

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

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

**IN ATTENDANCE:** Greg Tory (General Manager), Jon Shillito (Director - Environment, Tourism and Economic Development), Adrian Milne (Director - Infrastructure Services). Cherise Small (Executive Assistant).

The Chair welcomed those present and declared the meeting open at 02:08pm.

**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 Rees.

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

Nil.

**4 CONFIRMATION OF MINUTES**

**RESOLUTION 2023/27**

Moved: Cr Megan Mortimer

Seconded: Cr Judith Bartholomew

That:

The minutes of the Ordinary Meeting held on 22 February 2023 be confirmed with the following amendment:

1. Resolution No. 2023/7 , The date in the title of item no. 9.1.1 be changed to September 2024.

**CARRIED**

**5 MAYORAL MINUTE****5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS MARCH****RESOLUTION 2023/28**

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That:

The Mayoral Minute No. R23/56 be received and noted.

**CARRIED**

**5.2 MAYORAL MINUTE - CENTRAL NSW JOINT ORGANISATION BOARD MEETING - FEBRUARY 2023 HARRIS/ / CARTER****RESOLUTION 2023/29**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Mayoral Minute Report No. R23/68 be received and noted.
2. The report on the Central NSW Joint Organisation Board meeting of 23 February 2023 held online be received and Council note the changes to the NSW Charter with the following additions and changes highlighted in yellow.

*3.2 Associate Members*

*The following organisations are Associate Members of the Organisation as at February 2023:*

*Central Tablelands County Council;*

*Upper Macquarie County Council; and*

*Lithgow City Council.*

*4.2 Non-Voting Representatives*

*iv. the Mayor of Lithgow City Council*

*v. the Chair of Upper Macquarie County Council*

*the General Managers of Member Councils [and of Central Tablelands County Council, Upper Macquarie Country Council and Lithgow City Council ...*

*4.7 Chairperson and Deputy Chairperson*

*Remuneration for the Chair of the Central NSW Joint Organisation is \$10,000 per annum and will increase in line with the NSW Government Remuneration Tribunal and Local Government Remuneration Determinations for Non-Metropolitan Regional Rural Councils and be paid quarterly in advance subsequent to Board meetings.*

**CARRIED**

**6 PUBLIC FORUM**

Mr. Elias Bart – Former bowling club site offer to purchase.

Mr. Dave Rees - Condobolin Medical Services.

**7 DISCLOSURE OF INTEREST**

**Cr Medcalf declared a pecuniary interest in item 9.3.1 Tottenham Aerodrome – Request For Additional Permitted Use, as his daughter in law works for Delta Agribusiness.**

**RESOLUTION 2023/30**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

Council move into closed session to discuss the following items:

**17.7 Outstanding sundry debtor 21656**

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 Depot**

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**

**17.7 OUTSTANDING SUNDRY DEBTOR 21656****RESOLUTION 2023/31**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The General Manger's Report No R23/64 be received and noted.
2. Council authorise the immediate commencement of debt recovery action in accordance with Council's adopted Debt Recovery Policy to recover all outstanding charges in relation to sundry debtor account 21656 subject to the requirements of section 129 of the Conveyancing Act that "a reasonable time" be given to make good the breach.

3. In accordance with Annexure B clause 12 and section 129 of the Conveyancing Act Council terminate the lease and take possession of the property.
4. Council's legal representative be engaged to draft and serve the necessary notice required under section 129(1)(a) of the Conveyancing Act.
5. Negotiations commence to find an alternate tenant for the property.

**CARRIED**

#### **17.5 CONDOBOLIN DEPOT**

##### **RESOLUTION 2023/32**

Moved: Cr Melissa Rees

Seconded: Cr Dennis Brady

That:

The Director of Environment, Tourism and Economic Development Report No. R23/61 be received and noted.

**CARRIED**

#### **8 READ AND NOTE**

##### **8.1 INVESTMENTS AS AT 28 FEBRUARY 2023**

##### **RESOLUTION 2023/33**

Moved: Cr Megan Mortimer

Seconded: Deputy Mayor Paul Phillips

That:

The Director Corporate and Community Services Report No. R23/47 be received and noted.

**CARRIED**

##### **8.2 BUILDING PROJECTS MONTHLY UPDATE FOR FEBRUARY/MARCH**

##### **RESOLUTION 2023/34**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

The Director of Environment, Tourism and Economic Development Report No. R23/48 be received and noted.

**CARRIED**

**RESOLUTION 2023/35**

Moved: Cr Peter Harris  
 Seconded: Cr Melissa Blewitt

That:

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

- 8.3 FY22/23 Urban Works Monthly Update for March.
- 8.4 FY22/23 Utilities Monthly Update March.
- 8.5 Development Data February 2023.

**CARRIED**

**8.6 DELIVERY PROGRAM 6 MONTHLY UPDATE TO 31 DECEMBER 2022**

**RESOLUTION 2023/36**

Moved: Cr Peter Harris  
 Seconded: Cr Megan Mortimer

That:

The General Manager’s Report No. R23/43 be received and noted.

**CARRIED**

**Note: Cr Harris requested that in future a legend be included in the Delivery Program Report describing the meaning of the traffic light colours.**

**8.7 ACTIVE RESOLUTIONS – MARCH**

**RESOLUTION 2023/37**

Moved: Cr Peter Harris  
 Seconded: Cr Melissa Blewitt

That:

The General Manager’s Report No. R23/55 be received and noted.

**CARRIED**

**8.8 FY22/23 ROADWORKS MONTHLY UPDATE FOR FEBRUARY**

**RESOLUTION 2023/38**

Moved: Cr Melissa Blewitt  
 Seconded: Cr Melissa Rees

That:

The Director Infrastructure Services Report No. R23/54 be received and noted.

**CARRIED**

Meeting paused at 3:59pm.

Meeting resumed at 4:14pm.

**9 DECISION REPORTS**

**9.1 GENERAL MANAGER**

<p><b>9.1.1 CORRESPONDENCE REPORT</b></p> <p><b>RESOLUTION 2023/39</b></p> <p>Moved: Cr Dave Carter</p> <p>Seconded: Cr Peter Harris</p> <p>That:</p> <p>The Correspondence Report No. R23/59 be received and noted.</p> <p style="text-align: right;"><b>CARRIED</b></p>
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**9.2 CORPORATE AND COMMUNITY SERVICES**

<p><b>9.2.1 DONATIONS</b></p> <p><b>RESOLUTION 2023/40</b></p> <p>Moved: Deputy Mayor Paul Phillips</p> <p>Seconded: Cr Peter Harris</p> <p>That:</p> <p>The Director of Corporate and Community Services Report No. R23/45 be received and noted.</p> <p style="text-align: right;"><b>CARRIED</b></p>
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<p><b>RESOLUTION 2023/41</b></p> <p>Moved: Deputy Mayor Paul Phillips</p> <p>Seconded: Cr Melissa Blewitt</p> <p>That:</p> <p>The Council provide a \$200 donation to the RSL Life Care William Beech Gardens for their Biggest Morning Tea event.</p> <p style="text-align: right;"><b>CARRIED</b></p>
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<p><b>RESOLUTION 2023/42</b></p> <p>Moved: Cr Melissa Blewitt</p> <p>Seconded: Cr Dennis Brady</p> <p>That:</p> <p>The Council approve the \$900 donation requested by Lake Cargelligo &amp; District Historical Museum Inc.</p> <p style="text-align: right;"><b>CARRIED</b></p>
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**RESOLUTION 2023/43**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

The Council defer a decision on the request for a \$20,300 donation from the Anglican Parish of Lake Cargelligo and a report be submitted to the April 2023 council meeting outlining the option of providing a loan for the requested funds.

**CARRIED**

**9.2.2 INVESTMENT POLICY ANNUAL REVIEW****RESOLUTION 2023/44**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate & Community Services' Report No R23/51 be received and noted
2. The reviewed Investment Policy be adopted as presented.

**CARRIED**

**9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT**

**Cr Medcalf declared a pecuniary interest in item 9.3.1 Tottenham Aerodrome – Request for Additional Permitted Use, as his daughter in law works for Delta Agribusiness.**

**Cr Medcalf vacated the chair and left the meeting.**

**Cr Phillips assumed the chair.**

**9.3.1 TOTTENHAM AERODROME - REQUEST FOR ADDITIONAL PERMITTED USE CARRIED****RESOLUTION 2023/45**

Moved: Cr Dave Carter

Seconded: Cr Dennis Brady

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/21 be received and noted.
2. The Council request that the Applicant (Delta Agribusiness) prepare and submit a scoping proposal, including consideration of land tenure, to allow Council to formally consider a request to add an additional permitted use on Lot 1 in DP 862360 (5077 The Bogan Way, Tottenham) known as Tottenham aerodrome.
3. A report be presented to Council before formal advice is issued regarding the scoping proposal.

**CARRIED**

**Cr Medcalf returned to the meeting.**

**Cr Phillips vacated the chair.**

**Cr Medcalf resumed the chair.**

### **9.3.2 COUNCIL DEVELOPMENT APPLICATION CONFLICT OF INTEREST POLICY**

#### **RESOLUTION 2023/46**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/58 be received and noted.
2. The draft Council Development Application Conflict of Interest Policy attached to this report be adopted.
3. The Council Development Application Conflict of Interest Policy be placed on exhibition for a minimum period of 28 days, with any significant submissions received to be reported to Council for consideration. If no significant submissions are received, no further action will be required.

**CARRIED**

### **9.3.3 REQUEST FOR FINANCIAL ASSISTANCE - LAKE CARGELLIGO TAXI TRUCK PROMOTIONAL CURTAIN**

#### **RESOLUTION 2023/47**

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/65 be received and noted.
2. The Council resolve to support the continued promotion of Lake Cargelligo through the digital printing of two (2) new truck body curtains for the Lake Cargelligo Taxi Truck at a cost of \$3,680.00 (inclusive of GST).
3. The financial assistance for the initiative be funded from the Tourism Promotional Materials and Activities budget.
4. The Council's logo be included on the truck curtain.

**CARRIED**



**9.3.4 TOTTENHAM WATER TOWER MURAL DESIGN****RESOLUTION 2023/48**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

Council defer this report to close session in accordance with Section 10A(2) c,g of the local government Act as the information would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND advice conferring 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**

**9.4 INFRASTRUCTURE SERVICES****9.4.1 ROAD ENCROACHMENT ORANGE STREET, CONDOBOLIN BRADY / CARTER****RESOLUTION 2023/49**

Moved: Cr Dennis Brady

Seconded: Cr Melissa Rees

That:

1. The Director Infrastructure Services Report No. R23/62 be received and noted.
2. The Council acquire part of Lot 3, Sec A, DP 16964 pursuant to section 177 of the Roads Act 1993 for the purpose of road widening at the intersection of Orange, Tasker and Fay Streets, Condobolin.
3. The Council will acquire the Land by compulsory process pursuant to section 30 of the Land Acquisition (Just Terms Compensation) Act 1991.
4. The Council instructs its solicitors to make application to the Minister of Local Government to approve the acquisition under the Land Acquisition (Just Terms Compensation) Act 1991.

**CARRIED**

**10 DEPUTATIONS**

Nil.

**11 NOTICES OF MOTION****11.1 NOTICE OF MOTION - REQUEST FOR FUNDING SUPPORT COMMUNITY WELCOME EVENTS****RESOLUTION 2023/50**

Moved: Cr Dennis Brady

Seconded: Cr Judith Bartholomew

That:

1. The Notice of Motion report no. R23/73 be received and noted.
2. Council provide two (2) donations of \$300 each to fund welcome to community events in Lake Cargelligo.
3. The funds be allocated from Council's General Donations Elected Members budget which has an available balance of \$14,603.
4. Council consider a budget allocation for meet and greet events across the shire in the current budget process.

**CARRIED****11.2 NOTICE OF MOTION - DEMENTIA AWARENESS DAY****RESOLUTION 2023/51**

Moved: Cr Dennis Brady

Seconded: Cr Megan Mortimer

That:

1. The Notice of Motion Report No. R23/74 be received and noted.
2. Council provide a donation of \$300 toward the Dementia Awareness Day occurring on 1 April 2023 to help fund the cost of the fundraising event.
3. The funds be allocated from Council's General Donations Elected Members budget which has an available balance of \$14,603.

**CARRIED**

**12 NOTICES OF RESCISSION**

Nil

**13 DELEGATES REPORT**

Nil

**14 CORRESPONDENCE**

Nil

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

Nil

**16 PETITIONS**

Nil

**17 CLOSED SESSION****RESOLUTION 2023/52**

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 Audit Engagement Plan for the financial year ended 30 June 2023**

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 Tender T2023/03 - Murie Creek Culvert Installation**

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.

**17.3 ARIC Minutes - February 2023 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.

**17.4 Condobolin Pool Leak Sealing**

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.

**17.6 50 Lachlan Street Condobolin - Offer to purchase**

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.

**17.8 Tender Plant and Truck Hire - Additional Contractor**

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 2023/53**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dennis Brady

That:

Council moves out of Closed Council into Open Council.

**CARRIED****17.1 AUDIT ENGAGEMENT PLAN FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023****RESOLUTION 2023/54**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

The Director Corporate & Community Services Report R23/41 be received and noted.

**CARRIED****17.2 TENDER T2023/03 - MURIE CREEK CULVERT INSTALLATION****RESOLUTION 2023/55**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. R23/49 be received and noted
2. The Council resolve to accept the tender submitted by Murrays Construction Pty Ltd in response to T2023/03 Murie Creek Culvert Installation.
3. The Mayor and General Manager be authorised to execute the contract documents and affix the Council seal.

**CARRIED**

**17.3 ARIC MINUTES - FEBRUARY 2023 MEETING****RESOLUTION 2023/56**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dennis Brady

That:

1. The Director Corporate & Community Services Report R23/52 be received and noted.
2. The unconfirmed minutes of the Audit, Risk & Improvement Committee (ARIC) meeting held on 22 February 2023 be received and noted.

**CARRIED**

**Cr Rees left the meeting at 4:54pm.**

**17.4 CONDOBOLIN POOL LEAK SEALING****RESOLUTION 2023/57**

Moved: Cr Dave Carter

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. R23/53 be received and noted.
2. Council acknowledge the deterioration of the Condobolin Swimming Pool and commit to reducing the leaks and preserving the structure.
3. Council resolve not to undertake a competitive Tender process for the leak sealing works, due to extenuating circumstances and unavailability of competitive or reliable tenderers that a satisfactory result would not be achieved inviting tenders.
4. Council engage Fibre Style Pool Surfacing to undertake leak sealing and fibreglass resurfacing of the Condobolin Swimming Pools, as outlined in their quotation document.
5. Council delegate authority to the General Manager to execute the contract documents.
6. Council make the necessary amendments to the Local Road and Community Infrastructure project list to include this project in the phase 3 program.

**CARRIED**

**17.6 50 LACHLAN STREET CONDOBOLIN - OFFER TO PURCHASE****RESOLUTION 2023/58**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The General Manager's Report No. R23/63 be received and noted.
2. The General Manager be authorised to negotiate the sale of 50 Lachlan Street Condobolin (lots 1//DP319876; B//DP408388; Y//DP448903; 3/4/5//10//DP758271; and 6//DP81908) at the price recommended in the independent market appraisal attached to the report.
3. Council's legal representative be engaged to prepare a contract of sale.
4. The sale contract include appropriate conditions regarding timeframes for the lodgement of a development application and commencement of construction etc, as contemplated in the offer to purchase, in addition to conditions outlined in the report.
5. Proceeds from the sale of the property be proportionally refunded to the Plant and Gravel Pit Rehabilitation Reserves.
6. The Mayor and General Manager be authorised to sign the contract of sale documents and affix the Council seal.
7. A further report on negotiations be reported to Council.

**CARRIED**

**17.8 TENDER PLANT AND TRUCK HIRE - ADDITIONAL CONTRACTOR****RESOLUTION 2023/59**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That

1. The Director Infrastructure Services Report No. R23/72 be received and noted.
2. The tender from M & S Pawsey Transport detailing rates for the plant and equipment term panel be accepted.
3. The General Manager be authorised to execute the contract documents.

**CARRIED**

**9.3.4 TOTTENHAM WATER TOWER MURAL DESIGN**

**RESOLUTION 2023/60**

Moved: Cr Dennis Brady

Seconded: Cr Judith Bartholomew

That:

Council defer Item 9.3.4 Tottenham Water Tower Mural Design to the project sub committee of Council for a decision comprising community members Sue Nichols and Mary Gregg, the Mayor and Manager Communication and Tourism for determination.

**CARRIED**

**The Meeting closed at 05:30pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 April 2023.**

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**CHAIRPERSON**