

**MINUTES OF LACHLAN SHIRE  
ORDINARY COUNCIL MEETING  
HELD AT THE WIRADJURI CONDOBOLIN CORPORATION  
ON WEDNESDAY, 22 FEBRUARY 2023 AT 2:00 PM**

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

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

The Chair welcomed those present and declared the meeting open at 2:06pm.

**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 Blewitt

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

**RESOLUTION 2023/1**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That the apology received from Cr Carter and the request for leave of absence from Cr Brady be accepted.

**CARRIED**

**4 CONFIRMATION OF MINUTES**

**RESOLUTION 2023/2**

Moved: Cr Judith Bartholomew

Seconded: Deputy Mayor Paul Phillips

That the minutes of the Ordinary Meeting held on 14 December 2022 be confirmed.

**CARRIED**

**5 MAYORAL MINUTE****5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS - JANUARY AND FEBRUARY****RESOLUTION 2023/3**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That the Mayoral Minute No. R23/30 be received and noted.

**CARRIED****5.2 MAYORAL MINUTE****RESOLUTION 2023/4**

Moved: Cr Melissa Rees

Seconded: Cr Melissa Blewitt

That the Mayor's report No. R23/39 be received and noted.

**CARRIED****6 PUBLIC FORUM**

Nil

**7 DISCLOSURE OF INTEREST**

Nil

**8 READ AND NOTE****RESOLUTION 2023/5**

Moved: Cr Melissa Rees

Seconded: Cr Megan Mortimer

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

- 8.1 Investments as at 31 December 2022
- 8.2 Development Data December 2022 & January 2023
- 8.3 Investments as at 31 January 2023
- 8.4 Building Projects Monthly Update for January/February
- 8.5 Lake Cargelligo Customer Service Office - Change of Days
- 8.6 Bush Bursary 2022 update
- 8.7 Condobolin and Tottenham Airport Reseal Update
- 8.8 FY22/23 Urban Works Monthly Update for February
- 8.9 Active Resolutions – February
- 8.10 FY22/23 Utilities Monthly Update January/February

**CARRIED**

**8.11 FY22/23 ROADWORKS MONTHLY UPDATE FOR DECEMBER/JANUARY****RESOLUTION 2023/6**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Blewitt

That the Director Infrastructure Services Report No. R23/20 be received and noted.

**CARRIED**

**9 DECISION REPORTS****9.1 GENERAL MANAGER****9.1.1 DETERMINATION OF THE ADMINISTRATION ARRANGEMENTS FOR THE SEPTEMBER 2023 LOCAL GOVERNMENT ELECTIONS****RESOLUTION 2023/7**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That Lachlan Shire Council resolves:

1. Pursuant to Sec 296(2) and (3) of the Local Government Act 1993 (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council.
2. Pursuant to Sec 296(2) and (3) of the Act, as applied and modified by Sec 18, that a Council poll arrangement be entered into by contract for the Electoral Commissioners to administer all Council polls of the Council.
3. Pursuant to Sec 296(2) and (3) of the Act, as applied and modified by Sec 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.

**CARRIED**

**9.1.2 REVIEW AND ADOPTION OF THE CODE OF CONDUCT - COUNCILLORS****RESOLUTION 2023/8**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The General Manager's Report No. R23/25 be received and noted.
2. Council adopt the Lachlan Shire Council Code of Conduct – Councillors, Delegates and Council committee members 2023 and Procedures for the Administration of the Model Code of Conduct.
3. Council rescind the Lachlan Shire Council Code of Conduct - Councillors 2020.
4. The Lachlan Shire Council Code of Conduct - Councillors 2023 policy be updated in Council's Policy register and be displayed on Council's website.

**CARRIED**

**9.2 CORPORATE AND COMMUNITY SERVICES****9.2.1 DONATIONS****RESOLUTION 2023/9**

Moved: Cr Melissa Rees

Seconded: Cr Megan Mortimer

That the Director of Corporate and Community Services Report No. R22/416 be received and noted.

**CARRIED**

**RESOLUTION 2023/10**

Moved: Cr Melissa Rees

Seconded: Deputy Mayor Paul Phillips

That Council provide \$450 in support for the NAIDOC Week 2023 School Initiatives from the general donations budget.

**CARRIED**

**RESOLUTION 2023/11**

Moved: Cr Melissa Blewitt

Seconded: Cr Megan Mortimer

1. That Council resolve to provide to the Condo 750 Cross-Country Navigational Rally:
  - a financial donation of \$5,000;
  - in-kind support as requested, where the facilities are available; and
  - waive fees associated with the running of the event.
2. Council decline to provide to the Condo 750 Cross-Country Navigational Rally a further discount on fees for use of the SRA Grounds and facilities, as not for profits already receive a 50% reduction on any fees.

**CARRIED**

**RESOLUTION 2023/12**

Moved: Cr Melissa Blewitt

Seconded: Deputy Mayor Paul Phillips

That Council provide a \$300 donation to the Country Women's Association of NSW - Oxley Group.

**CARRIED**

**9.2.2 QUARTERLY BUDGET REVIEW 2 2023 FY****RESOLUTION 2023/13**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That:

1. The Director Corporate and Community Service Report No. R23/9 be received and noted.
2. The Quarterly Budget adjustments including reserve movements be adopted as presented.

**CARRIED**

**9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT****9.3.1 AMENDED SECTION 7.12 CONTRIBUTIONS PLAN****RESOLUTION 2023/14**

Moved: Cr Melissa Rees

Seconded: Cr Megan Mortimer

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/4 be received and noted.
2. The amended Section 7.12 Contributions Plan, as attached, be adopted by Council.
3. A notice of Councils decision be published on Councils website, within 28 days, advising the public.
4. A copy of the amended contributions plan be provided to the Minister for Planning, Industry and Environment.

**CARRIED**

**9.3.2 BUSHFIRE PRONE LAND MAP****RESOLUTION 2023/15**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/5 be received and noted.
2. Council adopt the Final Draft BFPL Map and the map be issued to the NSW Rural Fire Service Commissioner for final review and certification.

**CARRIED**

**9.3.3 REQUEST TO SUSPEND ALCOHOL FREE ZONE AT LIBERTY PARK LAKE CARGELLIGO****RESOLUTION 2023/16**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/13 be received and noted.
2. Council approve the suspension of the Alcohol Free Zone in Lake Cargelligo, over part of Liberty Park, for the “Lake Long Lunch” event on 11 March 2023 between 11am and 4pm.
3. Council notify the NSW Police of the suspension.
4. Council advertise the suspension for a period of 14 days on Council’s website and Facebook page and alter any signage within the event area over this period.

**CARRIED**

**9.3.4 DOING BUSINESS IN LAKE CARGELLIGO – SHOP LOCAL****RESOLUTION 2023/17**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Blewitt

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/37 be received and noted.
2. Council endorse the partnership with Growing Lachlan and Lower Lachlan and provide \$900 in financial assistance to the Doing Business in LC – Shop Local Lake Cargelligo group to test and try several shop local initiatives.
3. The financial assistance for the initiatives be funded from the Economic Development – Community Programs and Events Budget.
4. A report be brought back to Council to inform Council on the outcomes of the trials.

**CARRIED**

**9.4 INFRASTRUCTURE SERVICES**

**9.4.1 CONTRIBUTION TO THE COST OF KERB AND GUTTER CONSTRUCTION POLICY UPDATE**

**RESOLUTION 2023/18**

Moved: Deputy Mayor Paul Phillips  
 Seconded: Cr Megan Mortimer

That:

1. The Director Infrastructure Services Report R23/35 be received and noted.
2. The Contribution to the Cost of Kerb and Gutter Construction Policy be adopted as presented.
3. The policy be applied to the kerb and gutter works between 89-123 Officers Parade, Condobolin.

**CARRIED**

**Cr Blewitt recorded her vote against the motion.**

**10 DEPUTATIONS**

Nil

**11 NOTICES OF MOTION**

Nil

**12 NOTICES OF RESCISSION**

Nil

**13 DELEGATES REPORT**

Nil

**14 CORRESPONDENCE**

**14.1 CORRESPONDENCE**

**RESOLUTION 2023/19**

Moved: Cr Megan Mortimer  
 Seconded: Cr Judith Bartholomew

That the Correspondence Report No. R23/31 be received and noted.

**CARRIED**

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

Nil

**16 PETITIONS**

Nil

The meeting paused at 2.43pm.

The meeting resumed at 3.02pm



**17 CLOSED SESSION****RESOLUTION 2023/20**

Moved: Cr Melissa Blewitt

Seconded: Cr Judith Bartholomew

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 ARIC Minutes - November 2022 meeting**

This matter is considered to be confidential under Section 10A(2)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 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.

**17.2 Update on Rates & Charges Debt Recovery**

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 Contract for Sprayed Bitumen Sealing of Roads**

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.

**17.4 Tender T2022/15 - Condobolin SRA Changeroom Upgrade**

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.

**17.5 Land Acquisition - Lachlan Valley Way for road widening and Condobolin bore fields**

This matter is considered to be confidential under Section 10A(2)a and 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 personnel matters concerning particular individuals (other than councillors) and 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 2023/21**

Moved: Cr Megan Mortimer

Seconded: Deputy Mayor Paul Phillips

That Council moves out of Closed Council into Open Council.

**CARRIED**

**17.1 ARIC MINUTES - NOVEMBER 2022 MEETING****RESOLUTION 2023/22**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The Director Corporate & Community Services Report R22/412 be received and noted.
2. The confirmed minutes of the Audit, Risk & Improvement Committee (ARIC) meeting held on 23 November 2022 be received and noted.

**CARRIED**

**17.2 UPDATE ON RATES & CHARGES DEBT RECOVERY****RESOLUTION 2023/23**

Moved: Cr Melissa Rees

Seconded: Deputy Mayor Paul Phillips

That the Director of Corporate and Community Services Report No. R23/19 be received and noted.

**CARRIED**

**17.3 CONTRACT FOR SPRAYED BITUMEN SEALING OF ROADS****RESOLUTION 2023/24**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The Director Infrastructure Services Report No. R23/32 be received and noted.
2. Council resolve that the termination date for contract VP84610 – Term Panel for Sprayed Bitumen Sealing of Roads be 30 June 2023.

**CARRIED**

**17.4 TENDER T2022/15 - CONDOBOLIN SRA CHANGEROOM UPGRADE****RESOLUTION 2023/25**

Moved: Cr Megan Mortimer

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. R23/36 be received and noted.
2. Council resolve to accept the tender submitted by Greenwich Build in response to T2022/15 SRA Changeroom Upgrade
3. The Mayor and General Manager be authorised to execute the contract documents and affix the Council seal.

**CARRIED**

**17.5 LAND ACQUISITION - LACHLAN VALLEY WAY FOR ROAD WIDENING AND CONDOBOLIN BORE FIELDS****RESOLUTION 2023/26**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The General Manager's Report No R23/38 be received and noted.
2. Council note the conditions of the draft Deed of Agreement for the Acquisition of Land and Grant of Easement and Water Use.
3. Council authorise General Manager to negotiate and accept any minor variations to the agreement requested by the landowner that do not materially change the agreement.
4. The Mayor and General Manager be authorised to sign the Deed of Agreement for the Acquisition of Land and Grant of Easement and Water Use upon acceptance by the landowner.
5. Upon signing the Deed of Agreement Council acquire the land shown as New Road Land in Schedule 2 of the Deed of Agreement under the Land Acquisition (Just Terms Compensation) Act 1991 (NSW).
6. Upon signing the Deed of Agreement Council close and transfer the redundant road reserve shown as Verge Land in Schedule 2 of the Deed of Agreement to the landowner under Section 44 of the Roads Act 1993.
7. The Mayor and General Manager be authorised to sign all necessary documents, applications and plans associated with the acquisition, closure, transfer and registration of the land matters contemplated in this report and affix the Council seal as necessary.

**CARRIED**

**The Meeting closed at 3.20pm.**

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

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**CHAIRPERSON**