

**MINUTES OF LACHLAN SHIRE  
ORDINARY COUNCIL MEETING  
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS  
ON WEDNESDAY, 24 AUGUST 2022 AT 2:00PM**

**PRESENT:** Mayor John Medcalf (OAM), Cr Judith Bartholomew, Cr Elaine Bendall, Cr Melissa Blewitt, Cr Dennis Brady, Cr Peter Harris, Cr Megan Mortimer (via Zoom), Deputy Mayor Paul Phillips and Cr Melissa Rees

**IN ATTENDANCE:** Greg Tory (General Manager), Karen Pegler (Director - Corporate and Community Services), Jon Shillito (Director - Environment, Tourism and Economic Development), Adrian Milne (Director - Infrastructure Services) and Carolyne Marchant (minute taker)

The Chair welcomed those present and declared the meeting open at 2.02pm.

**1 WEBCASTING**

Statement regarding webcasting was ready by Cr Medcalf.

**2 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS**

The acknowledgement of Country and Elders was made by Dennis Brady.

**3 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

**RESOLUTION 2022/245**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That the apology received from Cr Carter be accepted and leave of absence granted.

**CARRIED**

**4 CONFIRMATION OF MINUTES**

**RESOLUTION 2022/246**

Moved: Cr Peter Harris

Seconded: Cr Judith Bartholomew

That the minutes of the Ordinary Meeting held on 27 July 2022 be confirmed.

**CARRIED**

**5 MAYORAL MINUTE****5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS - AUGUST****RESOLUTION 2022/247**

Moved: Cr Elaine Bendall

Seconded: Cr Peter Harris

That:

1. The Mayoral Minute No R22/264 be received and noted.

**CARRIED**

**6 PUBLIC FORUM**

Nil

**7 DISCLOSURE OF INTEREST**

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 8.3 – FY21/22 Project Monthly Update for August / September as her brother-in-law manages Willow Bend Sports Centre.

Cr Brady declared a Non-Pecuniary Less Than Significant interest in Item 17.2 – Rates and Charges Donations – 2022/2023 as he is a member of the Rotary Club of Condobolin.

Cr Mortimer declared a Non-Pecuniary Less Than Significant interest in Item 9.4.1 – Tree Removal Requests – 50 - 52 Bathurst Street Condobolin as the owner of the property is a friend.

Greg Tory, General Manager declared an interest in Item 9.1.1 General Manager's 2021/2022 Performance Review and Contract and Item 17.1 of the Closed Session – General Manager's Performance Review as the matters deal with his employment.

**Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 8.3 – FY21/22 Project Monthly Update for August / September as her brother-in-law manages Willow Bend Sports Centre.**

**8 READ AND NOTE****RESOLUTION 2022/248**

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That the recommendations included in the business paper to receive and note the following items be adopted:

- 8.1 Development Data July 2022
- 8.2 Investments as at 31 July 2022
- 8.3 FY21/22 Project Monthly Update for August/September
- 8.4 Correspondence
- 8.5 FY22/23 Utilities Monthly Update For July
- 8.6 Active Resolutions – August
- 8.7 FY22/23 Urban Works Monthly Update for July
- 8.8 FY22/23 Roadworks Monthly Update for July

**CARRIED**

**9 DECISION REPORTS****9.1 GENERAL MANAGER****RESOLUTION 2022/249**

Moved: Cr Melissa Rees

Seconded: Cr Dennis Brady

That Item 9.1.1 - General Managers Performance Review and Contract be dealt with after the Closed Session has concluded.

**CARRIED**

**9.2 CORPORATE AND COMMUNITY SERVICES****9.2.1 PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO COUNCILLORS POLICY****RESOLUTION 2022/250**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Corporate & Community Services Report R22/253 be received and noted.
2. The Payment of Expenses and the Provision of Facilities for Councillors Policy be adopted as presented.

**CARRIED**

**9.2.2 DONATIONS****RESOLUTION 2022/251**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Corporate and Community Services Report No. R22/272 be received and noted.
2. Council provide a donation to Condobolin Sports Club Limited of \$400.00 for their Triple Bowls Day.
3. Council provide a donation of \$1,000.00 to the Rotary Club of Lake Cargelligo Christmas Carnival Committee

**CARRIED**

### 9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT

#### 9.3.1 ACTIONS FROM THE INDUSTRIAL AND RURAL LANDS STRATEGY - LODGEMENT OF PLANNING PROPOSALS FOR IDENTIFIED SITES

**RESOLUTION 2022/252**

Moved: Cr Dennis Brady

Seconded: Cr Elaine Bendall

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/274 be received and noted.
2. Council endorse the investigations in accordance with the Actions (C1) of Council's Industrial and Rural Lands Strategy.
3. A further report be tabled once the investigations are complete and individual planning proposals are prepared.

**CARRIED**

Cr Bartholomew left the meeting at 2.20pm.

Cr Bartholomew returned to the meeting at 2.21pm.

**Cr Mortimer declared a Non-Pecuniary Less Than Significant interest in Item 9.4.1 – Tree Removal Requests – 50 - 52 Bathurst Street Condobolin as the owner of the property is a friend.**

### 9.4 INFRASTRUCTURE SERVICES

#### 9.4.1 TREE REMOVAL REQUESTS - 50-52 BATHURST STREET, CONDOBOLIN

**RESOLUTION 2022/253**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That:

1. The Director Infrastructure Services Report No. R22/267 be received and noted.
2. Council decline the request for removal and replacement of the Chinese tallow tree at 50 Bathurst Street, Condobolin due the tree being of significant age and in fair condition. The Tree provides amenity and shade that benefits the street in the summer months. Staff to investigate possible relocation of tree and provide a report to Council.
3. Council approve the request for removal and replacement of the Palm Trees out the front and adjacent to 52 Bathurst Street, Condobolin due the trees being unsuitable for their location and the minimal shade benefits to the streetscape.
4. Council reduce the risk to person and property through additional maintenance to the Chinese Tallow and rectify the uneven paving caused from the root system.

**CARRIED**

**9.4.2 TREE ASSESMENT REPORT - 72 MINGELO STREET, TOTTENHAM****RESOLUTION 2022/254**

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. R22/268 be received and noted.
2. Council approve the removal and replacement of the tree located in the road reserve out the front of 72 Mingelo Street, Tottenham due to the tree being located on top of the water main and the damage it is causing to Councils infrastructure.

**CARRIED**

**9.4.3 FIFIELD DEVELOPMENT MANAGEMENT COMMITTEE - REQUEST FOR MOWER****RESOLUTION 2022/255**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That

1. The Director Infrastructure Services Report No. R22/267 be received and noted.
2. Council resolve to support the request from the Fifield Development Management Committee and donate Plant item 5064 – Toro 5000 series 54” zero turn mower to the committee.
3. \$5000 be transferred in future QBR from the existing Fifield Maintenance Budgets to reimburse the Plant Fund for the disposal of Plant Item 5064.

**CARRIED**

**10 DEPUTATIONS**

Nil

**11 NOTICES OF MOTION**

Nil

**12 NOTICES OF RESCISSION**

Nil

**13 DELEGATES REPORT**

Cr Mortimer presented an update on the visit to Penrith.

**14 CORRESPONDENCE****RESOLUTION 2022/256**

Moved: Cr Melissa Rees

Seconded: Cr Peter Harris

1. That Council deal with the correspondence.
2. The Director Infrastructure Services is to contact Condobolin Community Drug and Action Team (CDAT) for further information and provide a report to Council.

**CARRIED**

**15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**16 PETITIONS**

Nil

**17 CLOSED SESSION****RESOLUTION 2022/257**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

**17.1 General Manager's Performance Review**

This matter is considered to be confidential under Section 10A(2)a of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with personnel matters concerning particular individuals (other than councillors).

**17.2 Rates and Charges Donations - 2022/2023**

This matter is considered to be confidential under Section 10A(2)b of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

**CARRIED**

**RESOLUTION 2022/258**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That Council moves out of Closed Council into Open Council.

**CARRIED**

**Greg Tory, General Manager declared an interest in Item 9.1.1 General Manager’s 2021/2022 Performance Review and Contract and Item 17.1 of the Closed Session – General Manager’s Performance Review as the matters deal with his employment.**

The General Manager and staff left the meeting to allow Council to consider item 17.1.

**17.1 GENERAL MANAGER'S PERFORMANCE REVIEW**

**RESOLUTION 2022/259**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That Council:

1. Note the report of the Performance Review Panel.
2. That Mr Greg Tory be offered a five (5) year Contract of employment commencing 1 September 2022.

**CARRIED**

The General Manager and staff returned to the meeting.

**Cr Brady declared a Non-Pecuniary Less Than Significant interest in Item 17.2 – Rates and Charges Donations – 2022/2023 as he is a member of the Rotary Club of Condobolin.**

**17.2 RATES AND CHARGES DONATIONS - 2022/2023**

**RESOLUTION 2022/260**

Moved: Cr Peter Harris

Seconded: Cr Judith Bartholomew

That

1. The Director of Corporate and Community Services Report No. R22/273 be received and noted.
2. Council:
  - (a) Decline to provide a rates and charges concession on assessment 1022777 on behalf of the Lake Cargelligo and District Care for the Aged Association Inc.
  - (b) Approve a 50% concession on assessment 1003888 on behalf of the Rotary Club of Condobolin Incorporated.

**CARRIED**

**Greg Tory, General Manager declared an interest in Item 9.1.1 General Manager’s 2021/2022 Performance Review and Contract and Item 17.1 of the Closed Session – General Manager’s Performance Review as the matters deal with his employment.**

Greg Tory left the meeting at 3.04pm.

**9.1.1 GENERAL MANAGERS PERFORMANCE REVIEW AND CONTRACT**

**RESOLUTION 2022/261**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The Mayoral Report No R22/280 be received and noted.
2. The General Manager be offered a new 5-year Contract, commencing 1 September 2022 at a TRP of \$286,931.10 with terms and conditions to be in accordance with the Standard Contract of Employment General Managers of Local Councils in New South Wales.
3. The Mayor be authorised to develop and sign a Deed of Entitlement, as a policy of Council, which details entitlements approved by Council to be provided to the General Manager, for inclusion in Schedule A of the contract.
4. The Mayor be authorised to sign the new 5-year contract for the employment of the General Manager on behalf of Council.

**CARRIED**

Greg Tory returned to the meeting at 3.06pm

**The Meeting closed at 3.12pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 September 2022.**

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**CHAIRPERSON**