

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 14 DECEMBER 2022 AT 2:00 PM**

PRESENT: Mayor John Medcalf (OAM), Cr Judith Bartholomew (via Zoom), Cr Melissa Blewitt, Cr Dennis Brady, Cr Dave Carter, Cr Peter Harris, Deputy Mayor Paul Phillips (via Zoom), Cr Melissa Rees

IN ATTENDANCE: Greg Tory (General Manager), Karen Pegler (Director - Corporate and Community Services), Adrian Milne (Director - Infrastructure Services) (via Zoom), Bryce Koop (Acting Director - Environment, Tourism and Economic Development) and Carolyne Marchant (Minute Taker)

The Chair welcomed those present and declared the meeting open at 2.10pm.

Cr Medcalf commented on the passing of Councillor Elaine Bendall who's funeral was held on Monday at Tullibigeal, she will be sadly missed by her family and the community. The meeting paused for a minutes silence in memory if Cr Bendall.

Cr Medcalf opened the floor to any councillors wishing to speak on the passing of Cr Bendall. Cr Brady, Cr Harris and Cr Rees shared memories and joined Council in paying condolences to her family.

Cr Phillips joined the meeting at 2.15pm via zoom

1 WEBCASTING

Statement regarding webcasting was read by the Mayor.

2 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

The acknowledgement of Country and Elders was made by Cr Harris.

3 CONFIRMATION OF MINUTES

RESOLUTION 2022/328

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That the minutes of the Ordinary Meeting held on 23 November 2022 be confirmed.

CARRIED

4 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2022/329

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

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

CARRIED

5 MAYORAL MINUTE**5.1 MAYORAL MINUTE - CENTRAL NSW JOINT ORGANISATION BOARD MEETING - NOVEMBER 2022****RESOLUTION 2022/330**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That the Mayor's report No. R22/398 on the Central NSW Joint Organisation Board meeting held on 24 November 2022 be received and noted.

CARRIED**5.2 MAYORAL MINUTE - MEETINGS AND FUNCTIONS - DECEMBER****RESOLUTION 2022/331**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That the Mayoral Minute No R22/407 be received and noted with the following changes, the visit by Premier Dominic Perrottet occurred 25.11.2022, a meeting with Western NSW LHD was held on 14.12.2022.

CARRIED**5.3 MAYORAL MINUTE - DECEMBER****RESOLUTION 2022/332**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That the Mayoral Minute No. R22/413 be received and noted.

CARRIED

Note of condolence for Maurice 'Mo' Simpson who was a former Mayor of Weddin Shire Council.

RESOLUTION 2022/333

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That Council move into closed session in accordance with Section 10A(2)b of the Local Government Act 1993 as it deals with discussion in relation to the personal hardship of a resident or ratepayer.

CARRIED

6 PUBLIC FORUM

Festival of the Lakes 2023 Committee update

Cr Dave Carter – Item 17.3 Proposed debt recovery Assessment Number 1001925

7 DISCLOSURE OF INTEREST

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 8.1 Building Project Monthly Update for November/December as her brother-in-law manages Willow Bend Sports Centre.

Dennis Brady declared a Non-Pecuniary Less Than Significant interest in Item 9.2.2 Donations as he is a member of the Rotary Club of Condobolin.

Cr Carter declared a Pecuniary Interest in Item 17.3 Proposed debt recovery Assessment Number 1001925 as he is the concerned ratepayer.

8 READ AND NOTE

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 8.1 Building Project Monthly Update for November/December as her brother-in-law manages Willow Bend Sports Centre.

RESOLUTION 2022/334

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

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

- 8.1 Building Projects Monthly Update for November/December
- 8.2 Development Application Data November 2022
- 8.3 FY22/23 Urban Works Monthly Update For December
- 8.4 Investments as at 30 November 2022
- 8.5 FY22/23 Utilities Monthly Update for December
- 8.6 Active Resolutions - December

CARRIED

9 DECISION REPORTS**9.1 GENERAL MANAGER****9.1.1 LACHLAN SHIRE COUNCIL - CODE OF MEETING PRACTICE 2022****RESOLUTION 2022/335**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The General Manager's Report No. R22/390 be received and noted.
2. The Lachlan Shire Council – Code of Meeting Practice 2022 be adopted as presented.

CARRIED

9.2 CORPORATE AND COMMUNITY SERVICES**9.2.1 STATEMENT OF BUSINESS ETHICS POLICY REVIEW****RESOLUTION 2022/336**

Moved: Cr Peter Harris

Seconded: Cr Judith Bartholomew

That

1. The Director Corporate & Community Services Report R22/381 be received and noted.
2. The revised Statement of Business Ethics Policy (version 2) be adopted.

CARRIED

Dennis Brady declared a Non-Pecuniary Less Than Significant interest in Item 9.2.2 Donations as he is a member of the Rotary Club of Condobolin.

9.2.2 DONATIONS**RESOLUTION 2022/337**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That the Director of Corporate and Community Services Report No. R22/397 be received and noted.

CARRIED

RESOLUTION 2022/338

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That Council provide a donation of \$1,839.20 to the Tess Cross Memorial Team Penning.

CARRIED

RESOLUTION 2022/339

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That Council provide \$1,000 to Tottenham Welfare Council to upgrade the Aged Care and Community Accommodation units.

CARRIED

RESOLUTION 2022/340

Moved: Cr Dennis Brady

Seconded: Cr Dave Carter

That Council defer this item until the next meeting of Council. The Director of Corporate and Community Services to request further information regarding the number of schools from the Lachlan Shire that participate and provide a report to Council.

CARRIED

RESOLUTION 2022/341

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That Council provide \$500 for the Tullibigeal Swimming Pool Committee's free BBQ at the Christmas Tree and Carols in the Park event.

CARRIED

Cr Rees left the meeting at 3.09pm.

9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT**9.3.1 LACHLAN SHIRE LOCAL APPROVALS POLICY****RESOLUTION 2022/342**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director of Environment, Tourism and Economic Development Report No. R22/392 be received and noted.
2. The draft Local Approvals Policy – ENV014 be placed on public exhibition for a minimum of 28 days.
3. Following expiry of the public exhibition period, subject to no public submissions being received, the draft Local Approvals Policy – ENV014 be adopted.
4. The existing Local Approvals Policy remain in force until the expiry of the public exhibition period and adoption of the new draft policy ENV014.

CARRIED

Cr Rees returned to the meeting at 3.10pm.

9.4 INFRASTRUCTURE SERVICES**9.4.1 FY22/23 ROADWORKS MONTHLY UPDATE FOR NOVEMBER****RESOLUTION 2022/343**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. R22/399 be received and noted.

CARRIED

10 DEPUTATIONS

Nil

11 NOTICES OF MOTION

Nil

12 NOTICES OF RESCISSION

Nil

13 DELEGATES REPORT**13.1 COUNTRY MAYORS MEETING AND ANNUAL GENERAL MEETING****RESOLUTION 2022/344**

Moved: Cr Dennis Brady

Seconded: Cr Judith Bartholomew

That:

1. The Mayor's Delegate Report No: R22/411 be received and noted.

CARRIED

Cr Brady informed the meeting that the Association of Mining and Energy Related Councils meeting was postponed due to flooding, the meeting will be held in February 2023.

14 CORRESPONDENCE**14.1 CORRESPONDENCE****RESOLUTION 2022/345**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Correspondence Report No. R22/415 be received and noted.
2. Council accept the invitation from the Mayor of Inner West Council to register the Lachlan Shire Council Mayor's name as supporting the joint Statement of Mayors supporting the Uluru Statement from the Heart and the upcoming referendum on a Voice to Parliament.

CARRIED

15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16 PETITIONS

Nil

17 CLOSED SESSION**RESOLUTION 2022/346**

Moved: Cr Dennis Brady

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:

17.1 Proposal - Enterprise Risk Register development

This matter is considered to be confidential under Section 10A(2)f 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 details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

17.2 Write-off of Debts - Accounts Receivable Balances

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).

17.3 Proposed debt recovery Assessment Number 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.

17.4 Final Audit Management Letter 2022 & Council rankings

This matter is considered to be confidential under Section 10A(2)f 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 details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

17.5 Small Market Sites - Electricity Contract

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 2022/347

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That Council moves out of Closed Council into Open Council.

CARRIED

17.1 PROPOSAL - ENTERPRISE RISK REGISTER DEVELOPMENT**RESOLUTION 2022/348**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director of Corporate and Community Services Report No. R22/375 be received and noted.
2. The proposal from Marsh to workshop and prepare an Enterprise Risk Register be accepted.
3. The additional cost of this project being \$10,000 be funded from savings identified in the Corporate Services budget.

CARRIED

17.2 WRITE-OFF OF DEBTS - ACCOUNTS RECEIVABLE BALANCES**RESOLUTION 2022/349**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That

1. The Director of Corporate & Community Services Report R22/394 be received and noted;
2. Council approve the write off of Accounts Receivable balances totalling \$16,166.20 as presented.

CARRIED

Cr Carter declared a Pecuniary Interest in Item 17.3 Proposed debt recovery Assessment Number 1001925 as he is the concerned ratepayer.

Cr Carter left the meeting at 3.49 pm

17.3 PROPOSED DEBT RECOVERY ASSESSMENT NUMBER 1001925

It was moved Crs Phillips/Bartholomew

That:

1. The General Manager's Report R22/358 be received and noted.
2. Council note the proposed commencement of debt recovery action in accordance with Council resolution No. 2022/234 to recover all outstanding water consumption charges and interest in relation to assessment 1001925.

An amendment was moved Crs Blewitt/Brady

That Council accept 50% of the current debt as full settlement provided the debt to be paid within 12 weeks, if the amount is not paid by this period the debt reverts back to the original amount and debt recovery action will be commenced.

The amendment was put to the vote and lost.

The original recommendation was put to the vote and CARRIED

RESOLUTION 2022/350

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

CARRIED

Cr Carter returned to the meeting at 4.27pm

17.4 FINAL AUDIT MANAGEMENT LETTER 2022 & COUNCIL RANKINGS**RESOLUTION 2022/351**

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Corporate & Community Services Report No. R22/396 be received and noted.
2. The Final Audit Management letter and associated comments for the financial year ended 30 June 2022 be noted.

CARRIED

17.5 SMALL MARKET SITES - ELECTRICITY CONTRACT

RESOLUTION 2022/352

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That:

1. The Director Environment Tourism and Economic Development Report No. R22/409 be received and noted.
2. Council approve the transition to the NSW Government contract for small market electricity sites with Shell Energy from 1 January 2023 for a period of 2.5 years, and select 10% Green Power.
3. The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal.

CARRIED

Adrian Milne left the meeting at 3.57pm

Cr Brady left the meeting at 4.33pm

Cr Brady returned to the meeting at 4.35pm

Cr Medcalf wished all Councillors and staff a Merry Christmas.

The Meeting closed at 4.35pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 22 February 2023.

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CHAIRPERSON