

UPPER LACHLAN SHIRE COUNCIL
MINUTES OF THE
ORDINARY MEETING OF COUNCIL
HELD IN THE COUNCIL CHAMBERS
ON 17 AUGUST 2023

PRESENT: Mayor P Kensit (Chairperson), Cr P Culhane, Cr D O'Brien, Cr J Searl, Cr M McDonald, Cr J Marshall, Cr N McDonald, Cr S Reynolds, Cr L Woodbridge, Mr A Croke (Acting Chief Executive Officer), Mr L Kruger (Director of Infrastructure), Mr S Arkinstall (Director of Environment & Planning), Mrs K Bowerman (Acting Executive Assistant), Ms S Pearman (Administration Officer) and Mr C Gordon (Media 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 that the meeting is being webcast live and audio recorded in accordance with the Council Code of Meeting Practice.

SECTION 2: APOLOGIES & LEAVE OF ABSENCE

An apology was received from Ms A Waldron (Chief Executive Officer).

149/23 **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 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 3: CITIZENSHIP CEREMONY

Nil

SECTION 4: DECLARATIONS OF INTEREST

Nil

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SECTION 5: CONFIRMATION OF MINUTES

150/23 **RESOLVED** by Cr Searl and Cr Woodbridge

That the minutes of the Ordinary Council Meeting held on 20 July 2023 be adopted.

- 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

151/23 **RESOLVED** by Cr Searl and Cr Woodbridge

That the minutes of the Extraordinary Council Meeting held on 31 July 2023 be adopted.

- CARRIED

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

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SECTION 6: MAYORAL MINUTES

ITEM 6.1 MAYORAL MINUTE

152/23

RESOLVED by Cr Searl and Cr Reynolds

1. Council receive and note the activities attended by the Mayor for July and August 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

ITEM 6.2 MAYORAL MINUTE

153/23

RESOLVED by Cr Reynolds and Cr Woodbridge

1. Council receive and note the statement read out to the meeting regarding the achievements of Terry Knight and his 50 years of service employment to council.

- CARRIED

Councillors who voted for:-

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

Nil

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SECTION 7: PRESENTATIONS TO COUNCIL/PUBLIC

Nil

SECTION 8: CORRESPONDENCE

ITEM 8.1 CORRESPONDENCE FOR THE MONTH OF AUGUST 2023

154/23 **RESOLVED** by Cr Searl and Cr Reynolds

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

1. NSW Department of Customer Service - Critical Communications Enhancement Program - Construction start at Upper Lachlan Shire Council - 27 July 2023.
2. Office of Local Government – Circular 23-08 – Annual Reporting of Labour Statistics.
3. Nicola Foster - Incoming letter of thanks to Councillors and Australia Day Committee – 3 August 2023.
4. Office of Local Government – Circular 23-09 – September 2023 Mayoral Elections.

- 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

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SECTION 10: INFORMATION ONLY

ITEM 10.1 DEVELOPMENT STATISTICS REPORT

155/23

RESOLVED by Cr Searl and Cr Woodbridge

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

ITEM 10.2 – 10.8 INFORMATION ONLY REPORTS

156/23

RESOLVED by Cr Woodbridge and Cr Searl

1. Council receive and notes 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

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REPORTS FROM STAFF AND STANDING COMMITTEES

SECTION 11: ENVIRONMENT AND PLANNING

ITEM 11.1 UPPER LACHLAN SHIRE – UPDATE OF PLANNING PROPOSALS
157/23 RESOLVED by Cr Searl and Cr Woodbridge

1. Council receive and note 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

SECTION 12: INFRASTRUCTURE DEPARTMENT

ITEM 12.1 COUNCIL CONTRIBUTION FOR FLOOD WARNING SYSTEMS
158/23 RESOLVED by Cr Searl and Cr Woodbridge

1. Council resolves to allocate \$50,000 from unrestricted cash reserves as a co-funding contribution required for a grant application for the Flood Warning System under the 2023-2024 Floodplain Management Program. The total project cost in the grant application is \$250,000.

- CARRIED

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

Councillors who voted against:- Nil

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SECTION 13: FINANCE AND ADMINISTRATION

ITEM 13.1 2022/2023 BUDGET REVOTES TO CARRY FORWARD TO INTERNAL RESTRICTED RESERVE

159/23 **RESOLVED** by Cr Woodbridge and Cr Reynolds

1. Council approves the 2022/2023 transfers to the Council internal restricted reserve fund totalling \$6,134,968 including revote of uncompleted expenditure projects and internal reserve fund movements.

- 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 DISCLOSURE OF INTEREST RETURNS BY COUNCILLORS UNDER THE CODE OF CONDUCT

160/23 **RESOLVED** by Cr Woodbridge and Cr Reynolds

1. Council notes the tabling of the Disclosure of Interests Returns by Councillors and receives 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

SECTION 14: CHIEF EXECUTIVE OFFICER

Nil

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SECTION 15: LATE REPORTS

Nil

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

ITEM 16.1 REPORTS FROM COMMITTEES FOR THE MONTH OF JULY 2023.

161/23 **RESOLVED** by Cr Searl and Cr Woodbridge

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

1. Stonequarry Cemetery Committee – Minutes from Annual General Meeting held 27 May 2023.

162/23 **RESOLVED** by Cr Searl and Cr Woodbridge

That Council accept the Stonequarry Cemetery office bearers President Brian Moloney, Secretary Maureen Long and Treasurer Tim Dowsley voted in as per the Minutes of the Annual General Meeting held 27 May 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

- 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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SECTION 17: NOTICES OF MOTION

Nil

SECTION 18: QUESTIONS WITH NOTICE

ITEM 18.1 CROOKWELL MAIN STREET PEDESTRIAN CROSSING UPGRADE
163/23 RESOLVED by Cr Reynolds and Cr Woodbridge

Refer to Chief Executive Officer's comments in August Business paper

- 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 motion was moved by Cr Searl and Cr Woodbridge that the late report Tender for Gunning Swimming Pool Amenities Block be tabled in Closed Council. On being put to the meeting the motion was carried.

164/23 RESOLVED by Cr Searl and Cr Woodbridge

1. That the late report Tender for Gunning Swimming Pool Amenities Block be tabled in Closed Council.

- CARRIED

Councillors who voted for:- Crs P Kensit, M McDonald, P
Culhane, J Marshall, N
McDonald, D O'Brien, S
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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 Chief Executive Officer, the following business is of a kind as referred to in 10A (2)(c), (2d(i)), (2d(ii)) and (2d(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:*

165/23

RESOLVED by Cr Reynolds 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 (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 2.05pm and staff left the chambers.

166/23

RESOLVED by Cr Searl and Cr Woodbridge

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

- CARRIED

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Woodbridge

Councillors who voted against:- Nil

Open Council resumed at 2.12pm

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 TENDER FOR GUNNING SWIMMING POOL AMENITIES BLOCK

167/23 **RESOLVED** by Cr Searl and Cr Woodbridge

1. Council decline to accept all tenders received and discontinue with the tender process with respect to the construction of the Gunning Pool Amenities Block.
2. Council's Acting Chief Executive Officer be delegated authority to develop a negotiation strategy and enter into direct commercial negotiations with the preferred tenderer, Greenwich Build Pty Ltd, for refurbishment and construction of the Gunning Pool Amenities Block.
3. In the event direct negotiations are not successfully concluded and a contract is not agreed to, the Council Acting Chief Executive Officer may seek to retender the Gunning Pool Amenities Block project in the near future.

- CARRIED

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

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THE MEETING CLOSED AT 2.14pm

Minutes confirmed 21 SEPTEMBER 2023

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Mayor