

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 13 DECEMBER 2023 AT 2:00 PM**

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

IN ATTENDANCE: Greg Tory (General Manager), Karen Pegler (Director - Corporate and Community Services), Guy Marchant (Acting Director - Environment, Tourism and Economic Development), Adrian Milne (Director - Infrastructure Services), Cherise Small (Executive Assistant).

Meeting opened at 2:08pm.

1 WEBCASTING

The statement regarding the 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

Nil

4 CONFIRMATION OF MINUTES

An amendment was moved by Cr Brady to the Minutes of the Ordinary Meeting held on 29 November 2023 that:

17.5 GOANNA MANOR - LIONEL HUNT PARK, 125 BATHURST STREET, CONDOBOLIN

RESOLUTION 2023/291

Moved: Cr Peter Harris

Seconded: Cr John Medcalf

That:

1. The Acting Director of Environment, Tourism and Economic Development Report No. R23/261 be received and noted.
2. The condition of the building be noted, the premises remain vacant, and \$60,000 from the current SRV building budget for 2023/2024 be allocated for the demolition of the building, including undertaking a historic and photographic record.
3. Stakeholder consultation be undertaken prior to the demolition of the building, subject to any regulatory requirements.

4. The Callara Cultural and Heritage Aboriginal Corporation be advised that the building is not available for their requested use.

CARRIED

Cr Brady requested that his name be noted as voted against the motion.

Cr Medcalf and Cr Mortimer had no objection to the amendment.

RESOLUTION 2023/292

Moved: Cr John Medcalf

Seconded: Cr Megan Mortimer

That the minutes of the Ordinary Meeting held on 29 November 2023 be confirmed.

CARRIED

5 MAYORAL MINUTE

5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS DECEMBER

RESOLUTION 2023/293

Moved: Cr Peter Harris

Seconded: Cr Robyn Turner

That:

1. Mayoral Minute No. R23/368 be received and noted.

CARRIED

6 PUBLIC FORUM

Nil.

7 DISCLOSURE OF INTEREST

Cr Brady declared a non-pecuniary less than significant interest in item 17.5 Request for Water Account Adjustment 1023375, as he is the Vice Chairman of L.W.R.S.

8 READ AND NOTE**RESOLUTION 2023/294**

Moved: Cr Peter Harris

Seconded: Cr John Medcalf

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/December;
- 8.2 Investments as at 30 November 2023;
- 8.3 Development Data November 2023;
- 8.4 FY23/24 Urban Works Monthly Update for November;
- 8.5 Active Resolutions – December;
- 8.6 FY23/24 Utilities Monthly Update November;
- 8.7 FY23/24 Roadworks Monthly Update for November.

CARRIED

9 DECISION REPORTS**9.1 GENERAL MANAGER****9.1.1 WORKFORCE SHORTAGES****RESOLUTION 2023/295**

Moved: Cr Peter Harris

Seconded: Cr John Medcalf

That:

1. The General Manager's Report No R23/356 be received and noted.

CARRIED

The Acting Director - Environment, Tourism and Economic Development left the meeting.

9.1.2 RECRUITMENT UPDATE - DIRECTOR ENVIRONMENT AND PLANNING**RESOLUTION 2023/296**

Moved: Cr Peter Harris

Seconded: Cr John Medcalf

That:

1. The General Manager's Report No R23/367 be received and noted.

CARRIED

The Acting Director - Environment, Tourism and Economic Development returned to the meeting.

9.1.3 AUSTRALIA DAY AWARDS AND EVENT POLICY

RESOLUTION 2023/297

Moved: Cr John Medcalf

Seconded: Cr Peter Harris

That:

1. The General Manager's Report R23/369 be received and noted.
2. The Australia Day Awards and Event Policy be adopted.

CARRIED

9.1.4 ASSET MANAGEMENT MATURITY AUDIT 2023

RESOLUTION 2023/298

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That:

1. The General Manager's Report No R23/372 be received and noted.

CARRIED

9.1.5 PROPOSED FM RADIO LICENCE LAKE CARGELLIGO

RESOLUTION 2023/299

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The General Manager's Report No. R23/375 be received and noted.
2. The General Manager be authorised to sign and return the ACMA Application for an apparatus licence in the broadcasting service bands for the establishment of an FM radio station licence in the Lake Cargelligo area.

CARRIED

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 LACHLAN CHILDREN'S SERVICES CODE OF CONDUCT POLICY

RESOLUTION 2023/300

Moved: Cr Peter Harris

Seconded: Cr John Medcalf

That:

1. The Director Corporate & Community Services Report R23/370 be received and noted.
2. The Lachlan Children's Services Code of Conduct v6 be adopted.

CARRIED

9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT

Nil

9.4 INFRASTRUCTURE SERVICES**9.4.1 HOLT STREET STORMWATER UPDATE**

The **Director Infrastructure Services** made an amendment to the recommendation to read as follows:

That:

1. The Director Infrastructure Services Report No. R23/376 be received and noted.
2. The status of the drainage easement through Lot 4 section 26, DP 758595 be confirmed.
3. Council nominate the preferred stormwater treatment option.
4. Council modify the 2 page summary and report prepared by the consultant to be more “user friendly” and seek feedback from the community. Council will hold an information session with the impacted residents and present the finding of the investigation face-to-face providing an opportunity for the residents to ask direct questions.

Cr Harris and Cr Medcalf made no objection to the amendment.

RESOLUTION 2023/301

Moved: Cr Peter Harris

Seconded: Cr John Medcalf

That:

1. The Director Infrastructure Services Report No. R23/376 be received and noted.
2. The status of the drainage easement through Lot 4 section 26, DP 758595 be confirmed.
3. Council nominate the preferred stormwater treatment option.
4. Council modify the 2 page summary and report prepared by the consultant to be more “user friendly” and seek feedback from the community. Council will hold an information session with the impacted residents and present the finding of the investigation face-to-face providing an opportunity for the residents to ask direct questions.

CARRIED

10 DEPUTATIONS

Nil.

11 NOTICES OF MOTION

Nil

12 NOTICES OF RESCISSION

Nil

13 DELEGATES REPORT**13.1 DELEGATES REPORT****RESOLUTION 2023/302**

Moved: Cr Peter Harris

Seconded: Cr John Medcalf

That:

1. The Delegates Report No. R23/364 on the Country Mayors Association of NSW General and Annual General meetings be received and noted.

CARRIED**13.2 DELEGATES REPORT****RESOLUTION 2023/303**

Moved: Cr John Medcalf

Seconded: Cr Megan Mortimer

That:

1. The Delegate's Report No. R23/365 on the Central NSW Joint Organisation meeting held on 23 November 2023 be received and noted.

CARRIED**14 CORRESPONDENCE****14.1 CORRESPONDENCE****RESOLUTION 2023/304**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Correspondence Report No. R23/363 be received and noted.

CARRIED

15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16 PETITIONS

Nil

17 CLOSED SESSION

RESOLUTION 2023/305

Moved: Cr Melissa Rees

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 Request for water account adjustment Assessment 1023359

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.

17.2 Request for water account adjustment 1031899

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 Short Term Licence Agreement -Tullibigeal Community Centre and Swimming Pool Reserve Management - Tullibigeal Fire Appliance Display

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 Water leak allowance application Assessment 1040018

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).

17.5 Request for water account adjustment 1023375

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).

17.6 Outstanding rates, charges and water consumption - 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.

17.7 LACHLAN SHIRE VISITOR INFORMATION CENTRE CAFE MANAGEMENT SUBMISSION

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.

17.8 Tender Assessment - Project Management for NSW Natural Disaster Restoration of Essential Public Assets

This matter is considered to be confidential under Section 10A(2)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 competitor of the council.

CARRIED**RESOLUTION 2023/306**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That Council moves out of Closed Council into Open Council.

CARRIED**17.1 REQUEST FOR WATER ACCOUNT ADJUSTMENT ASSESSMENT 1023359****RESOLUTION 2023/307**

Moved: Cr John Medcalf

Seconded: Cr Dennis Brady

That:

1. The Director of Corporate and Community Services Report R23/351 be received and noted.
2. Council approve a reduction in the water account for assessment 1023359 in relation to the 2024 FY period 1 billing cycle. A reduction totalling \$4,628.95, will be permitted due to hardship, and in compliance with section 582 of the *Local Government Act 1993 NSW*. The reduction is to be calculated utilising Council's Undetected Water Leak and Faulty Water Meter Policy.
3. The ratepayer be advised that no future applications under the Undetected Water Leak and Faulty Water Meter Policy will be permitted as they have received the maximum benefit allowable due to undetected leak.

CARRIED

17.2 REQUEST FOR WATER ACCOUNT ADJUSTMENT 1031899**RESOLUTION 2023/308**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director of Corporate and Community Services Report R23/353 be received and noted.
2. Due to the extenuating circumstances, Council approve a reduction of the water account for the 2023 FY period 2 totalling \$3,383.45 as calculated under Council's adopted Undetected Water Leak and Faulty Water Meter Policy.
3. The ratepayer be advised this is the first and only application allowable under the Undetected Water Leak and Faulty Water Meter Policy.

CARRIED

17.3 SHORT TERM LICENCE AGREEMENT -TULLIBIGEAL COMMUNITY CENTRE AND SWIMMING POOL RESERVE MANAGEMENT - TULLIBIGEAL FIRE APPLIANCE DISPLAY**RESOLUTION 2023/309**

Moved: Cr Dennis Brady

Seconded: Cr Robyn Turner

That:

1. The Acting Director of Environmental and Planning Report No. R23/334 be received and noted.
2. Council enter into a short-term licence with Tullibigeal Community Centre and Swimming Pool Reserve Management for the use of the north western corner of Crown Reserve 559001 and make an annual contribution towards the cost of electricity of \$250.
3. The General Manager be authorised to sign the short-term licence agreement.

CARRIED

17.4 WATER LEAK ALLOWANCE APPLICATION ASSESSMENT 1040018**RESOLUTION 2023/310**

Moved: Cr Dennis Brady

Seconded: Cr John Medcalf

That:

1. The Director of Corporate and Community Services Report No. R23/352 be received and noted.

2. The property owner be advised the entire pipeline from the property owner’s side of the water meter to any connected property/ies on the property owner’s land must be replaced to avoid potential ongoing water leak problems.
 3. The ratepayer be advised, that due to faulty Council water infrastructure, the terms of the Undetected Water Leak and Faulty Water Meter Policy, will be applied on this occasion.
 4. The ratepayer to be advised that the previous 2017 successful application for an undetected water leak is the first and only application that will be permitted for an undetected water leak caused solely by the property owner’s infrastructure.
 5. Council apply a reduction of \$13,455.40 to the water consumption account for assessment number 1040018.
- CARRIED**

Cr Brady declared a non-pecuniary less than significant interest in item 17.5 Request for Water Account Adjustment 1023375, as he is the Vice Chairman of L.W.R.S.

- 17.5 REQUEST FOR WATER ACCOUNT ADJUSTMENT 1023375**
- RESOLUTION 2023/311**
- Moved: Cr John Medcalf
 Seconded: Cr Megan Mortimer
- That:
1. The Director of Corporate and Community Services Report R23/357 be received and noted.
 2. Council approve a reduction of the water account for the 2023 FY periods 1 and 2, totalling \$7,625.21, calculated as per Council’s Undetected Water Leak and Faulty Water Meter Policy.
 3. The ratepayer be advised this is the first and only application allowable under the Undetected Water Leak and Faulty Water Meter Policy.
- CARRIED**

- 17.6 OUTSTANDING RATES, CHARGES AND WATER CONSUMPTION - LAKE CARGELLIGO SPORTS CLUB ASSESSMENT 1034724**
- RESOLUTION 2023/312**
- Moved: Cr Dennis Brady
 Seconded: Cr John Medcalf
- That:
1. The Director of Corporate and Community Services Report No. R23/366 be received and noted.

2. With regards to the Lake Cargelligo Sports Club assessment number 1034724, due to the extenuating circumstances, advise Recovery and Reconstructions to:
 - a) place the Examination Notices on hold for 90 days; and
 - b) to seek a written resolution of Lachlan Shire Council before taking any further debt recovery action.

CARRIED

17.7 LACHLAN SHIRE VISITOR INFORMATION CENTRE CAFE MANAGEMENT SUBMISSION

RESOLUTION 2023/313

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The General Manager's Report No R23/373 be received and noted.
2. The proposal from Logan and Melissa Thorpe to operate the Lachlan Shire Visitor Information Centre café be accepted
3. The additional equipment requested for the café, as listed in the report, be purchased with funds allocated from the Tourism Capital Works – Tourist Information Centre Condobolin budget.
4. The General Manager be authorised to sign a 12-month lease agreement with Logan and Melissa Thorpe for the operation of the Lachlan Shire Visitor Information Centre café.

CARRIED

17.8 TENDER ASSESSMENT - PROJECT MANAGEMENT FOR NSW NATURAL DISTASTER RESTORATION OF ESSENTIAL PUBLIC ASSETS

RESOLUTION 2023/314

Moved: Cr Peter Harris

Seconded: Cr John Medcalf

That:

1. The Director Infrastructure Services Report No R23/344 be received and noted.
2. Council award a contract to Shepherd Services Pty Ltd for T2023/19 - Project Management for NSW Restoration of Essential Public Assets - Natural Disaster AGRN 1034.
3. The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal if required.

CARRIED

The Meeting closed at 15:16.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 February 2024.

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CHAIRPERSON