

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 15 FEBRUARY 2024

PRESENT: Deputy Mayor Cr M McDonald (Chairperson), 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) and Ms S Pearman (Administration Officer).

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 M 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

Apologies were received from Mayor Cr P Kensit and Cr P Culhane.

01/24 **RESOLVED** by Cr Searl and Cr Woodbridge that the apologies be received and a leave of absence granted.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 3: CITIZENSHIP CEREMONY

Nil

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ON 15 FEBRUARY 2024

SECTION 4: DECLARATIONS OF INTEREST

Nil

SECTION 5: CONFIRMATION OF MINUTES

02/24

RESOLVED by Cr Searl and Cr Woodbridge

That the minutes of the Ordinary Council Meeting held on 14 December 2023 be adopted.

- CARRIED

Councillors who voted for:-

Crs M McDonald, 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

03/24

RESOLVED by Cr Searl and Cr Woodbridge

Council receive and note the activities attended by the Mayor for December 2023, January 2024 and February 2024.

- CARRIED

Councillors who voted for:-

Crs M McDonald, 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

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SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF FEBRUARY 2024
04/24 RESOLVED by Cr Searl and Cr Woodbridge

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

1. Office of Local Government – Circular 23-16 – Regulation amendments to protect the employment of waste workers.
2. Office of Local Government – Circular 23-17 – Update on Councils' obligations under Modern Slavery Act 2018 (NSW).
3. Office of Local Government – Circular 24-01 – Constitutional Referendums and Council Polls.
4. Office of Local Government – Circular 24-02 – Minor Works contract form for infrastructure delivery for councils.
5. Country Mayors Association – Media Release – IPART Review announcement – January 2024.
6. Wendy Tuckerman MP - State Recognition of Country Women's Association (CWA) – Crookwell CWA Day Branch in 2023.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 9: LATE CORRESPONDENCE

Nil

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ON 15 FEBRUARY 2024

SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS REPORT

05/24

RESOLVED by Cr Searl and Cr Woodbridge

1. Council receives and notes the report as information.

- CARRIED

Councillors who voted for:-

Crs M McDonald, J Marshall, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

**ITEM 10.2 – INFORMATION ONLY ITEMS
10.8**

06/24

RESOLVED by Cr Searl and Cr Woodbridge

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

- CARRIED

Councillors who voted for:-

Crs M McDonald, J Marshall, N
McDonald, D O'Brien, S
Reynolds, J Searl and L
Woodbridge

Councillors who voted against:- Nil

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ON 15 FEBRUARY 2024

REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 REVIEW OF ACCESS TO COMMUNITY NON POTABLE WATER POLICY

07/24 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council adopts the reviewed Access to Community Non Potable Water Policy.

- CARRIED

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

Councillors who voted against:- Nil

[Access-to-Community-Non-Potable-Water-Policy-Date-Adopted-15-February-2024-Resolution-264-24-Review-2027.pdf \(nsw.gov.au\)](#)

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ITEM 11.2 GUNNING SEWAGE TREATMENT PLANT - OPERATING CAPACITY

MOVED Cr Searl and Cr Woodbridge

1. Council consider allocating funds from the sewer reserve towards engaging a consultant to review the infrastructure capacity and requirements to cater for future development and where required options to extend the operational life of existing assets in Gunning and Crookwell.

An Amendment was moved by Cr Searl and Cr N McDonald

1. That Council allocate funds up to \$80,000 from the sewer reserve towards engaging a consultant to review the infrastructure capacity and requirements to cater for future development and where required options to extend the operational life of existing assets in Gunning and Crookwell.

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

08/24

RESOLVED by Cr Searl and Cr N McDonald

1. That Council allocate funds up to \$80,000 from the sewer reserve towards engaging a consultant to review the infrastructure capacity and requirements to cater for future development and where required options to extend the operational life of existing assets in Gunning and Crookwell.

- CARRIED

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

Councillors who voted against:- Nil

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MINUTES OF THE
ORDINARY MEETING OF COUNCIL
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ON 15 FEBRUARY 2024

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

Councillors who voted against:- Nil

SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 QUARTERLY BUDGET REVIEW STATEMENTS - 2ND QUARTER 2023/2024

13/24 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council endorse the 2nd 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 M McDonald, J Marshall, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

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SECTION 14: CHIEF EXECUTIVE OFFICER

ITEM 14.1 ORDINARY COUNCIL MEETING - CHANGE OF MEETING DATE IN MAY 2024

16/24 **RESOLVED** by Cr Searl and Cr Woodbridge

1. The Ordinary Council Meeting date scheduled for Thursday, 16 May 2024 at 1.30pm will be changed and rescheduled to Thursday, 9 May 2024 at 1.30pm.

- CARRIED

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

Councillors who voted against:- Nil

SECTION 15: LATE REPORTS

Nil

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

ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTHS OF JANUARY AND FEBRUARY 2024

17/24 **RESOLVED** by Cr Searl and Cr Woodbridge

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

1. Binda Community Progress Association Inc. and Binda Memorial Hall – Minutes from meeting held 29 December 2023.
2. Upper Lachlan Shire Council Local Traffic Committee – Minutes from meeting held 7 December 2023.

- CARRIED

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

Councillors who voted against:- Nil

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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) (b) and d(iii) 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:*

18/24 **RESOLVED** by Cr Searl and Cr Reynolds

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 (2b 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 M McDonald, J Marshall, N McDonald, D O'Brien, S Reynolds, J Searl and L Woodbridge

Councillors who voted against:- Nil

Council closed its meeting at 3.23pm and the public left the chambers.

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MINUTES OF THE
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ON 15 FEBRUARY 2024

19/24 **RESOLVED** by Cr Searl and Cr Woodbridge

That Council move out of closed Council and into open Council.

- CARRIED

Open Council resumed at 3.38pm.

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 Mayor.

SECTION 19: CONFIDENTIAL SESSION

ITEM 19.1 PROCUREMENT OF ONE NEW GRADER

20/24 **RESOLVED** by Cr Searl and Cr N McDonald

1. Council purchase one Komatsu GD655-7 grader for the sum of \$524,840 EX GST from Komatsu Australia.
2. Council dispose of existing grader (Council plant 653) through public auction.

- CARRIED

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

Councillors who voted against:- Nil

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ITEM 19.2 SALE OF LAND FOR UNPAID RATES

21/24 RESOLVED by Cr Searl and Cr Woodbridge

1. Council, pursuant to Section 713 and other relevant sections of the Local Government Act 1993, authorise sale proceedings to sell land for unpaid rates for the two properties listed in this report at a public auction at a time and place to be determined.
2. Outstanding Collections (Aust) Pty Ltd (OSC) be appointed to administer the sale of land for unpaid rates on Council's behalf.
3. Council authorises council staff and Outstanding Collections (Aust) Pty Ltd to proceed with the necessary arrangements, pertaining to the sale of the properties listed in this report, as set out in the Local Government Act 1993 and Local Government (General) Regulation 2021.
4. Council delegates authority to the Chief Executive Officer to take the following actions pertaining to the properties specified in the report:-
 - a. To withdraw from sale any property that prior to the commencement of the auction has had all rates and charges, including expenses of Council incurred in connection with the sale, paid in full.
 - b. To withdraw any property from sale for technical or legal reasons.
 - c. To set reserve prices for sale of the properties at auction.
 - d. To negotiate by private treaty and accept offers for sale of any property that fails to sell at auction.
 - e. To execute Land Sale and Purchase contracts, and property transfer documents, under Council's Common Seal by the Chief Executive Officer and Mayor.

- CARRIED

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

Councillors who voted against:- Nil

THE MEETING CLOSED AT 3.40pm

Minutes confirmed 21 MARCH 2024

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Mayor