

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 27 JULY 2022 AT 2:00PM**

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

IN ATTENDANCE: Greg Tory (General Manager), Adrian Milne (Director - Infrastructure Services), Jon Shillito (Director - Environment, Tourism and Economic Development) and Carolyne Marchant (Minute Taker)

Melanie Sutor, Councils Road Safety and Injury Prevention Officer presented the Mayor with the award for NSW & ACT IPWEA Engineering Excellence Awards for Council's Load Restraint Education Project. The program has also been nominated for the National Road Safety Awards.

The Chair welcomed those present and declared the meeting open at 2.06pm.

The Mayor informed the meeting that on Tuesday 19 July 2022 he travelled to Tullibigeal to take part in the visit by the Melbourne Cup.

1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

The acknowledgement of Country and Elders was made by Elaine Bendall.

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2022/208

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Blewitt

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

CARRIED

3 CONFIRMATION OF MINUTES

RESOLUTION 2022/209

Moved: Cr Megan Mortimer

Seconded: Cr Elaine Bendall

That the minutes of the Ordinary Meeting held on 29 June 2022 be confirmed, noting a correction in report 10.7 Rural Fire Service Shed – Land Acquisition Weja Road, Ungarie. The Lot and DP numbers in the body of the report were incorrect and should read Lot 1 DP1284208.

CARRIED

4 MAYORAL MINUTE

Greg Tory, General manager declared an interest in item 4.1 of the Mayor Minute – General Manager’s 2021/2022 Performance Review as the matter deals with his employment.

4.1 MAYORAL MINUTE - GENERAL MANAGER'S 2021/2022 PERFORMANCE REVIEW**RESOLUTION 2022/210**

Moved: Cr Elaine Bendall

Seconded: Deputy Mayor Paul Phillips

That:

1. Mayoral Minute R22/193 be received and noted.

CARRIED

4.2 MAYORAL MINUTE - AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (ALGA) NATIONAL GENERAL ASSEMBLY**RESOLUTION 2022/211**

Moved: Cr Elaine Bendall

Seconded: Cr Megan Mortimer

That

1. Mayoral Minute R22/215 be received and noted

CARRIED

4.3 MAYORAL MINUTE - MEETINGS AND FUNCTIONS JULY**RESOLUTION 2022/212**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That:

1. The Mayoral Minute No R22/216 be received and noted.

CARRIED

5 PUBLIC FORUM

Representatives from MASPRO Mr Martin Kennard and Mr Matthew McCulloch spoke to Item 18.11 MASPRO Engineering Trading Pty Ltd – Request to Council. MASPRO have written to council regarding issues they are having with disposal of waste water and requested assistance to meet their Fire Safety Certification. MASPRO would like Councils assistance with design and installation of a solution for the disposal of waste water and assistance from Council to meet the water supply demand requirements.

Councillor Rees arrived at 2.20pm..

6 DISCLOSURE OF INTEREST

Cr Harris declared a Non-Pecuniary Significant interest in item 18.11 of the Confidential Report – MASPRO Engineering Trading Pty Ltd – Request to Council due to potential conflicts with his professional employment.

Greg Tory, General manager declared an interest in item 4.1 of the Mayor Minute – General Manager’s 2021/2022 Performance Review as the matter deals with his employment.

7 GENERAL MANAGER**7.1 COMPLIANCE WITH THE LOCAL GOVERNMENT (STATE) AWARD OBLIGATIONS****RESOLUTION 2022/213**

Moved: Cr Elaine Bendall

Seconded: Deputy Mayor Paul Phillips

That:

1. The General Manager’s Report No. R22/201 be received and noted.

CARRIED

7.2 ACTIVE RESOLUTIONS - JULY**RESOLUTION 2022/214**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Blewitt

That

1. The General Manager’s report R22/212 be received and noted.

CARRIED

8 CORPORATE AND COMMUNITY SERVICES**8.1 INVESTMENTS AS AT 30 JUNE 2022****RESOLUTION 2022/215**

Moved: Cr Megan Mortimer

Seconded: Cr Melissa Blewitt

That:

1. The Director Corporate and Community Services Report No. R22/185 be received and noted.

CARRIED

8.2 DONATIONS

RESOLUTION 2022/216

Moved: Cr Peter Harris
Seconded: Cr Melissa Rees

That:

1. The Director of Corporate and Community Services Report No. R22/191 be received and noted.
2. Council provide a \$200 donation to the Southern Sports Academy.

CARRIED

RESOLUTION 2022/217

Moved: Cr Peter Harris
Seconded: Deputy Mayor Paul Phillips

That Council provide funding of \$200 to Lake Cargelligo Central School for their NAIDOC Day Celebrations

CARRIED

RESOLUTION 2022/218

Moved: Cr Melissa Rees
Seconded: Cr Peter Harris

That Council suspend the Council meeting to allow discussion of a late submission for a donation.

CARRIED

RESOLUTION 2022/219

Moved: Cr Melissa Blewitt
Seconded: Cr Peter Harris

That Council provide a cash donation of \$5000 to Wiradjuri Condobolin Corporation assist with running of Skyfest as seed funding only. Funds are to be provided from the Community Programs & Events Budget.

CARRIED

Cr Phillips recorded his vote against the motion.

9 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT

9.1 FY21/22 PROJECT MONTHLY UPDATE FOR JULY/AUGUST

RESOLUTION 2022/220

Moved: Cr Peter Harris
Seconded: Cr Megan Mortimer

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/169 be received and noted.

CARRIED

9.2 BECOMING NSW PUBLIC SPACES CHARTER SIGNATORIES

RESOLUTION 2022/221

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The Director of Environment, Tourism and Economic Development Report No. R22/184 be received and noted.
2. Council sign up to the NSW Public Spaces Charter and authorise the General Manager (or his delegate) to complete the necessary paperwork to complete the sign up process.

CARRIED

9.3 NSW FLOOD PLANNING PACKAGE

RESOLUTION 2022/222

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That

1. The Director Environment, Tourism and Economic Development Report No. R22/187 be received and noted.
2. Council resolve to amend Lachlan DCP 2018 to include flood planning controls and mapping and that a further report be presented outlining the proposed changes before the draft DCP is placed on public exhibition.

CARRIED

9.4 DEVELOPMENT DATA JUNE 2022

RESOLUTION 2022/223

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/188 be received and noted.

CARRIED

9.5 PLANNING PROPOSAL - AMENDMENT TO LACHLAN LOCAL ENVIRONMENTAL PLAN 2013 TO ALLOW AN ADDITIONAL PERMITTED USE FOR A "VEHICLE REPAIR STATION" AT 48 BROWNIES LANE, TOTTENHAM

RESOLUTION 2022/224

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/199 be received and noted.
2. Council endorse the finalisation of the planning proposal (PP-2021-7482) to amend Lachlan Local Environmental Plan 2013 (LLEP 2013) allowing "Vehicle Repair Station", as an Additional Permitted Use in Schedule 1 on Lots 68, 69 and 162 DP 753968, 48 Brownies Lane, Tottenham.
3. Council authorise the General Manager to make minor variations to the planning proposal (PP-2021-7482), if required, during the drafting and finalisation of the planning proposal.

CARRIED

10 INFRASTRUCTURE SERVICES

10.1 FY21/22 ROADWORKS MONTHLY UPDATE FOR JUNE

RESOLUTION 2022/225

Moved: Cr Elaine Bendall

Seconded: Cr Peter Harris

That

1. The Director of Infrastructure Service Report No. R22/196 be received and noted.

CARRIED

10.2 FY21/22 UTILITIES MONTHLY UPDATE FOR JUNE

RESOLUTION 2022/226

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director Infrastructure Services Report No. R22/198 be received and noted.

CARRIED

10.3 WATER ALLOCATIONS - JULY 2021 TO JUNE 2022**RESOLUTION 2022/227**

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director Infrastructure Services Report No R22/202 be received and noted.

CARRIED

Cr Blewitt left the meeting at 3.05pm.

Cr Blewitt returned to the meeting at 3.06pm.

10.4 PALESTHAN ROAD UPGRADE**RESOLUTION 2022/228**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Director of Infrastructure Services Report No. R22/203 be received and noted.
2. Council decline to accept the Fixing Country Roads grant of \$1,397,700 for 16.8 km of seal extension on Palesthan Road.
3. That a minimum of \$155,300 of Roads to Recovery funds be allocated to gravel re-sheeting on Palesthan Road.

CARRIED

Cr Rees and Cr Blewitt recorded their votes against the motion.

Cr Blewitt left the meeting at 3.06pm.

Cr Blewitt returned to the meeting at 3.07pm.

10.5 FY21/22 URBAN WORKS MONTHLY UPDATE FOR JUNE**RESOLUTION 2022/229**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The Director Infrastructure Services Report No. R22/205 be received and noted.

CARRIED

11 DEPUTATIONS

Nil

12 NOTICES OF MOTION

Nil

13 NOTICES OF RESCISSION

Nil

14 DELEGATES REPORT

14.1 2022 NSW ALGWA CONFERENCE

RESOLUTION 2022/230

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The Delegate's Report No. R22/210 be received and noted.

CARRIED

15 CORRESPONDENCE

15.1 CORRESPONDENCE - JULY

RESOLUTION 2022/231

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Correspondence Report No R22/213 be received and noted.

16 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

17 PETITIONS

Nil

Cr Bartholomew left the meeting at 3.25pm due to technical issues.

CARRIED

18 CLOSED SESSION**RESOLUTION 2022/232**

Moved: Cr Megan Mortimer

Seconded: Cr Peter Harris

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:

18.1 Request for partial water bill write off - A/N 1001925

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.

18.2 Water Account Adjustment - 1024795

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).

18.3 Tender 2022/9 - Management Contract for Riverview Caravan park - Submission

This matter is considered to be confidential under Section 10A(2)c and di 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

18.4 Tender 2022/7 - Management Contract for Tottenham Caravan park - Submission

This matter is considered to be confidential under Section 10A(2)c and dii 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

18.5 Tendering - Regional Contract for the Supply and Delivery of Bulk Fuel (CNSWJO) from 1 July 2022

This matter is considered to be confidential under Section 10A(2)di 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

18.6 Senior Staff Update

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).

18.7 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.

18.8 Lease of Medical Facility - Melrose Street Condobolin

This matter is considered to be confidential under Section 10A(2)b, c, di and dii 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, information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

18.9 Fire damaged property in the Lachlan Shire

This matter is considered to be confidential under Section 10A(2)a and 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 personnel matters concerning particular individuals (other than councillors) and discussion in relation to the personal hardship of a resident or ratepayer.

18.10 Community Recycling Centre Program Operational Deed

This matter is considered to be confidential under Section 10A(2)c 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

18.11 MASPRO Engineering Trading Pty Ltd - request to Council

This matter is considered to be confidential under Section 10A(2)c 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

CARRIED

RESOLUTION 2022/233

Moved: Cr Melissa Rees

Seconded: Cr Megan Mortimer

That Council moves out of Closed Council into Open Council.

CARRIED

18.1 REQUEST FOR PARTIAL WATER BILL WRITE OFF - A/N 1001925**RESOLUTION 2022/234**

Moved: Cr Elaine Bendall

Seconded: Cr Melissa Rees

That:

- 1) The Director of Corporate and Community Services Report No. R22/156 be received and noted.
- 2) Council decline the ratepayer's offer of \$6,896.28 as full and final satisfaction of the debt, and decline to write off the balance.
- 3) The ratepayer be advised that Council will initiate immediate debt recovery action unless they enter into and honour a repayment agreement that meets the terms of Council's Debt Recovery Policy with repayments to commence no later than 22 August 2022 and to finish no later than 30 June 2023.

CARRIED

18.2 WATER ACCOUNT ADJUSTMENT - 1024795**RESOLUTION 2022/235**

Moved: Cr Melissa Rees

Seconded: Cr Elaine Bendall

That

1. The Director of Corporate and Community Services Report R22/165 be received and noted.
2. Council approve the request to reduce water consumptions charges for the January and April 2022 billing periods by an amount of \$355.00 for assessment 1024795.

CARRIED**18.3 TENDER 2022/9 - MANAGEMENT CONTRACT FOR RIVERVIEW CARAVAN PARK - SUBMISSION****RESOLUTION 2022/236**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/168 be received and noted.
2. Council reject all tenders submitted and authorise the General Manager to negotiate with all tenderers or any other person, with the aim of achieving Option 3 within this report.
3. A further report be provided to Council detailing the outcome of the negotiations.

CARRIED**18.4 TENDER 2022/7 - MANAGEMENT CONTRACT FOR TOTTENHAM CARAVAN PARK - SUBMISSION****RESOLUTION 2022/237**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/150 be received and noted.
2. The General Manager commence negotiations with any person with a view to entering into a contract in relation to the management of the Tottenham Caravan Park.
3. A further report be presented to Council following completion of the negotiations.

CARRIED

18.5 TENDERING - REGIONAL CONTRACT FOR THE SUPPLY AND DELIVERY OF BULK FUEL (CNSWJO) FROM 1 JULY 2022**RESOLUTION 2022/238**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Corporate and Community Services Report No. R22/189 be received and noted.
2. Council accept and sign a contract with the following organisations for the supply and delivery of bulk fuel:
 - (a) Lowes Petroleum
 - (b) Oilsplus Holdings Australia (pending resolution of insurances)
 - (c) Park (pending resolution of insurances)
3. The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal.
4. The Central NSW Joint Organisation of Council's be advised of Council's decision.

CARRIED

Jon Shillito and Adrian Milne left the meeting at 4.12pm.

18.6 SENIOR STAFF UPDATE**RESOLUTION 2022/239**

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That:

1. The General Manager's Report No. R22/194 be received and noted.

CARRIED

Jon Shillito and Adrian Milne returned to the meeting at 4.19pm.

18.7 RATES AND CHARGES DONATIONS - 2022/2023**RESOLUTION 2022/240**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Blewitt

That:

- 1) The Director of Corporate and Community Services Report No. R22/197 be received and noted.
- 2) Council provide a 50% rates and charges concession to a maximum of \$479.50, to the Country Woman's Association Tullibigeal Branch, assessment number 1022913.

CARRIED

18.8 LEASE OF MEDICAL FACILITY - MELROSE STREET CONDOBOLIN**RESOLUTION 2022/241**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That:

1. The General Manager's Report No. R22/204 be received and noted.
2. Council authorise the General Manager to initiate Option 1, as detailed in the report, to recover all outstanding charges by 30 June 2023.

CARRIED

18.9 FIRE DAMAGED PROPERTY IN THE LACHLAN SHIRE**RESOLUTION 2022/242**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/207 be received and noted.
2. Remediation/repair works be undertaken in accordance with the terms of the development control order on the property and seek to recover the costs through legal action.
3. The cost of the remediation/repair work be charged against the Vacant Land Expenses budget.

CARRIED

18.10 COMMUNITY RECYCLING CENTRE PROGRAM OPERATIONAL DEED**RESOLUTION 2022/243**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Environment Tourism and Economic Development Report No. R22/208 be received and noted.
2. The Community Recycling Centre Operations Deed and B-cycle Drop off point Code of Practice and Battery Steward Commitment Form be noted.
3. The Mayor and General Manager be authorised to sign the Community Recycling Centre Operations Deed and B-cycle Drop off point Code of Practice and Battery Steward Commitment Form and affix the Council Seal.

CARRIED

Cr Harris declared a Non-Pecuniary Significant interest in item 18.11 of the Confidential Report – MASPRO Engineering Trading Pty Ltd – Request to Council due to potential conflicts with his professional employment.

Cr Harris left the meeting at 4.37pm.

18.11 MASPRO ENGINEERING TRADING PTY LTD - REQUEST TO COUNCIL

RESOLUTION 2022/244

Moved: Cr Elaine Bendall
Seconded: Cr Megan Mortimer

That

1. Director Infrastructure Services Report R22/214 be received and noted
2. Council decline the request from MASPRO for Council to provide financial, engineering design and installation support to satisfy the conditions of their development.
3. Council continue to provide all necessary advice and information to enable MASPRO to design, obtain approval for and install a solution to manage their waste water and fire safety requirements.

CARRIED

Cr Harris returned to the meeting at 4.47pm.

Cr Phillips left the meeting at 4.52pm.

Cr Phillips returned to the meeting at 4.53pm.

The Meeting closed at 4.56pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 24 August 2022.

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CHAIRPERSON