

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 21 FEBRUARY 2024 AT 2:00 PM**

PRESENT: Mayor Paul Phillips, Cr John Medcalf (OAM), Cr Judith Bartholomew, Cr Megan Mortimer (zoom), Cr Peter Harris (zoom), Cr Melissa Blewitt, Cr Melissa Rees, Cr Dennis Brady, Cr Robyn Turner.

IN ATTENDANCE: Karen Pegler (Director - Corporate and Community Services - zoom), Bryce Koop (Acting Director - Environment, Tourism and Economic Development), Adrian Milne (Director - Infrastructure Services), Cherise Small (Executive Assistant).

Meeting opened at 2:05pm.

1 WEBCASTING

The statement regarding webcasting was read out by the **Mayor**.

2 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

The Acknowledgement of Country and Elders was made by **Cr Melissa Blewitt**.

3 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

A motion was moved by **Cr Rees** and seconded by **Cr Blewitt** that:

1. **Cr Carter** not be paid his Councillor fee for the February Council Meeting.

The motion was put to a **VOTE** and the motion was **CARRIED**.

RESOLUTION 2024/1

Moved: Deputy Mayor John Medcalf

Seconded: Cr Melissa Blewitt

That Council moves out of Open Council into Closed Council.

CARRIED

RESOLUTION 2024/2

Moved: Mayor John Medcalf

Seconded: Cr Melissa Blewitt

That Council moves out of Closed Council into Open Council.

CARRIED

RESOLUTION 2024/3

Moved: Cr Melissa Rees
 Seconded: Cr Melissa Blewitt

That:

Leave of Absence for Councillor Carter not be granted.

CARRIED

Cr Brady and Cr Turner requested that their names be recorded as voting against the motion.

4 CONFIRMATION OF MINUTES

RESOLUTION 2024/4

Moved: Cr Dennis Brady
 Seconded: Cr Robyn Turner

That the minutes of the Ordinary Meeting held on 13 December 2023 be confirmed.

CARRIED

5 MAYORAL MINUTE

5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS

RESOLUTION 2024/5

Moved: Cr Melissa Rees
 Seconded: Cr Melissa Blewitt

1. That the Mayoral Minute No. R243/12 be received and noted.

CARRIED

5.2 MAYORAL MINUTE - THE NEED FOR A PUBLIC POST OFFICE BANK

RESOLUTION 2024/6

Moved: Cr Dennis Brady
 Seconded: Deputy Mayor John Medcalf

That:

1. The Mayoral Minute Report No. R24/25 be received and noted.
2. The generic draft resolution attached to this report (attachment 1) be noted.
3. The actions recommended in the generic draft resolution be undertaken.

CARRIED

5.3 MAYORAL MINUTE - COST SHIFTING ONTO LOCAL GOVERNMENT**RESOLUTION 2024/7**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Judith Bartholomew

That:

1. Mayoral Minute No. R24/32 be received and noted.
2. Council receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
3. A copy of the cost shifting report be placed on Council's website so that our communities can access it; and
4. Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.

CARRIED

6 PUBLIC FORUM

Nil.

7 DISCLOSURE OF INTEREST

Cr Blewitt declared a non-pecuniary less than significant interest in item 8.2 Building Projects Monthly Update for December/January/February, as her brother in law is the Manager of Willowbend Sport Centre.

8 READ AND NOTE**RESOLUTION 2024/8**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

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

- 8.1 Investments as at 31 December 2023;
- 8.2 Building Projects Monthly Update for December/January/February;
- 8.3 Active Resolutions;
- 8.4 Investments as at 31 January 2024;
- 8.5 FY23/24 Utilities Monthly Update December/January;
- 8.6 FY23/24 Urban Works Monthly Update for December/January.

CARRIED

9 DECISION REPORTS**9.1 GENERAL MANAGER****9.1.1 ELECTION OF NON VOTING COUNCILLOR TO THE AUDIT, RISK AND IMPROVEMENT COMMITTEE EFFECTIVE 1 JULY 2024; TEMPORARY EXTENSION OF THE ARIC CHAIR APPOINTMENT, AND UPDATE ON INDEPENDENT ARIC MEMBERS.****RESOLUTION 2024/9**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The General Manager's Report No. R24/26 be received and noted.
2. Council nominate Cr Medcalf as the non-voting Councillor delegate to the ARIC effective 1 July 2024 and Councillor Harris as an observer.
3. The tenure of the ARIC Chair, Graeme Fleming PSM, be temporarily extended from 23 March 2024 until 30 June 2024 to allow time for his Performance Review to be undertaken.

CARRIED

9.2 CORPORATE AND COMMUNITY SERVICES**9.2.1 INVESTMENT POLICY ANNUAL REVIEW****RESOLUTION 2024/10**

Moved: Cr Peter Harris

Seconded: Deputy Mayor John Medcalf

That:

1. This Director Corporate & Community Services' Report No R24/4 be received and noted
2. The reviewed Investment Policy be adopted as presented.

CARRIED

9.2.2 QUARTERLY BUDGET REVIEW 2 2024 FY**RESOLUTION 2024/11**

Moved: Cr Dennis Brady

Seconded: Cr Melissa Rees

That:

1. The Director Corporate and Community Services Report No. R24/14 be received and noted.
2. The Quarterly Budget adjustments including reserve movements be adopted as presented.

CARRIED

9.2.3 COMMUNITY DONATION AND EVENT SUPPORT PROGRAM**RESOLUTION 2024/12**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Director of Corporate and Community Services Report R24/31 be received and noted.
2. Provide a financial donation of \$792 to the Aboriginal Evangelical Fellowship NSW. This donation is to be funded from the Annual Budget for General Donation Elected Members and is conditional on the event proceeding.
3. Provide sponsorship of \$250 to Condobolin Junior Rugby League Football Club. This donation is to be funded from the Annual Budget for General Donations Elected Members.
4. Provide sponsorship of \$500 for the Lower Lachlan Community Services Lake's Long Lunch event. This sponsorship is to be funded from the Annual Budget for General Donations Elected Members and is conditional on the event proceeding.
5. Provide the Mayfield Hotel Post Tullibigeal Picnic Race event with In-Kind support estimated to be worth \$1,306. The in-kind support is to be funded from the Special Events budget and is conditional on the event proceeding.
6. Provide Tottenham Races with in-kind support estimated to be worth \$12,330 for its race day. The in-kind support is to be funded from the Special Events budget and is conditional on the event proceeding.

CARRIED

9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT**9.3.1 DEVELOPMENT DATA DECEMBER 2023 AND JANUARY 2024****RESOLUTION 2024/13**

Moved: Cr Peter Harris

Seconded: Deputy Mayor John Medcalf

That:

1. The Acting Director Environment and Planning Report No. R24/19 be received and noted.

CARRIED

9.3.2 ELECTRONIC FUNDS TRANSFER AT POINT OF SALE (EFTPOS) FOR WASTE FACILITIES.**RESOLUTION 2024/14**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Robyn Turner

That:

1. The Acting Director of Environment and Planning Report No. R24/23 be received and noted.
2. Implement EFTPOS only payment for relevant waste disposal and provide a transition period of one month before ceasing cash transactions at the Condobolin, Lake Cargelligo and Tottenham Waste Facilities.

CARRIED

Councillor Blewitt requested that her name be recorded as voting against the motion.

9.4 INFRASTRUCTURE SERVICES**9.4.1 FY23/24 ROADWORKS MONTHLY UPDATE FOR DECEMBER/JANUARY****RESOLUTION 2024/15**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Judith Bartholomew

That:

1. The Director Infrastructure Services report No R24/22 be received and noted.

CARRIED

9.4.2 PART ROAD CLOSURE - LACHLAN VALLEY WAY, FAIRHOLME**RESOLUTION 2024/16**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Director Infrastructure Services Report No. R24/36 be received and noted.
2. Council resolve to close of part of MR 377 Lachlan Valley Way, Fairholme, as identified in the report.
3. Council undertake the necessary public notifications to close part of a public road.
4. Council resolve to have the land in the road reserve vest in Council when closed.
5. Council authorise the Mayor and General Manager to execute the necessary documents and affix the Council seal.

CARRIED

10 DEPUTATIONS

Nil.

11 NOTICES OF MOTION

Nil

12 NOTICES OF RESCISSION

Nil

13 DELEGATES REPORT**13.1 DELEGATES REPORT****RESOLUTION 2024/17**

Moved: Cr Dennis Brady

Seconded: Cr Robyn Turner

That:

1. The Delegate Report No. R24/10 be received and noted.

CARRIED

14 CORRESPONDENCE**14.1 CORRESPONDENCE**

Cr Rees moved an amendment to the recommendation to read as follows:

1. The Correspondence Report No. R24/9 be received and noted.
2. Council to make representation for improved telecommunications for rural communities in black outs.
3. Mayor Phillips, and Councillor Brady as alternate, are hereby nominated to attend the Murry Darling Associations Inc. 80th National Conference Tamworth.

Cr Rees and Cr Brady made no objection to the amendment.

RESOLUTION 2024/18

Moved: Cr Melissa Rees

Seconded: Cr Dennis Brady

That:

1. The Correspondence Report No. R24/9 be received and noted.
2. Council to make representation for improved telecommunications for rural communities in black outs.
3. Mayor Phillips, and Councillor Brady as alternate, are hereby nominated to attend the Murry Darling Associations Inc. 80th National Conference Tamworth.

CARRIED

15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16 PETITIONS

Nil

17 CLOSED SESSION

RESOLUTION 2024/19

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 ARIC Fees Remuneration 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 Records Management Policy and Records Management Policy for Councillors.

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.

17.3 53-59 Bathurst Street, Condobolin - Former Target Building

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.

17.4 SSWP401 Condobolin Water Treatment Works 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 RNSW841 Tottenham Water Supply - Telemetry Upgrade

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.

17.6 Final Audit Management Letter 2023 and update on appointment of new external Auditors

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.

17.7 Outstanding Rates and Water recovery

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.

17.8 Tyre Disposal/ Recycle at Council's Waste Facilities

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

Meeting paused at 3:22pm.

Meeting resumed at 3:32pm

RESOLUTION 2024/20

Moved: Cr Melissa Rees.

Seconded: Cr Robyn Turner

That Council moves out of Closed Council into Open Council

CARRIED**17.1 ARIC FEES REMUNERATION REVIEW****RESOLUTION 2024/21**

Moved: Cr Dennis Brady

Seconded: Cr Judith Bartholomew

That:

1. The Director Corporate & Community Services Report R23/359 be received and noted.
2. That Council resolves to pay the Audit, Risk and Improvement Committee Chair a fee of \$1,385 per meeting from 1 July 2024.
3. That Council resolves to pay the Audit, Risk and Improvement Committee Independent members a fee of \$855 per meeting from 1 July 2024.
4. The ARIC Fees, Reasonable Expenses and Facilities Policy be updated to reflect changes to the remuneration structure.

CARRIED

Councillor Blewitt requested that her name be recorded as voting against the motion.

17.2 RECORDS MANAGEMENT POLICY AND RECORDS MANAGEMENT POLICY FOR COUNCILLORS.**RESOLUTION 2024/22**

Moved: Cr Melissa Rees

Seconded: Deputy Mayor John Medcalf

That:

1. The Director of Corporate and Community Services Report No R23/377 be received and noted.
2. Council adopt the following policies:
 - Records Management Policy for Council;
 - Records Management Policies and Procedures for Councillors.

CARRIED**17.3 53-59 BATHURST STREET, CONDOBOLIN - FORMER TARGET BUILDING****RESOLUTION 2024/23**

Moved: Cr Judith Bartholomew

Seconded: Cr Megan Mortimer

That:

1. The Acting Director of Environmental and Planning Report No. R24/7 be received and noted.
2. Council endorse option 3 of the report, and
3. A further report be presented to Council in regard the outcome of option 3.

CARRIED**17.4 SSWP401 CONDOBOLIN WATER TREATMENT WORKS CONCEPT DESIGN****RESOLUTION 2024/24**

Moved: Cr Dennis Brady

Seconded: Deputy Mayor John Medcalf

That:

1. The Director Infrastructure Services Report R24/20 be received and noted.
2. The proposal from NSW Public Works to undertake the Condobolin Water Treatment Plant Concept Design be accepted.
3. The General Manager be authorised to execute the necessary contract documents.
4. \$187,500 be allocated from the water reserve to complete the project.

CARRIED

17.5 RNSW841 TOTTENHAM WATER SUPPLY - TELEMETRY UPGRADE**RESOLUTION 2024/25**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Megan Mortimer

That:

1. The Director Infrastructure Services Report R24/24 be received and noted.
2. The proposal from Alliance Automation Pty Ltd to undertake the Telemetry Upgrade in Tottenham be accepted.
3. The Mayor and General Manager be authorised to execute the necessary contract documents and affix the Council seal.
4. \$400,000 be allocated from the water reserve to complete the project.

CARRIED

17.6 FINAL AUDIT MANAGEMENT LETTER 2023 AND UPDATE ON APPOINTMENT OF NEW EXTERNAL AUDITORS**RESOLUTION 2024/26**

Moved: Cr Dennis Brady

Seconded: Deputy Mayor John Medcalf

That:

1. The Director Corporate & Community Services Report No. R24/28 be received and noted.
2. The Final Audit Management letter and associated comments for the financial year ended 30 June 2023 be noted.

CARRIED

17.7 OUTSTANDING RATES AND WATER RECOVERY

RESOLUTION 2024/27

Moved: Cr Dennis Brady
Seconded: Cr Robyn Turner

That:

1. The Director of Corporate and Community Services Report R24/21 be received and noted.
2. Council approve the commencement of debt recovery action including enforcing any legislative rights for the recovery of outstanding rates, charges, interest and water consumption on property assessments (as attached) commonly referred to in Council’s Authority system as Major Agents 9 & 29.

CARRIED

17.8 TYRE DISPOSAL/ RECYCLE AT COUNCIL'S WASTE FACILITIES

RESOLUTION 2024/28

Moved: Deputy Mayor John Medcalf
Seconded: Cr Judith Bartholomew

That:

1. The Acting Director Environment and Planning Report No. R24/34 be received and noted.
2. Council express its interest in the coming regional tyre recycling/processing tender to obtain the best competitive price and increase Council’s fees and charges (if required) for tyre disposal at the waste facilities.
3. Council implement a tyre recycling/reuse process using the Netwaste Regional tender/Contract.

CARRIED

The Meeting closed at 4:35

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 March 2024.

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CHAIRPERSON