

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 18 MAY 2023

PRESENT: Mayor P Kensit (Chairperson), Cr P Culhane, Cr J Marshall, Cr M McDonald, Cr N McDonald, Cr J Searl, Cr S Reynolds, Cr L Woodbridge, Ms A Waldron (Chief Executive Officer), Mr A Croke (Director Finance and Administration), Mr L Kruger (Director of Infrastructure), Mr S Arkinstall (Acting Director of Environment & Planning) Mrs K McCarthy (Executive Assistant), Mrs K Bowerman (Acting Executive Assistant) and Mr C Gordon (Communications Officer)

THE 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 Mayor.

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.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

An Apology was received by Cr D O'Brien.

65/23 **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

SECTION 4: DECLARATIONS OF INTEREST

Nil

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A minutes silence was observed for Dr Tony Saunders and other members of the Upper Lachlan Shire community who have passed away recently.

SECTION 5: CONFIRMATION OF MINUTES

ITEM 5.1 **RESOLVED** by Cr Searl and Cr Reynolds
66/23

That the minutes of the Ordinary Council Meeting held on 20 April 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 5.2 **RESOLVED** by Cr Searl and Cr Reynolds
67/23

That the minutes of the Ordinary Council Meeting held on 9 May 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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Mayor Kensit congratulated the members of the Gunning Fish River Rural Fire Brigade who this month were acknowledged in the St Florian's Day awards at the ceremony that took place NSW RFS training Academy.

The Commissioner's Certificate of Commendation (Unit) was awarded in recognition of the efforts the members of the brigade made in attending and coordinating the response to a flooding event on October 7th 2022, that took place prior to the following major event that impacted the Main Street.

The following members individually named in the commendation:

Captain Andrew Johnson
Senior Deputy Captain Peter Johnson Deputy Captain Doug Fraser
Deputy Captain Kyle Ireland
Firefighter Kacey-Lee Ireland
Firefighter Peter Sutherland
Firefighter Sam Johnson
Firefighter James Kenna
Firefighter Danica Cole
Firefighter Martin Stewart
Firefighter Joel Bulger

Mayor Kensit also shared some positive news for the Gunning Community, after it was announced after much lobbying and begging that Gunning Public School will be able to fund a sixth teacher for the remainder of 2023 after receiving government funding.

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SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

68/23

RESOLVED by Cr Woodbridge and Cr Reynolds

1. That Council receive and note the activities attended by the Mayor and Deputy Mayor for April and May 2023.

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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Mayor P Kensit moved a Motion that –

1. Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member Wendy Tuckerman:-
 - a. Expressing Council's strong opposition to the NSW Government scrapping the Emergency Services Levy (ESL) subsidy for councils at a time after Council has publicly advertised its Operational Plan and annual budget to the community.
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.70% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects.
 - d. Calling on the NSW Government to take immediate action to:
 - i. Restore the ESL subsidy in 2023/2024.
 - ii. Urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost.
 - iii. Develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.
3. Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

On being put to the meeting the Motion was Carried.

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69/23

RESOLVED by Cr Kensit and Cr Searl that -

1. Council writes to the Treasurer, the Minister for Emergency Services, the Minister for Local Government and local State Member Wendy Tuckerman:-
 - a. Expressing Council's strong opposition to the NSW Government scrapping the Emergency Services Levy (ESL) subsidy for councils at a time after Council has publicly advertised its Operational Plan and annual budget to the community.
 - b. Noting that as a consequence of the unannounced 73% increase in the State Emergency Service budget and an 18% increase in the Fire and Rescue NSW budget, Council's 3.70% rate increase to provide essential community services and infrastructure has been significantly eroded.
 - c. Advising that the Government's decision may/will lead to a reduction in important local services and/or the cancellation of necessary infrastructure projects.
 - d. Calling on the NSW Government to take immediate action to:
 - i. Restore the ESL subsidy in 2023/2024.
 - ii. Urgently introduce legislation to decouple the ESL from the rate peg to enable councils to recover the full cost.
 - iii. Develop a fairer, more transparent and financially sustainable method of funding critically important emergency services in consultation with local government.
2. Council writes to the Chair of the Independent Pricing and Regulatory Tribunal (IPART) advising that Council's forced emergency services contribution is manifestly disproportionate to the 2023/24 rate cap, which has resulted in additional financial stress.

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3. Council writes to the President of LGNSW seeking the Association's ongoing advocacy to bring about a relief in the burden of Councils' emergency services contribution.

- 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

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF MAY 2023

70/23 **RESOLVED** by Cr Searl and Cr Woodbridge

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

1. Office of Local Government – Circular 23-01 – Public Spaces (Unattended Property) Act 2021 – Conclusion of grace period and updated guidance.
2. Office of Local Government – Circular 23-02 – Information about Ratings 2023-2024.

- 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 9: LATE CORRESPONDENCE

Nil

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SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS REPORT

71/23

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, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

ITEM 10.2 – 10.9 INFORMATION ONLY ITEMS

72/23

RESOLVED by Cr Searl and Cr Woodbridge

1. Council receive and note Items 10.2 – 10.9 the report as information.

- 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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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 REVIEW OF LIQUID TRADE WASTE POLICY

73/23 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council exhibits the Draft Liquid Trade Waste Policy (the Policy) for public exhibition and comment for 28 days; and
2. Council considers a further report on the outcome of the exhibition and for adoption of the policy.

- 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 11.2 REALLOCATION OF STREETScape BUDGET ALLOCATION

74/23 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council resolve to reallocate \$74,361.36 from the former streetscape funding allocation to enable the community master plans to proceed.

- 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 12: INFRASTRUCTURE DEPARTMENT

Nil

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SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 QUARTERLY BUDGET REVIEW STATEMENTS - 3RD QUARTER 2022/2023

75/23 **RESOLVED** by Cr Searl and Cr Reynolds

1. Council endorse the 3rd 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 Culhane, P Kensit, J Marshall, M McDonald, N McDonald, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

A motion was moved by Cr M McDonald that –

1. The CEO will produce and present a full report based on the operational KPI's from the Tourism and Promotion business unit that has occurred during the 2022/2023 financial year by July 2023 Council meeting

On being put to the meeting the motion was carried.

76/23 **RESOLVED** by Cr M McDonald and Cr J Marshall

1. The CEO will produce and present a full report based on the operational KPI's from the Tourism and Promotion business unit that has occurred during the 2022/2023 financial year by July 2023 Council meeting.

- 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 14: GENERAL MANAGER

ITEM 14.1 REVIEW OF VOLUNTEERS POLICY

77/23

RESOLVED by Cr Searl and Cr Woodbridge

1. Council adopts the Volunteers Policy.

- 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

<https://www.upperlachlan.nsw.gov.au/wp-content/uploads/2022/11/Volunteers-Policy-Date-Adopted-18-May-2023-Resolution-77-23-Review-2026.pdf>

ITEM 14.2 NORTH STREET STORMWATER EASEMENT

78/23

RESOLVED by Cr Woodbridge and Cr Reynolds

1. Council delegate the General Manager to allocate funds from developer contributions to negotiate and register easements for the existing and future stormwater discharges onto private property in the north Crookwell stormwater catchment.
2. Council delegate the General Manager to allocate funds from developer contributions for the construction of a stormwater culvert at Gordon Park, Crookwell.

- 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 15: LATE REPORTS

Mayor Kensit moved a motion that

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting Practice that Item 15.1 Late Report – DA 164/2022 - Centre based childcare review of Section 7.11 and Section 64 Contributions., be considered at this May 2023 Council Ordinary Meeting, as it is of great urgency and cannot wait until a future Council Meeting as the matter is time sensitive.

On being put to the meeting the motion was carried.

79/23 **RESOLVED** by Cr Kensit and Cr Reynolds

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting Practice that Item 15.1 Late Report – DA 164/2022 - Centre based childcare review of Section 7.11 and Section 64 Contributions., be considered at this May 2023 Council Ordinary Meeting, as it is of great urgency and cannot wait until a future Council Meeting as the matter is time sensitive.

- 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 15.1 **DA 164/2022 - CENTRE BASED CHILDCARE REVIEW OF SECTION 7.11 AND SECTION 64 CONTRIBUTIONS.**

RECOMMENDATION by Cr Searl and Cr Reynolds

1. Council provide support to the proposed childcare facility, being constructed at Lot 2 DP1061458, Goulburn Street, Crookwell, NSW 2583 by reviewing the contribution.

An Amendment to the recommendation was moved by Cr Searl and Cr Woodbridge that –

1. Council provide in kind support to the proposed childcare facility, being constructed at Lot 2 DP1061458, Goulburn Street, Crookwell, NSW 2583 by negating the levy of contributions.

On being put to the meeting the Motion was lost.

RECOMMENDATION by Cr Searl and Cr Woodbridge that –

1. Council provide in kind support to the proposed childcare facility, being constructed at Lot 2 DP1061458, Goulburn Street, Crookwell, NSW 2583 by negating the levy of contributions.

- LOST

Councillors who voted for:- Crs M McDonald, J Searl and L Woodbridge

Councillors who voted against:- P Culhane, P Kensit, J Marshall, N McDonald and S Reynolds.

A further amendment to the original motion was moved by Cr Reynolds and Cr Kensit that –

1. Council provide in kind support to the proposed childcare facility, being constructed at Lot 2 DP1061458, Goulburn Street, Crookwell, NSW 2583 for community benefit that Section 64 contributions are not levied.
2. As recognition for the community benefit, Council levy 20% (Estimated \$25,000) under Section 7.11 as a contribution for Robertson Lane, Crookwell, NSW 2583.

On being put to the meeting the motion was carried.

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80/23

RESOLVED by Cr Kensit and Cr Reynolds

1. Council provide in kind support to the proposed childcare facility, being constructed at Lot 2 DP1061458, Goulburn Street, Crookwell, NSW 2583 for community benefit that Section 64 contributions are not levied.
2. As recognition for the community benefit, Council levy 20% (Estimated \$25,000) under Section 7.11 Development Contributions plan as a contribution for Robertson Lane, Crookwell, NSW 2583.

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

ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTH OF MAY 2023
81/23 RESOLVED by Cr Searl and Cr Woodbridge

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

1. Breadalbane Hall Committee – Minutes from meeting held 19 April 2023.
2. Crookwell Memorial Hall Committee – Minutes from Annual General Meeting held 8 September 2022.
3. Crookwell Memorial Hall Committee – Minutes from meeting held 8 September 2022.
4. Crookwell Memorial Hall Committee – Minutes from meeting held 1 December 2022.
5. Crookwell Memorial Hall Committee – Minutes from meeting held 23 February 2023.
6. Crookwell Memorial Hall Committee – Minutes from meeting held 27 April 2023.
7. Crookwell & District Arts Council – Minutes from Annual General Meeting held 1 December 2022.
8. Crookwell & District Arts Council – Minutes from meeting held 23 March 2023.
9. Crookwell II Community Fund S355 Committee – Minutes from meeting held 8 May 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

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82/23

RESOLVED by Cr Searl and Cr Woodbridge that -

1. Council write to Crookwell Memorial Hall Management S355 Committee accepting the resignations of Brenda Proudman and Robert Huskinson and thank them for their efforts as part of the committee.
2. Council write to Crookwell Memorial Hall Management S355 Committee accepting the new committee Robert Bill (President), Margaret Wheelwright (Secretary), Wal Smart (Treasurer), Ray McCurley, Amanda McCurley, Jeanette Painter, Mandy McDonald (Clr Representative) and Susan McIlroy (Library)

- 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

83/23

RESOLVED by Cr Searl and Cr Reynold that -

1. Council write to Crookwell and District Arts S355 Committee accepting the new committee Karen Harwood (Chairperson), Jane McCracken (Treasurer), Jeremy Goodman (Secretary), Caroline Greig (Publicity Officer/Website Manager), Cr Mandy McDonald (Clr Representative) and new members.

- CARRIED

Councillors who voted for:-

Crs P Kensit, P Culhane J Marshall, M McDonald, N McDonald, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

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84/23

RESOLVED by Cr Woodbridge and Cr Reynolds that -

1. That Council write to the successful applicants of the Crookwell II Wind Farm Community Grant.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 17: NOTICES OF MOTION

ITEM 17.1

NOTICE OF MOTION REGIONAL YOUTH NETWORK FUNDING

85/23

RESOLVED by Cr Marshall and Cr Woodbridge

“That the residual amount of \$2152.83 from the Office of Regional Youth, Regional Youth Network funding for RUOK be transferred to Crookwell High Student Representative Committee for relevant future initiative”

- 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 18: QUESTIONS WITH NOTICE

ITEM 18.1 BLACK SPOT ROAD FUNDING

Refer to the business paper for 18 May 2023 Council Meeting for the Acting General Manager's comments.

ITEM 18.2 MOBILE BLACK SPOT FUNDING

Refer to the business paper for 18 May 2023 Council Meeting for the Acting General Manager's comments.

ITEM 18.3 MAYORAL DISCRETIONARY FUND 2022

Refer to the business paper for 18 May 2023 Council Meeting for the Acting General Manager's comments.

CLOSED COUNCIL ITEMS

Nil

THE MEETING CLOSED AT 4:06pm

Minutes confirmed 15 JUNE 2023

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Mayor