

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 28 SEPTEMBER 2022 AT 2.00PM**

- PRESENT:** Mayor John Medcalf (OAM), Cr Melissa Blewitt, Cr Dennis Brady, Cr Peter Harris, Cr Megan Mortimer, Cr Melissa Rees (via Zoom) and Cr Elaine Bendall (via Zoom)
- 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)
- ABSENT:** Deputy Mayor Paul Phillips - Cr Phillips has since advised that he had a conflicting meeting with Murrumbidgee Local Health District and was then unable to access the council meeting using the zoom link provided.

The chair welcomed those present and declared the meeting open at 2.05pm

The meeting paused for a minute silence in memorial of Queen Elizabeth II.

1 WEBCASTING

Statement regarding webcasting was read by Cr Medcalf.

2 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

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

3 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2022/245

Moved: Cr Dennis Brady

Seconded: Cr Megan Mortimer

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

CARRIED

General Manager responded to a question that was taken on notice at the August 2022 Ordinary Council Meeting regarding apologies and leave of absence and a reduction of fees payable to councillors. Under clause 254a of Local Government Act 1993 Circumstances in which annual fees may be withheld

(1) Despite this Division, a council may resolve that an annual fee will not be paid to a councillor or that a councillor will be paid a reduced annual fee determined by the council—

(a) for any period of not more than 3 months for which the councillor is absent, with or without leave, from an ordinary meeting or ordinary meetings of the council, or

(b) in any other circumstances prescribed by the regulations.

(2) Despite this Division, if a councillor is absent, with or without leave of the council, from ordinary meetings of the council for any period of more than 3 months, the council must not pay any annual fee, or part of an annual fee, to that councillor that relates to the period of absence that is in excess of 3 months.

RESOLUTION 2022/246

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That Council move into closed session to allow discussion as 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 2022/247

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That Council moves out of Closed Council into Open Council.

CARRIED

RESOLUTION 2022/248

Moved: Cr Melissa Rees

Seconded: Cr Melissa Blewitt

That Council suspend Cr Carter's monthly allowance from this month forward due to an ongoing leave of absence.

CARRIED

Cr Brady recorded his vote against the motion.

4 CONFIRMATION OF MINUTES**RESOLUTION 2022/249**

Moved: Cr Dennis Brady

Seconded: Cr Megan Mortimer

That the minutes of the Ordinary Meeting held on 24 August 2022 be confirmed.

CARRIED

5 MAYORAL MINUTE**5.1 MAYORAL MINUTE - MEETING AND FUNCTIONS - SEPTEMBER****RESOLUTION 2022/250**

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That:

1. The Mayoral Minute be received and noted with the amendment that the ARIC zoom meeting on 21 September 2022 did not occur

CARRIED

6 PUBLIC FORUM

Nil

7 DISCLOSURE OF INTEREST

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 8.1 – FY21/22 & 22/23 Project Monthly Update for September/October as her brother-in-law manages Willow Bend Sports Centre.

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 17.3 – Update on Youth Services and seek direction on unspent funds from the 30 June 2022 Financial Year as the Treasurer of LWRS is her boss.

Cr Brady declared a Non-Pecuniary Less Than Significant interest in Item 17.3 - Update on Youth Services and seek direction on unspent funds from the 30 June 2022 Financial Year as he is a committee member of LWRS.

8 READ AND NOTE

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 8.1 – FY21/22 & 22/23 Project Monthly Update for September/October as her brother-in-law manages Willow Bend Sports Centre.

8.1 FY21/22 & 22/23 PROJECT MONTHLY UPDATE FOR SEPTEMBER/OCTOBER**RESOLUTION 2022/251**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/284 be received and noted.

CARRIED

RESOLUTION 2022/252

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

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

- 8.2 Investments as at 31 August 2022
- 8.3 FY22/23 Roadworks Monthly Update for August
- 8.4 FY22/23 Utilities Monthly Update for August
- 8.5 FY22/23 Urban Works Monthly Update for August
- 8.6 Development Data August 2022
- 8.7 Active Resolutions – September

CARRIED

9 DECISION REPORTS**9.1 GENERAL MANAGER****9.1.1 LACHLAN SHIRE COUNCIL - DRAFT CODE OF MEETING PRACTICE 2022****RESOLUTION 2022/253**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The General Manager's Report No. R22/251 be received and noted.
2. Council approve the draft Lachlan Shire Council - Code of Meeting Practice 2022 being placed on public exhibition for a period of 28 days allowing 42 days for the community to make submissions.
3. The General Manager prepare a report on any community submissions received regarding the draft Lachlan Shire Council – Code of Meeting Practice 2022 for consideration at the November 2022 Council meeting.

CARRIED

9.1.2 STRONGER COUNTRY COMMUNITIES FUND - ROUND 5**RESOLUTION 2022/254**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The General Manager's Report No. R22/317 be received and noted.
2. Council endorse the projects submitted for funding under the Stronger Country Communities Fund – Round 5, including the dollar value of the funding request.
 - (i) Condobolin SRA Ground Upgrade - \$260,000
 - (ii) Tottenham Swimming Pool Solar Project - \$115,000
 - (iii) Lake Cargelligo Netball Court Upgrade - \$303,869
 - (iv) Tullibigeal Fire Truck Display Area - \$125,000
 - (v) Burcher Sports Complex Upgrade - \$100,000
3. An additional \$50,000 be allocated to the Condobolin SRA Ground Upgrade from Council's Section 7.12 Reserve if the SCCF5 application is approved and;
4. An additional allocation of up to \$50,000 from the Condobolin District Retirement Village Reserve (Burcher) be allocated to the Burcher Sports Complex Upgrade, if the SCCF5 application is approved, and the additional funds are required.

CARRIED

9.1.3 FIXING OF THE DAY AND HOUR OF REGULAR MONTHLY MEETINGS**RESOLUTION 2022/255**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That:

1. The General Manager's Report No. R22/319 be received and noted.
2. Council hold Ordinary Meetings on the fourth Wednesday of each month commencing at 2:00pm.
3. A Councillor's attendance at Ordinary and Special Meetings will be recorded for inclusion in Council's Annual Report.
4. Strategic Briefing Workshops be held on the second Wednesday of each month, commencing at 2:00pm and for a period of up to three hours, depending on the meeting agenda.

CARRIED

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 DONATIONS

RESOLUTION 2022/256

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The Director of Corporate and Community Services Report No. R22/294 be received and noted.
2. Council provide a donation to West Milby Rodeo & Gymkhana Inc. of \$1,000 for their Milby Sports event.
3. Council decline to provide a contribution towards the Lake Cargelligo Rodeo Association of \$1,900 for automatic water troughs AND
4. Fund the purchase of automatic water troughs for the Lake Cargelligo Rodeo Association at the Lake Cargelligo Showground through the current maintenance budget for the Showground.

CARRIED

9.2.2 DRAFT SOCIAL MEDIA POLICY

RESOLUTION 2022/257

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The Director Corporate & Community Services Report R22/276 be received and noted.
2. The draft Social Media Policy be adopted by Council as presented.

CARRIED

9.2.3 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022**RESOLUTION 2022/258**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That

1. The Director Corporate and Community Services Report No R22/320 be received and noted.
2. The Draft Financial Statements for the year ended 30 June 2022 be referred for Audit.
3. Council confirm that the Draft Financial Statements for the year ended 30 June 2022 have been prepared in accordance with:
 - (a) the Local Government Act 1993 and Regulations;
 - (b) the Australian Accounting Standards and professional pronouncements; and
 - (c) the Local Government Code of Accounting Practice and Financial Reporting.
4. Council confirm that:
 - (a) The statements present fairly the Operating Result and Financial Position for the year;
 - (b) The statements accord with Council's accounting and other records; and
 - (c) Council is not aware of any matter that would render the statements false or misleading in any way.
5. The General Manager be authorised to finalise the date on which the auditor's report and financial statements are to be presented to the public.

CARRIED

9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT**9.3.1 LOCAL HERITAGE FUND (SMALL GRANTS) 2022/2023****RESOLUTION 2022/259**

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That

1. The Director Environment, Tourism and Economic Development Report No. R22/287 be received and noted.
2. Council allocate the \$15,260.00 from the Lachlan Shire Council Local Heritage Fund 2022-2023 as follows:
 - (a) \$7,000.00 for the works to All Saints Anglican Church, Condobolin;
 - (b) \$4,000.00 for the works to the Presbyterian Manse Building, Condobolin;
 - (c) \$1,500.00 for the works to Tottenham and Albert Cemeteries;
 - (d) \$1,500.00 for the works to the Royal Hotel, Condobolin; and
 - (e) \$1,260.00 for the works to the Weatherboard Cottage at 84 Orange Street, Condobolin.
3. Council endorse the lodgement of grant applications under the 2023-2025 Heritage NSW program.

CARRIED

9.3.2 RE-ESTABLISHMENT OF ALCOHOL FREE ZONES IN CONDOBOLIN AND LAKE CARGELLIGO**RESOLUTION 2022/260**

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director Environment Tourism and Economic Development Report No. R22/295 be received and noted.
2. Pursuant to Section 644B of the Local Government Act, 1993, Council re-establish Alcohol Free Zones in Condobolin and Lake Cargelligo.
3. The duration of the Alcohol-Free Zone be for four (4) years from 28 September 2022 until 28 September 2026, 24 hours per day, unless otherwise suspended or cancelled by Council.

CARRIED

9.4 INFRASTRUCTURE SERVICES**9.4.1 EXPRESSIONS OF INTEREST - GUM BEND LAKE AND CONDOBOLIN CEMETERY ADVISORY COMMITTEES****RESOLUTION 2022/261**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The Director Infrastructure Services report R22/309 be received and noted
2. Council accept the nominations for the Gum Bend Lake Advisory Committee from
 - (a) Bart Anderson
 - (b) Sandi Berry
 - (c) Tom Stuckey
3. Council accept the nominations for the Condobolin Cemetery Advisory Committee from
 - (a) Christine Keen
4. Council acknowledge the one resignation from Colin Doonan from the Gum Bend Lake Advisory Committee
5. Council write to the four (4) community members who nominated for the Condobolin Cemetery and Gum Bend Lake Advisory Committees and advise them of Council's decision.

CARRIED

9.4.2 GRAFFITI POLICY UPDATE**RESOLUTION 2022/262**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That

1. The Director Infrastructure Services Report R22/311 be received and noted.
2. The Graffiti Policy be adopted as presented.

CARRIED

9.4.3 LAKE CARGELLIGO CRICKET NETS - ACCESS DEED WITH DEPARTMENT OF EDUCATION**RESOLUTION 2022/263**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That

1. The Director Infrastructure Services Report R22/314 be received and noted
2. Council accept the proposed Access Deed with the Minister of Education and Early Childhood Learning.
3. Council delegate Authority to the General Manager to execute the Agreement and affix the Council seal.

CARRIED

10 DEPUTATIONS

Nil

11 NOTICES OF MOTION

Nil

12 NOTICES OF RESCISSION

Nil

13 DELEGATES REPORT

Cr Brady reported that he attended the MERC meeting on 1 - 2 September 2022 and the Murray Darling Association Conference on 19 – 21 September 2022 in Albury.

14 CORRESPONDENCE**14.1 CORRESPONDENCE****RESOLUTION 2022/264**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Correspondence Report be received and noted

CARRIED

15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16 PETITIONS

Nil

17 CLOSED SESSION**RESOLUTION 2022/265**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

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 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.

17.2 Tender Assessment - SRA Lighting Upgrade

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.

17.3 Update on Youth Services and seek direction on unspent funds from the 30 June 2022 Financial year.

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.

17.4 Condobolin Sewage Treatment Plant Concept Design

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.

17.5 Condobolin Works Depot Update

This matter is considered to be confidential under Section 10A(2)c and g 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 advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

CARRIED

RESOLUTION 2022/266

Moved: Cr Megan Mortimer

Seconded: Cr Dennis Brady

That Council moves out of Closed Council into Open Council.

CARRIED

17.1 RATES AND CHARGES DONATIONS - 2022/2023**RESOLUTION 2022/267**

Moved: Cr Melissa Rees

Seconded: Cr Megan Mortimer

That

1. The Director of Corporate and Community Services Report No. R22/297 be received and noted.
2. Council approve a 50% concession on assessment 1025830 on behalf of the Country Women's Association - Tottenham Branch.

CARRIED

17.2 TENDER ASSESSMENT - SRA LIGHTING UPGRADE**RESOLUTION 2022/268**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The Director Infrastructure Services Report No. R22/303 be received and noted.
2. The tender submission from Rees Electrical option 1, (report option 1), be accepted.
3. The Mayor and General Manager be authorised to execute the contract documents and affix the Council seal.

CARRIED

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 17.3 – Update on Youth Services and seek direction on unspent funds from the 30 June 2022 Financial Year as the Treasurer of LWRS is her Boss.

Cr Brady declared a Non-Pecuniary Less Than Significant interest in Item 17.3 - Update on Youth Services and seek direction on unspent funds from the 30 June 2022 Financial Year as he is a committee member of LWRS.

At 3.33pm Cr Blewitt left the meeting and therefore took no further part in discussion or voting on this item.

17.3 UPDATE ON YOUTH SERVICES AND SEEK DIRECTION ON UNSPENT FUNDS FROM THE 30 JUNE 2022 FINANCIAL YEAR.**RESOLUTION 2022/269**

Moved: Cr Elaine Bendall

Seconded: Cr Melissa Rees

That

1. The Director Corporate & Community Services Report R22/307 be received and noted.
2. Council decline the request from Lachlan & Western Regional Services to retain unspent funds totalling \$16,773.97 from the 2022 financial and direct that the funds are to be repaid to Council.
3. The unspent funds of \$16,772.97 be placed into a Youth Services Reserve to fund any future request, from Lachlan & Western Regional Services, for in kind support from Council.

CARRIED

At 3.36pm Cr Blewitt returned to the meeting room and resumed her chair at the meeting table.

17.4 CONDOBOLIN SEWAGE TREATMENT PLANT CONCEPT DESIGN**RESOLUTION 2022/270**

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That

1. The Director Infrastructure Services Report R22/316 be received and noted
2. Council resolve to accept the proposal from Public Works Advisory design team to undertake the Condobolin Sewage Treatment Plant Concept Design.
3. Council delegate authority to the General Manager to execute the necessary Contract Documents.
4. Given the need to progress this Concept design promptly, Council acknowledge and accept the financial risks associated with this appointment and make necessary budget adjustments in QBR.

CARRIED

17.5 CONDOBOLIN WORKS DEPOT UPDATE

RESOLUTION 2022/271

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The Director Environment, Tourism and Economic Development Report No. R22/318 be received and noted.
2. A further report be submitted to Council following receipt of further advice on the resolution of the Works Depot Contract matters.

CARRIED

The Meeting closed at 4.31pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 October 2022.

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CHAIRPERSON