

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 20 MARCH 2024 AT 2:00 PM**

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

IN ATTENDANCE: Greg Tory (General Manager), Karen Pegler (Director - Corporate and Community Services), Adrian Milne (Director - Infrastructure Services), Patrick Ruettjes (Director - Environment and Planning) Cherise Small (Executive Assistant).

Meeting opened 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 Robyn Turner**.

3 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2024/29

Moved: Deputy Mayor John Medcalf

Seconded: Cr Judith Bartholomew

That:

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

CARRIED

4. CONFIRMATION OF MINUTES

RESOLUTION 2024/30

Moved: Cr Dennis Brady

Seconded: Cr Megan Mortimer

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 2024/31**

Moved: Cr Robyn Turner

Seconded: Deputy Mayor John Medcalf

1. That the Mayoral Minute No. R24/48 be received and noted.

CARRIED**6 PUBLIC FORUM**

Nil.

7 DISCLOSURE OF INTEREST

Cr Blewitt declared a non-pecuniary less than significant interest in item 8.3 Active Resolutons, as her brother in law is the Manager of Willowbend Sport Centre.

Mayor Paul Phillips declared a non-pecuniary less than significant interest in item 9.3.1 DA2024/6 – Farm Building – Request for Exemptions to Lachlan Section 7.12 Development Contribution Plan as Darren J Frankel is a friend.

Cr Dennis Brady declared a non-pecuniary less than significant interest in item 9.3.2 – Evolution Mining Open Cut Extension Application – Road Maintenance Contribution as he is a committee member, and in item 17.7 SRL OPS Pty Ltd – Request for Extension of S.138 Consent and Substratum Lease as he is a committee and community member.

Cr Judith Bartholomew declared a pecuniary interest in item 9.4.1 Holt Street Drainage – Consultation Update as her house is built adjacent to the drainage.

8 READ AND NOTE**8.1 BUILDING PROJECTS MONTHLY UPDATE FOR FEBRUARY/MARCH****RESOLUTION 2024/32**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Judith Bartholomew

That:

1. The Director of Environment and Planning Report No. R24/45 be received and noted.

CARRIED

8.2 DEVELOPMENT DATA FEBRUARY 2024**RESOLUTION 2024/33**

Moved: Cr Melissa Blewitt

Seconded: Cr Robyn Turner

That:

1. The Director Environment and Planning Report No. R24/46 be received and noted.

CARRIED

Cr Blewitt declared a non-pecuniary less than significant interest in item 8.3 Active Resolutions, as her brother in law is the Manager of Willowbend Sport Centre.

RESOLUTION 2024/34

Moved: Cr Megan Mortimer

Seconded: Cr Melissa Blewitt

That:

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

- 8.3 Active Resolutions;
- 8.4 Investments as at 29 February 2024;
- 8.5 FY23/24 Utilities Monthly Update February;
- 8.6 Delivery Program 6 monthly update to 31 December 2024;
- 8.7 FY23/24 Urban Works Monthly Update for February;
- 8.8 FY23/24 Roadworks Monthly Update February.

CARRIED

9 DECISION REPORTS**9.1 GENERAL MANAGER**

Nil

9.2 CORPORATE AND COMMUNITY SERVICES**9.2.1 ADOPTION OF CHILD SAFE ORGANISATION COMMITMENT STATEMENT****RESOLUTION 2024/35**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director of Corporate and Community Services Report No R23/18 be received and noted.
2. The Child Safe Organisation Commitment Statement be adopted and publicly advertised.

CARRIED**9.2.2 CHILD SAFE STANDARDS - ACTION PLAN 2024****RESOLUTION 2024/36**

Moved: Cr Peter Harris

Seconded: Deputy Mayor John Medcalf

That:

1. The Director of Corporate and Community Services Report No. R23/371 be received and noted.
2. The Child Safe Standards Action Plan be adopted as presented.

CARRIED**9.2.3 ADOPTION OF A PRIVACY MANAGEMENT PLAN****RESOLUTION 2024/37**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Director Corporate and Community Services Report R24/17 be received.
2. The Draft Lachlan Shire Council Privacy Management Plan 2024 be placed on public exhibition for 28 days, and be adopted as presented if no significant matters are raised.

CARRIED

9.2.4 ARIC TERMS OF REFERENCE AND RISK MANAGEMENT POLICY.**RESOLUTION 2024/38**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director Corporate and Community Services Report R24/30 be received and noted;
2. The Draft Lachlan Shire Council Audit, Risk and Improvement Committee Terms of Reference be adopted and take effect from 1 July 2024;
3. The Draft Lachlan Shire Council Risk Management Policy 2024 be adopted and take effect from 1 July 2024;
4. The Draft Lachlan Shire Council Attestation Template 2024 and regulation be noted.

CARRIED

9.2.5 SERIOUS INCIDENT RESPONSE POLICY - HACC SERVICE**RESOLUTION 2024/39**

Moved: Cr Dennis Brady

Seconded: Cr Robyn Turner

That:

1. The Director Corporate and Community Services Report No. R24/35 be received and noted.
2. The Draft Serious Incident Response Policy – HACC Service be adopted as presented.

CARRIED

9.2.6 CONFLICT OF INTEREST POLICY V1**RESOLUTION 2024/40**

Moved: Cr Peter Harris

Seconded: Cr Judith Bartholomew

That:

1. The Director Corporate and Community Services Report no. R24/37 be received and noted.
2. The Draft Conflict of Interest Policy 2024 be adopted.
3. The Conflict of Interest Declaration Form be noted.

CARRIED

9.3 ENVIRONMENT AND PLANNING

Mayor Paul Phillips declared a non-pecuniary less than significant interest in item 9.3.1 DA2024/6 – Farm Building – Request for Exemptions to Lachlan Section 7.12 Development Contribution Plan as Darren J Frankel is a friend.

Cr Phillips vacated his chair at 2:27pm.

Cr Medcalf resumed the chair of Mayor.

9.3.1 DA2024/6 - FARM BUILDING - REQUEST FOR EXEMPTION TO LACHLAN SECTION 7.12 DEVELOPMENT CONTRIBUTION PLAN

A motion DA2024/6 - Farm Building - Request for Exemption to Lachlan Section 7.12 Development Contribution Plan was put to Council, and Council voted on the motion:

Cr John Medcalf

Cr Judith Bartholomew

Cr Megan Mortimer

Cr Peter Harris

Cr Melissa Blewitt

Cr Robyn Turner

Voted in favour of the motion.

Cr Brady voted against the motion.

RESOLUTION 2024/41

Moved: Deputy Mayor John Medcalf

Seconded: Cr Judith Bartholomew

That:

1. The Director of Environment and Planning Report No. R24/55 be received and noted.
2. DA2024/6 be approved in accordance with the Recommended Conditions of Consent provided in Attachment.
3. An exemption to Lachlan Section 7.12 Development Contribution Plan for the amount of \$14,701.50 not be granted.

CARRIED

Cr Phillips resumed the chair of Mayor at 2:31pm.

Cr Medcalf resumed the chair of Deputy Mayor.

Cr Dennis Brady declared a non-pecuniary less than significant interest in item 9.3.2 – Evolution Mining Open Cut Extension Application – Road Maintenance Contribution as he is a committee member.

9.3.2 EVOLUTION MINING OPEN CUT MINING EXTENSION APPLICATION - ROAD MAINTENCE CONTRIBUTION**RESOLUTION 2024/42**

Moved: Cr Peter Harris

Seconded: Deputy Mayor John Medcalf

That:

1. The Director Environment and Planning Report No. R24/54 be received and noted.
2. The offer from Evolution Mining to increase the road maintenance contribution under the Memorandum of Understanding (MoU) by 50% be accepted.
3. The Mayor and General Manager be authorised to sign the MoU variation.

CARRIED

Cr Judith Bartholomew declared a pecuniary interest in item 9.4.1 Holt Street Drainage – Consultation Update as her House is built adjacent to the drainage.

Cr Bartholomew vacated her chair at 2:43pm.

9.4 INFRASTRUCTURE SERVICES**9.4.1 HOLT STREET DRAINAGE - CONSULTATION UPDATE****RESOLUTION 2024/43**

Moved: Cr Megan Mortimer

Seconded: Deputy Mayor John Medcalf

That

1. The Director Infrastructure Services Report No. R24/69 be received and noted.
2. Council continue discussions with land owners of Lot 3 Section 26 DP 75859 and Lot 4 Section 24 DP 758595 with the intention of formalising an additional drainage easement adjacent to the current drainage easement.
3. Council prepare detailed design drawings and cost estimate for drainage upgrade on the concrete trapezoidal drain option.

CARRIED

Cr Bartholomew resumed her chair at 2:46pm.

9.4.2 CROWN RESERVE 96552 AND 96536 LAKE CARGELLIGO**RESOLUTION 2024/44**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That

1. The Director Infrastructure Services Report No. R24/70 be received and noted.
2. Council acknowledge that Crown Reserve 96552 will be devolved to Council once the Lake Cargelligo Sport Club Ltd ceases to be the Crown Land Manager.
3. Council write to Department of Planning Housing & Infrastructure - Crown Lands and discuss possible future options for the Management of Crown Reserve 96536.

CARRIED

10 DEPUTATIONS

Nil.

11 NOTICES OF MOTION**11.1 NOTICE OF MOTION - GOANNA MANOR****RESOLUTION 2024/45**

Moved: Cr Dennis Brady

Seconded: Cr Judith Bartholomew

That:

Council agree that the Notice of Motion – Goanna Manor be deferred until the next meeting of the Council scheduled to be held on 17 April 2024.

CARRIED

12 NOTICES OF RESCISSION

Nil

13 DELEGATES REPORT**13.1 DELEGATES REPORT****RESOLUTION 2024/46**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The report from the Deputy Mayor on the Central NSW Joint Organisation (CNSWJO) Board meeting 29 February 2024 be received and noted.
2. Note the return on investment from Council fees to the CNSWJO is 9.4:1;
3. Support the Simtables workshop at Council in disaster readiness; and
4. Note the CNSWJO Draft Statement of Budget and Revenue.

CARRIED

14 CORRESPONDENCE**14.1 CORRESPONDENCE****RESOLUTION 2024/47**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Correspondence Report No. R24/42 be received and noted.

CARRIED

15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16 PETITIONS

Nil

17 CLOSED SESSION

RESOLUTION 2024/48

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

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 Lake Cargelligo Museum - 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.

17.2 Notification of Liquidation - Lake Cargelligo Sports Club Assessment 1034724

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.

17.3 Tender Assessment - RFT T2023/18 Sewer Rehabilitation and Investigation

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 Riverview Caravan Park Management - Contract Remuneration Review

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 Lachlan Shire Council Works Depot construction arrangements

This matter is considered to be confidential under Section 10A(2)c and 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

17.6 Land Acquisition - Jones Lane Condobolin

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.

17.7 SRL Ops Pty Ltd - Request for extension of S.138 Consent and Substratum Lease

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.

CARRIED

Meeting paused at 3:13pm

Meeting resumed at 3:36pm

RESOLUTION 2024/49

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That Council moves out of Closed Council into Open Council.

CARRIED

17.1 LAKE CARGELLIGO MUSEUM - UPGRADE

RESOLUTION 2024/50

Moved: Cr Peter Harris

Seconded: Cr Robyn Turner

That

1. The Director of Environmental and Planning Report No. R24/71 be received and noted.
2. Council endorse option 2 of the report.

CARRIED

17.2 NOTIFICATION OF LIQUIDATION - LAKE CARGELLIGO SPORTS CLUB ASSESSMENT 1034724

RESOLUTION 2024/51

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The Director of Corporate and Community Services Report No. R24/50 be received and noted.

CARRIED

17.3 TENDER ASSESSMENT - RFT T2023/18 SEWER REHABILITATION AND INVESTIGATION**RESOLUTION 2024/52**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Director Infrastructure Services Report No. R24/60 be received and noted.
2. The tender submission from Trazlbat Pty Ltd in the schedule of rates outlined in their tender be accepted.
3. The Mayor and General Manager be authorised to execute the contract documents and affix the Council seal.

CARRIED

17.4 RIVERVIEW CARAVAN PARK MANAGEMENT - CONTRACT REMUNERATION REVIEW**RESOLUTION 2024/53**

Moved: Cr Peter Harris

Seconded: Cr Robyn Turner

That:

1. The Director of Environmental and Planning Report No. R24/62 be received and noted.
2. Council endorse option 1 of the report.

CARRIED

17.5 LACHLAN SHIRE COUNCIL WORKS DEPOT CONSTRUCTION ARRANGEMENTS**RESOLUTION 2024/54**

Moved: Cr Peter Harris

Seconded: Deputy Mayor John Medcalf

That:

1. The General Manager's Report No. R24/65 be received and noted.
2. Option 5. (Invite tenders for Project Management and Site Supervision services only. Invite separate tenders from suitable qualified tradespeople and sub-contractors for a Panel Contract) be endorsed as the preferred arrangement to complete the Depot Construction Project.

CARRIED

17.6 LAND ACQUISITION - JONES LANE CONDOBOLIN**RESOLUTION 2024/55**

Moved: Cr Judith Bartholomew

Seconded: Cr Megan Mortimer

That:

1. The General Manager's report No. R24/66 be received and noted.
2. Council resolve to pursue the compulsory acquisition of the subject property located in Jones Lane Condobolin in accordance with the Land Acquisition (Just Terms Compensation) Act 1991 (Just Terms Act).
3. The Mayor and General Manager be delegated authority to negotiate, complete and sign any necessary documentation and affix the Council seal if required to facilitate the acquisition.
4. The General Manager be instructed and authorised to engage a legal representative to assist Council with all aspects of the acquisition.

CARRIED

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

Cr Dennis Brady declared a non-pecuniary less than significant interest in item 17.7 SRL OPS Pty Ltd – Request for Extension of S.138 Consent and Substratum Lease as he is a committee and community member.

17.7 SRL OPS PTY LTD - REQUEST FOR EXTENSION OF S.138 CONSENT AND SUBSTRATUM LEASE**RESOLUTION 2024/56**

Moved: Cr Dennis Brady

Seconded: Cr Robyn Turner

That:

1. The General Manager's report No. R24/64 be received and noted.
2. Council approve the request from SRL Ops to extend the Sunset Date of the Road Occupancy Lease and the S.138 consent to 25 March 2027, subject to an additional payment of the Road Occupancy Fee adjusted for inflation.

CARRIED

18. COMMUNITY DONATION AND EVENT SUPPORT PROGRAM

RESOLUTION 2024/57

Moved: Cr Dennis Brady

Seconded: Deputy Mayor John Medcalf

That:

1. Council approve a donation of kind support estimated to be valued at \$400 for the Tess Cross Memorial Team Penning Event. This contribution is to be funded from the in kind Contributions budget.

CARRIED

The Meeting closed at 4:31pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 April 2024.

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CHAIRPERSON