

**UPPER LACHLAN SHIRE COUNCIL**  
**MINUTES OF THE**  
**ORDINARY MEETING OF COUNCIL**  
**HELD IN THE COUNCIL CHAMBERS**  
**ON 20 APRIL 2023**

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**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 (Acting General Manager), Mr A Croke (Director Finance and Administration), Mr L Kruger (Director of Infrastructure), Mr S Arkinstall (Acting Director of Environment & Planning) Ms K McCarthy (Executive Assistant) and Mr C Gordon (Communications Officer)

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**THE MAYOR DECLARED THE MEETING OPEN AT 1:32pm**

**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.

**42/23** **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

Cr Paul Culhane was recognised for his 15 year service as a Councillor of Upper Lachlan Shire Council, and presented with a certificate of appreciation by Mayor Kensit.

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**SECTION 5: CONFIRMATION OF MINUTES**

**ITEM 5.1**            **RESOLVED** by Cr Searl and Cr Woodbridge  
**43/23**

That the minutes of the Ordinary Council Meeting held on 16 March 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

Cr Marshall moved a Motion that –

1. Council call a meeting with RFS, SES and Bushfire Management Council to discuss how to advocate on their behalf for better recruitment and support services.

On being put to the meeting the Motion was Carried.

**44/22**            **RESOLVED** by Cr Marshall and Cr Woodbridge

1. Council call a meeting with RFS, SES and Bushfire Management Council to discuss how to advocate on their behalf for better recruitment and support services.

- 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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Cr Culhane and Councillors wished Lillian Skelly all the best with her upcoming soccer representative commitments with under 17 Australia Matildas selection.

Mayor Kensit also mentioned, a huge congratulations to all those who received awards and were involved in the Royal Easter Show from across the Shire.

**SECTION 6: MAYORAL MINUTES**

**ITEM 6.1 MAYORAL MINUTE**

**45/23**

**RESOLVED** by Cr Kensit and Cr Searl

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

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

Nil

**SECTION 8: CORRESPONDENCE**

Nil

**SECTION 9: LATE CORRESPONDENCE**

Nil

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**SECTION 10: INFORMATION ONLY**

**ITEM 10.1 DEVELOPMENT STATISTICS REPORT**  
**46/23 RESOLVED by Cr Searl and Cr Reynolds**

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 – 10.6 INFORMATION ONLY ITEMS**  
**47/23 RESOLVED by Cr Searl and Cr Woodbridge**

1. Council receive and note Items 10.2 – 10.6 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 COUNCIL RELATED DEVELOPMENT APPLICATION CONFLICT OF INTEREST POLICY REVIEW**

**48/23** **RESOLVED** by Cr Searl and Cr Reynolds

1. Council endorse the draft policy Council-related Development Application Conflict of Interest;
2. Council exhibit the draft policy for a minimum of 28 days in accordance with the provisions of Council's Community Participation Plan;
3. A further report be presented to Council if there are any substantial changes to the draft policy arising from the public exhibition;
4. Where no substantial changes arise from the public exhibition, the draft policy be considered adopted and published to Council's website; and
5. That Council amend the Community Participation Plan to reflect the exhibition period for Council-related development applications, being 28 days.

- 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 12:      INFRASTRUCTURE DEPARTMENT**

**ITEM 12.1            PROPOSED ROAD CLOSURE - DEVILS ELBOW UPGRADE  
GRABBen GULLEN ROAD**

**49/23                 RESOLVED by Cr Searl and Cr Woodbridge**

1. Council resolve to close two sections of public road of approximately 6991 m<sup>2</sup> near Devil's Elbow on Grabben Gullen Road, Merrill.
2. Council resolve that upon closure of the two sections of road, Council transfer the closed roads to the adjoining owner as compensation for land acquired for road opening at this location on Grabben Gullen Road, Merrill.

- 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 12.2            REALLOCATION OF PLANT REPLACEMENT BUDGET**

**50/23                 RESOLVED by Cr Searl and Cr Reynolds**

1. Council resolve to replace one prime mover instead of the backhoe which is scheduled for replacement in the 2022/23 Operational Plan budget.

- 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 13: FINANCE AND ADMINISTRATION**

**ITEM 13.1 INTEGRATED PLANNING AND REPORTING - ADOPTION OF DRAFT PLANS FOR PUBLIC EXHIBITION**

**51/23** **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council, in accordance Sections 403-406, of the Local Government Act 1993, and Sections 8A-8C, of the Local Government Act 1993, place on public exhibition the following suite of draft plans:-
  - Operational Plan 2023/2024;
  - Delivery Program 2023/2024 – 2026/2027;
  - Resource Strategy documents including:-
    - Long Term Financial Plan 2023 – 2032;
    - Infrastructure Plan 2023 – 2032;
    - Workforce Plan 2023/2024 – 2026/2027.

The public exhibition period commences Friday, 21 April 2023 to Thursday, 25 May 2023 inclusive, with copies of each plan available for viewing at Council administration offices and libraries, on Council's website and a link is provided to Council's Facebook Page.

- 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 APRIL 2023**  
**53/23             RESOLVED by Cr Searl and Cr Woodbridge**

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

1. Southern Tablelands Arts - Delegate Report - Dec 2022 - Jan 2023
2. Sports Section 355 Committee Minutes – 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

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A Motion was moved by Cr Culhane that –

1. Acting General Manager coordinate a meeting with the President of the Crookwell Rugby Union Club and Coordinator of Parks and Gardens to facilitate an investigation into the constant water leakage at the north east railway end of the Crookwell Memorial Oval.

On being put to the meeting the Motion was Carried.

**54/23**

**RESOLVED** by Cr Culhane and Cr Woodbridge

1. Acting General Manager coordinate a meeting with the President of the Crookwell Rugby Union Club and Coordinator of Parks and Gardens to facilitate an investigation into the constant water leakage at the north east railway end of the Crookwell Memorial Oval.

- 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 17: NOTICES OF MOTION**

**ITEM 17.1**

**NOTICE OF MOTION - S355 TOURISM AND EVENT MANAGEMENT ADVISORY COMMITTEE**

**55/23**

**RESOLVED** by Cr M McDonald and Cr Woodbridge

“That - Council establish a Section 355 Tourism and Event Management Advisory 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

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**ITEM 17.2            NOTICE OF MOTION - S355 ECONOMIC DEVELOPMENT  
ADVISORY COMMITTEE**

**56/23**

**RESOLVED** by Cr Searl and Cr Woodbridge

“That - Council establish a new Section 355 Economic Development Advisory 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 18:        QUESTIONS WITH NOTICE**

**ITEM 18.1            COOLATAI GRASS**

Refer to the business paper for 20 April 2023 Council Meeting for the Acting General Manager’s comments.

A Motion was moved by the Cr Kensit and Cr Woodbridge that -

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting Practice that Item 15.1 Late Report – Purchase of Substation for the MAAC, be considered at this April 2023 Council Ordinary Meeting, as it is of great urgency and cannot wait until a future Council Meeting as the matter is time sensitive. The report is in accordance with Section 55 of the Local Government Act 1993 - for Requirements for Tendering, Section 3 (K), a contract to be made in a case of emergency.

On being put to the meeting the Motion was Carried.

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**57/23**

**RESOLVED** by Cr Kensit and Cr Woodbridge

1. In accordance with clause 9.3 (a) and (b) of the Council Code of Meeting Practice that Item 15.1 Late Report – Purchase of Substation for the MAAC, be considered at this April 2023 Council Ordinary Meeting, as it is of great urgency and cannot wait until a future Council Meeting as the matter is time sensitive. The report is in accordance with Section 55 of the Local Government Act 1993 - for Requirements for Tendering, Section 3 (K), a contract to be made in a case of emergency.

- 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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**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:*

**58/23**

**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 (2c), 10A (2d(i)), 10A (2d(ii)) 10A (2d(iii)) 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 Culhane, P Kensit, J Marshall, M McDonald, N McDonald, S Reynolds, J Searl and L Woodbridge

**Councillors who voted against:-** Nil

Council closed its meeting at 2:48pm and the public, staff and press left the chambers and live streaming ceased.

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**59/23**                    **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 Culhane, P Kensit, J  
   Marshall, M McDonald, N  
   McDonald, S Reynolds, J Searl  
   and L Woodbridge

**Councillors who voted against:-**    Nil

Open Council resumed at 3:32pm live streaming returned to the public prior to the meeting closing.

**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 Director of Finance and Administration on behalf of the Mayor.

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**SECTION 19: CONFIDENTIAL SESSION**

**ITEM 19.1 BRIDGE OVER CURAWEELA CREEK ON TARALGA OBERON ROAD TENDER**

**STAFF RECOMMENDATION** by Cr Searl and Cr Woodbridge

1. Council discontinues the current tender process; and that
2. Council's Acting General Manager be delegated authority to enter into direct commercial negotiations with Bridge and Marine Engineering with the intent to enter a contract for construction of a new Bridge over Curaweela Creek.

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

1. Council discontinues the current tender process; and that
2. Council decline to accept all tenders received due to the lack of any commercially advantageous submissions; and that
3. Council's Acting General Manager be delegated authority to enter into direct commercial negotiations with both Bridge and Marine Engineering and Saunders Civilbuild pty limited with the intent to enter a contract with one supplier for construction of a new Bridge over Curaweela Creek as their alternative submissions are within budget and meets Council's requirements.

On being put to the meeting the Amendment was carried therefore becoming the recommendation.

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**60/23**

**RESOLVED** by Cr Searl and Cr Woodbridge

1. Council discontinues the current tender process; and that
2. Council decline to accept all tenders received due to the lack of any commercially advantageous submissions; and that
3. Council's Acting General Manager be delegated authority to enter into direct commercial negotiations with both Bridge and Marine Engineering and Saunders Civilbuild Pty Limited with the intent to enter a contract with one supplier for construction of a new Bridge over Curaweela Creek as their alternative submissions are within budget and meets Council's requirements.

- 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 19.2 PURCHASE OF SUBSTATION FOR MAAC**

**61/23**

**RESOLVED** by Cr Woodbridge and Cr N McDonald

1. Council's Acting General Manager be delegated authority to enter into direct commercial negotiations with Three Phase Services a division of KW360 (ABN 12 153 143 959) Supplier of Substation: Eleserve for the procurement of 500 KVA substation for the MAAC project.
2. Subject to legal advice Council's Acting General Manager be delegated authority to enter into a contract with Three Phase Services a division of KW360 (ABN 12 153 143 959) Supplier of Substation: Eleserve for the procurement of 500 KVA substation for the MAAC project.

- 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

**THE MEETING CLOSED AT 3:34pm**

Minutes confirmed 18 MAY 2023

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Mayor