes of the Ordinary Council Meeting held on 19 October 2023 be adopted.

- CARRIED

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**Councillors who voted for:-** Crs P Kensit, M McDonald, P  
Culhane, J Marshall, 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**

**211/23** **RESOLVED** by Cr McDonald and Cr Searl

1. Council receive and note the activities attended by the Mayor for October and November.

- CARRIED

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

**Councillors who voted against:-** Nil

A further motion was moved by Cr M McDonald and Cr Searl

1. That Council confirms discontinuance of the current Special Rate Variation Application process to IPART due to community objection to rates increase and cost of living pressures on households in the current economic environment.

On being put to the meeting the motion was carried.

**212/23** **RESOLVED** by Cr M McDonald and Cr Searl

1. Council confirms discontinuance of the current Special Rate Variation Application process to IPART due to community objection to rates increase and cost of living pressures on households in the current economic environment.

- CARRIED

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

**Councillors who voted against:-** Cr S Reynolds

A foreshadowed motion was moved by Cr Woodbridge and Cr Marshall

1. A review of the SRV process be presented to Council at a future meeting.

On being put to the meeting the motion was carried.

**213/23**

**RESOLVED** by Cr Woodbridge and Cr Marshall

1. A review of the SRV process be presented to Council at a future meeting.

- CARRIED

**Councillors who voted for:-** Crs P Kensit, M McDonald, P Culhane, J Marshall, 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 2023**

**214/23**

**RESOLVED** by Cr Searl and Cr Reynolds

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

1. Office of Local Government – Circular 23-13 – Release of the Information and Privacy Commission’s follow up audit of Councils’ compliance with open access requirements in relation to returns of interest.

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2. Office of Local Government – Circular 23-14 – Public Spaces (Unattended Property) Act 2021 – Commencement of Special arrangement for stock animals in emergencies.
3. Office of Local Government – Letter to Council – Public Spaces Unattended Property Act 2021.

- CARRIED

**Councillors who voted for:-** Crs P Kensit, M McDonald, P Culhane, J Marshall, 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**

**215/23** **RESOLVED** by Cr Searl and Cr McDonald

1. Council receives and notes the report as information.

- CARRIED

**Councillors who voted for:-** Crs P Kensit, M McDonald, P Culhane, J Marshall, 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**

**216/23** **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council receive the and note items 10.2 to 10.8 as information.

- CARRIED

**Councillors who voted for:-** Crs P Kensit, M McDonald, P  
Culhane, J Marshall, 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 UPPER LACHLAN SHIRE LIQUID TRADE WASTE POLICY**

**217/23** **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council endorse and adopt the draft Liquid Trade Waste Policy as presented; and
2. Council forward the adopted policy to the Trade Waste Regulation Team at Department of Planning and Environment.

- CARRIED

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

**Councillors who voted against:-** Nil

[HTTPS://UPPERLACHLAN.NSW.GOV.AU/WP-  
CONTENT/UPLOADS/2022/11/LIQUID-TRADE-WASTE-POLICY-DATE-  
ADOPTED-16-NOVEMBER-2023-RESOLUTION-216-23-REVIEW-2026.PDF](https://upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/Liquid-Trade-Waste-Policy-Date-Adopted-16-November-2023-Resolution-216-23-Review-2026.pdf)

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**ITEM 11.2**                    **CROOKWELL WATER FILTRATION PLANT - MOWER**  
**218/23**                        **RESOLVED** by Cr Searl and Cr Woodbridge

1. Purchase a mower that is suitable for the works to be completed at the Crookwell water treatment plant;
2. Utilise funding from Council's Water Fund Reserves to enable the purchase of the mower; and
3. Place the new item of plant on Council's Plant register.

- CARRIED

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

**Councillors who voted against:-**    Nil

**ITEM 11.3**                    **UPPER LACHLAN SHIRE HOUSING STRATEGY**  
**219/23**                        **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council allocate \$30,000 from the Section 94 Developer Contributions Plan – 'Plan Administration' fund towards the development of the Housing Strategy.

- CARRIED

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

**Councillors who voted against:-**    Nil

**SECTION 12:                INFRASTRUCTURE DEPARTMENT**

Nil

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**SECTION 13: FINANCE AND ADMINISTRATION**

**ITEM 13.1 QUARTERLY BUDGET REVIEW STATEMENTS - 1ST QUARTER 2023/2024**

**220/23** **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council endorse the 1st Quarter Budget Review Statements for 2023/2024 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, M McDonald, P Culhane, J Marshall, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil

**ITEM 13.2 REVIEW OF LEAVE POLICY**

**221/23** **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopts the reviewed Leave Policy.

- CARRIED

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

**Councillors who voted against:-** Nil

[HTTPS://UPPERLACHLAN.NSW.GOV.AU/WP-CONTENT/UPLOADS/2022/11/FUND-RAISING-AND-STREET-STALLS-POLICY-DATE-ADOPTED-16-NOVEMBER-2023-RESOLUTION-221-23-REVIEW-2026.PDF](https://upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/fund-raising-and-street-stalls-policy-date-adopted-16-november-2023-resolution-221-23-review-2026.pdf)

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**ITEM 13.3**            **REVIEW OF FUND RAISING & STREET STALLS POLICY**  
**222/23**                **RESOLVED** by Cr Searl and Cr Reynolds

1. Council adopts the reviewed Fund Raising & Street Stalls Policy.

- CARRIED

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

**Councillors who voted against:-**    Nil

[HTTPS://UPPERLACHLAN.NSW.GOV.AU/WP-CONTENT/UPLOADS/2022/11/LEAVE-POLICY-DATE-ADOPTED-16-NOVEMBER-2023-RESOLUTION-220-23-REVIEW-2026.PDF](https://upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/leave-policy-date-adopted-16-november-2023-resolution-220-23-review-2026.pdf)

**SECTION 14:        CHIEF EXECUTIVE OFFICER**

Nil

**SECTION 15:        LATE REPORTS**

A motion was moved by Cr M McDonald and Cr Searl

1. That the late report item 15.1 be received and considered at this meeting.

On being put to the meeting the motion was carried.

**223/23**                **RESOLVED** by Cr M McDonald and Cr Searl

1. That the late report item 15.1 be received and considered at this meeting.

- CARRIED

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



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Reynolds, J Searl and L  
Woodbridge

**Councillors who voted against:-** Nil

**ITEM 15.1**                    **REFERRAL FOR AUDIT – 2022/2023 FINANCIAL STATEMENTS**  
**224/23**                      **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council resolves that the amended 2022/2023 Financial Statements be referred for independent audit by the NSW Audit Office;
2. The Mayor, Deputy Mayor, Chief Executive Officer and Responsible Accounting Officer sign the Statement by Councillors and Management for the General Purpose and Special Purpose 2022/2023 Financial Statements.

- CARRIED

**Councillors who voted for:-**                    Crs P Kensit, M McDonald, P  
Culhane, J Marshall, 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**

**ITEM 16.1**                    **REPORTS FROM COMMITTEES FOR THE MONTH OF NOVEMBER**  
**225/23**                      **2023.**  
**RESOLVED** by Cr Searl and Cr O'Brien

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

1. Gunning Arts Festival Committee - Minutes from meeting held 3 September 2023.

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**226/23**

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

1. Council adopts Item 3 – New Officers of Committee Diane Nixon as Treasurer and Margaret Jenkinson as Secretary contained in the 3 September 2023 Minutes of the Gunning Arts Festival Committee.

- CARRIED

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

**Councillors who voted against:-** Nil

2. Crookwell and District Arts Gallery - Minutes from meeting held 28 September 2023.

- CARRIED

**Councillors who voted for:-** Crs P Kensit, M McDonald, P Culhane, J Marshall, 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**

Nil

**CLOSED COUNCIL ITEMS**

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2021, in the opinion of the Chief Executive Officer, the following business is of a kind as referred to in 10A (2) *d(i)* and *D(iii)* of the Act and should be dealt with in a part of the meeting closed to the public and the media.

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**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:

**227/23**                    **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 10A (2) d(i) and D(iii) 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) 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, M McDonald, P  
Culhane, J Marshall, N  
McDonald, D O'Brien, S  
Reynolds, J Searl and L  
Woodbridge

**Councillors who voted against:-**    Nil

Council closed its meeting at 3.19pm and the public and staff left the chambers.

**228/23**                    **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 Kensit, M McDonald, P  
Culhane, J Marshall, N  
McDonald, D O'Brien, S  
Reynolds, J Searl and L  
Woodbridge

**Councillors who voted against:-**    Nil

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Open Council resumed at 3.26pm.

**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 Deputy Mayor.

**SECTION 19: CONFIDENTIAL SESSION**

**ITEM 19.1           PROCUREMENT OF ONE NEW TIPPING TRUCK**  
**229/23               RESOLVED by Cr Searl and Cr Woodbridge**

1. Council purchase one MAN TGS 26.510 for the sum of \$353,200 Ex GST from Hartwigs PTY LTD.
2. Council dispose of existing tipper rigid truck (Council plant number 662) through public auction.

- CARRIED

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

**Councillors who voted against:-**   Nil

**ITEM 19.2           PROCUREMENT OF NEW FRONT-END LOADER**  
**230/23               RESOLVED by Cr Searl and Cr Woodbridge**

1. Council purchase one Komatsu WA320- 8 wheel loader for the sum of \$320,130 EX GST from Komatsu Australia.

- CARRIED

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

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Reynolds, J Searl and L  
Woodbridge

**Councillors who voted against:- Nil**

**THE MEETING CLOSED AT 3.28pm**

Minutes confirmed 14 DECEMBER 2023

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Deputy Mayor