

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 23 NOVEMBER 2022 AT 2.00PM**

PRESENT: Mayor John Medcalf (OAM), Deputy Mayor Paul Phillips (via zoom) Cr Judith Bartholomew (via zoom), Cr Melissa Blewitt (via zoom), Cr Dennis Brady, Cr Dave Carter, Cr Peter Harris, Cr Megan Mortimer (via zoom), 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) and Carolyne Marchant (Minute Taker)

The Chair welcomed those present and declared the meeting open at 2.06pm.

Cr Medcalf acknowledged that the Shire is in the middle of a flood situation. He thanked the emergency agencies for support to the community and also thanked the community and volunteers for assisting with the 'Great wall of Condo' levee.

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 Carter. Cr Carter requested that the meeting pause for one minutes silence in acknowledgement.

3 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2022/304

Moved: Cr Dennis Brady

Seconded: Cr Dave Carter

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

CARRIED

4 CONFIRMATION OF MINUTES

RESOLUTION 2022/305

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That the minutes of the Ordinary Meeting held on 26 October 2022 be confirmed.

CARRIED

5 MAYORAL MINUTE**5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS - NOVEMBER****RESOLUTION 2022/306**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. Mayoral Minute No R22/369 be received and noted.

CARRIED

5.2 MAYORAL MINUTE - DECLARATION OF STATEWIDE ROAD EMERGENCY**RESOLUTION 2022/307**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. Mayoral Minute No. R22/388 be received and noted.
2. Lachlan Shire Council joins with Local Government NSW and the Country Mayors Association of NSW in declaring a State-wide Road Emergency.
3. Along with these organisations Lachlan Shire Council supports:
 - a. an acceleration and significant increase in funding for the \$1.1 billion Fixing Local Roads and Fixing Country Bridges program from the New South Wales Government;
 - b. a boost to Road Block Grant funding to compensate for the damage to the regional road network from the Federal Government;
 - c. new funding to provide councils with plant machinery and skilled workers to expedite road repairs from the Federal Government; and
 - d. the writing of letters to the Hon Anthony Albanese MP, Prime Minister of Australia, and the Hon Dominic Perrottet MP, Premier of New South Wales to request immediate action on these matters.

CARRIED

6 PUBLIC FORUM

Leanne Smith from intentus Chartered Accountants joined the meeting at 2.12pm to present Lachlan Shire Council's Financial Report.

Cr Paul Phillips joined the meeting at 2.29pm

Leanne Smith left the meeting at 2.34pm

7 DISCLOSURE OF INTEREST

Cr Blewitt declared a Non-pecuniary, Less than Significant interest in Item 9.2.2 Donations as her children attend both Condobolin Public School and Condobolin High School.

Cr Blewitt declared a Pecuniary interest in Item 8.6 Youth Services update to Council – January to June 2022 Youth services report and Financials to 30 June 2022 as the Acting Executive Officer of Lachlan and Western Regional Services is her managing director.

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 8.1 Building Project Monthly Update for November as her brother-in-law manages Willow Bend Sports Centre.

Cr Brady declared a Non-Pecuniary Less than Significant interest in Item 8.6 Youth Services update to Council – January to June 2022 Youth services report and Financials to 30 June 2022 as he is on the board of Lachlan and Western Regional Services.

Cr Carter declared a Pecuniary Interest in Item 17.2 Proposed debt recovery Assessment Number 1001925 as he is the property owner.

8 READ AND NOTE

Cr Blewitt declared a Pecuniary interest in Item 8.6 Youth Services update to Council – January to June 2022 Youth services report and Financials to 30 June 2022 as the Acting Executive Officer of Lachlan and Western Regional Services is her managing director.

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 8.1 Building Project Monthly Update for November as her brother-in-law manages Willow Bend Sports Centre.

Cr Brady declared a Non-Pecuniary Less than Significant interest in Item 8.6 Youth Services update to Council – January to June 2022 Youth services report and Financials to 30 June 2022 as he is on the board of Lachlan and Western Regional Services.

RESOLUTION 2022/308

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

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

- 8.1 Building Projects Monthly Update For November
- 8.2 Investments as at 31 October 2022
- 8.3 Submission to IPART on Review of the Rate Peg Methodology
- 8.4 Update on Audit, Risk & Improvement Committee Guidelines
- 8.5 FY22/23 Utilities Monthly Update for November
- 8.6 Youth Services Update to Council - January to June 2022 Youth Services Report and Financials to 30 June 2022
- 8.7 FY22/23 Urban Works Monthly Update for November

CARRIED

8.8 ACTIVE RESOLUTIONS - NOVEMBER**RESOLUTION 2022/309**

Moved: Cr Melissa Blewitt

Seconded: Cr Judith Bartholomew

That:

1. The General Manager's report no. R22/378 be received and noted.

CARRIED

8.9 FY22/23 ROADWORKS MONTHLY UPDATE FOR OCTOBER**RESOLUTION 2022/310**

Moved: Cr Melissa Rees

Seconded: Cr Peter Harris

That:

1. The Director Infrastructure Services Report No. R22/372 be received and noted.

CARRIED

9 DECISION REPORTS**9.1 GENERAL MANAGER**

Nil

9.2 CORPORATE AND COMMUNITY SERVICES**9.2.1 ADOPTION OF ANNUAL REPORT AND AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2022****RESOLUTION 2022/311**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That:

1. The Director Corporate and Community Services Report No. R22/365 be received and noted.
2. The Annual Report 2021-2022 be adopted as presented.
3. The Lachlan Shire Council Annual Financial Statements and Audit Reports for the year ended 30 June 2022 be adopted as presented.

CARRIED

Cr Blewitt declared a Non-pecuniary, Less than Significant interest in Item 9.2.2 Donations as her children attend both Condobolin Public School and Condobolin High School.

9.2.2 DONATIONS

RESOLUTION 2022/312

Moved: Cr Dave Carter

Seconded: Cr Melissa Rees

That:

1. The Director of Corporate and Community Services Report No. R22/366 be received and noted.
2. Council provide a donation of \$100 to Lake Cargelligo Central School for their annual school presentation.
3. Council authorise the General Manager to approve any similar requests, up to the value of \$100, from Lachlan Shire schools for support toward their annual school presentations.

CARRIED

9.2.3 QUARTERLY BUDGET REVIEW 1 2023 FY

RESOLUTION 2022/313

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The Director Corporate and Community Service Report No. R22/374 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 2022/314**

Moved: Cr Dennis Brady

Seconded: Cr Dave Carter

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/282 be received and noted.
2. The amended Section 7.12 Contributions Plan be placed on public exhibition for a period of no less than 28 days and public submissions be invited on the draft plan.
3. A further report be presented to Council, following the public exhibition of the amended Section 7.12 Contributions Plan, detailing any submissions received during the public exhibition period and to allow Council to consider the adoption of the amended plan.

CARRIED

9.3.2 DEVELOPMENT DATA OCTOBER 2022**RESOLUTION 2022/315**

Moved: Cr Dave Carter

Seconded: Cr Dennis Brady

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/373 be received and noted.

CARRIED

9.3.3 PROPOSED REZONING AND AMENDMENT TO MINIMUM LOT SIZE - 60 BOONA ROAD CONDOBOLIN**RESOLUTION 2022/316**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/379 be received and noted.
2. Council formally endorse the NSW Department of Planning and Environment proposal to create a State Environmental Planning Policy (SEPP) to amend the Lachlan Local Environmental Plan (LEP) 2013 to rezone 60 Boona Road, Condobolin, RU5 Village with a minimum lot size of 600 square metres.

CARRIED

9.4 INFRASTRUCTURE SERVICES

Nil

10 DEPUTATIONS

Nil

11 NOTICES OF MOTION

Nil

12 NOTICES OF RESCISSION

Nil

13 DELEGATES REPORT

Cr Medcalf and the General Manager presented an update on the 2022 National Local Roads and Transport Congress they attended on 2 – 3 November 2022.

Cr Medcalf gave an update on the Country Mayors Association meeting held 18 November 2022.

Cr Harris attended the LG NSW Annual Conference in October 2022, he will submit a report at the December meeting.

14 CORRESPONDENCE**14.1 CORRESPONDENCE****RESOLUTION 2022/317**

Moved: Cr Dave Carter

Seconded: Cr Peter Harris

That:

1. The Correspondence Report No. R22/386 be received and noted.

CARRIED

15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16 PETITIONS

Nil

17 CLOSED SESSION**RESOLUTION 2022/318**

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 Appointment of Audit, Risk & Improvement Committee Independent Member

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 Proposed debt recovery Assessment Number 1001925

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 Sale of Land for Unpaid Rates Under Section 713 of the Local Government Act 1993.

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).

17.4 Tottenham Caravan Park - Use of Dwelling for accommodation

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 Albert Golf Club - Assessment 1043090 - Outcome of request for Non Rateable Status

This matter is considered to be confidential under Section 10A(2)a and 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 personnel matters concerning particular individuals (other than councillors) and discussion in relation to the personal hardship of a resident or ratepayer.

17.6 ARIC Minutes - February & June 2022 meetings

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.

17.7 Interim Audit Management Letter 2022

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.

17.8 Tender Negotiations - Scott Street 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.

CARRIED**RESOLUTION 2022/319**

Moved: Cr Dave Carter

Seconded: Cr Peter Harris

That Council moves out of Closed Council into Open Council.

CARRIED**17.1 APPOINTMENT OF AUDIT, RISK & IMPROVEMENT COMMITTEE INDEPENDENT MEMBER**

It was moved Crs Harris/Phillips

That:

1. The Director Corporate & Community Services Report R22/300 be received and noted.
2. Council determine the preferred applicant/s for appointment as an Independent Member/s of the Audit, Risk and Improvement Committee.
3. Council authorise the General Manager to appoint the preferred applicant/s as Independent Members of the Audit, Risk and Improvement Committee from 1 December 2022.

An amendment was moved Crs Brady/Phillips

That:

1. Council resolves to appoint Robert Hunt for 4 years from 1 December 2022 subject to legislative changes & a satisfactory performance review after 2 years.
2. Council resolves to delegate authority to the General Manager and Mayor to appoint Sean Row to 30 June 2024, subject to satisfactory reference check.

The amendment was put to the vote and **CARRIED**

RESOLUTION 2022/320

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

CARRIED

Cr Carter declared a Pecuniary Interest in Item 17.2 Proposed debt recovery Assessment Number 1001925 as he is the property owner.

Cr Carter left the meeting at 3.27pm

17.2 PROPOSED DEBT RECOVERY ASSESSMENT NUMBER 1001925

It was moved Crs Rees/Brady

That:

1. The General Manager's Report R22/358 be received and noted.
2. Council note the proposed commencement of debt recovery action in accordance with Council resolution No. 2022/234 to recover all outstanding water consumption charges and interest in relation to assessment 1001925.

An amendment was moved Crs Brady/Harris the Item 17.2 Proposed Debt Recovery Assessment Number 1001925 be deferred until the Ordinary Meeting of Council to be held 14 December 2022.

The amendment was put to the vote and CARRIED.

RESOLUTION 2022/321

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

CARRIED

Cr Carter returned to the meeting 3.41pm

Cr Mortimer left at 3.30 pm

17.3 SALE OF LAND FOR UNPAID RATES UNDER SECTION 713 OF THE LOCAL GOVERNMENT ACT 1993.**RESOLUTION 2022/322**

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

1. The Director Corporate & Community Services Report R22/359 be received and noted
2. That the General Manager prepare the necessary certificates under *Section 713 of the Local Government Act, 1993*, in preparation for forthcoming sale.
3. That Council, pursuant to Section 713 and other relevant sections of the *Local Government Act 1993*, authorises sale proceedings to sell the properties listed in this report at a public auction at a time and place to be determined.
4. That Executive Collections be appointed to administer the sale on Council's behalf.
5. That Council authorises the General Manager and Executive Collections to proceed with the necessary arrangements, pertaining to the sale of the properties listed in this report, as set out in the *Local Government Act 1993* and *Local Government (General) Regulation 2021*.
6. That Council delegates authority to the General Manager to take the following actions pertaining to the properties specified in the report:
 - (a) To withdraw from sale any property that prior to the commencement of the auction has had all Rates and charges, including expenses of Council incurred in connection with the sale, paid in full.
 - (b) To withdraw any property from sale for technical or legal reasons.
 - (c) To set reserve prices for sale of the properties at auction.
 - (d) To negotiate by private treaty and accept offers for sale of any property that fails to sell at auction.
 - (e) To execute Sale and Purchase contracts, and property transfer documents, under Council's Common Seal/or by the General Manager.

CARRIED

Cr Blewitt recorded her vote against the motion

17.4 TOTTENHAM CARAVAN PARK - USE OF DWELLING FOR ACCOMODATION**RESOLUTION 2022/323**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/360 be received and noted.
2. An allocation of \$20,000 from the existing 2022/23 Budget Building Capital Works – Budget Unallocated be approved for the maintenance and refurbishment of the dwelling at the Tottenham Caravan Park.
3. The proposed new fee for the casual rental of the dwelling at the Tottenham Caravan Park be placed on public exhibition for a period of no less than 28 days.
4. Council authorise the Mayor and General Manger to include the proposed new fee for the casual rental of the dwelling at the Tottenham Caravan Park in the current fees and charges, after the expiry of the public exhibition period, provided no submissions to the fee are received during the public exhibition period.

CARRIED

17.5 ALBERT GOLF CLUB - ASSESSMENT 1043090 - OUTCOME OF REQUEST FOR NON RATEABLE STATUS**RESOLUTION 2022/324**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The Director Corporate & Community Services Report R22/362 be received and noted.
2. That Council resolves to declare Albert Golf Club, Assessment 1043090, as non-rateable, in compliance with *section 556(1)(b) of the Local Government Act NSW 1993*, from the 2017/2018 financial year; and
3. Write-off ordinary Rates charges only, amounting to \$15,930.16.

CARRIED

17.6 ARIC MINUTES - FEBRUARY & JUNE 2022 MEETINGS**RESOLUTION 2022/325**

Moved: Cr Melissa Rees

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate & Community Services Report R22/370 be received and noted.
2. The minutes of the Audit, Risk & Improvement Committee (ARIC) meetings held on 9 February 2022 (confirmed) and 8 June 2022 (unconfirmed) be received and noted.

CARRIED

17.7 INTERIM AUDIT MANAGEMENT LETTER 2022

RESOLUTION 2022/326

Moved: Cr Peter Harris
Seconded: Cr Dennis Brady

That

1. The Director Corporate & Community Services Report No. R22/385 be received and noted.
2. The Interim Audit Management letter and associated comments for the financial year ended 30 June 2022 be noted.

CARRIED

17.8 TENDER NEGOTIATIONS - SCOTT STREET UPGRADE

RESOLUTION 2022/327

Moved: Cr Melissa Rees
Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services Report No. R22/389 be received and noted
2. Council resolve to accept the revised tender from Utilstra Pty Ltd.
3. The Mayor and General Manager be authorised to execute the contract documents and affix the Council seal.

CARRIED

The Meeting closed at 4.16pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 14 December 2022.

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CHAIRPERSON