

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 26 JULY 2023 AT 2:00 PM**

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

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

Meeting opened at 02:06pm

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 2023/157

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Robyn Turner

That:

1. The request for Leave of Absence received from Cr Brady be accepted.

CARRIED

4. CONFIRMATION OF MINUTES

RESOLUTION 2023/158

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The minutes of the Ordinary Meeting held on 28 June 2023 be confirmed.

CARRIED

5 MAYORAL MINUTE**5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS JULY****RESOLUTION 2023/159**

Moved: Cr Dave Carter

Seconded: Cr Melissa Rees

That:

1. The Mayoral Minute No. R23/210 be received and noted.

CARRIED

6 PUBLIC FORUM

Condobolin Junior Cricket Association – Ian Grimshaw.

7 DISCLOSURE OF INTEREST

Cr Blewitt declared a non-pecuniary less than significant interest in item 17.5 Willowbend Sport Centre Improvements, as her brother in law is the Manager of Willowbend Sport Centre.

8 READ AND NOTE**RESOLUTION 2023/160**

Moved: Cr Melissa Blewitt

Seconded: Cr Megan Mortimer

That:

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

- 8.1 Building Projects Monthly Update for June/July;
- 8.2 Investments as at 30 June 2023;
- 8.3 Customer Requests – Month Ended 30 June 2023;
- 8.4 FY22/23 Urban Works Monthly Update for June 2023;
- 8.5 FY22/23 Utilities Monthly Update June;
- 8.6 Development Date June 2023.

CARRIED

8.7 FY22/23 ROADWORKS MONTHLY UPDATE FOR JUNE**RESOLUTION 2023/161**

Moved: Cr Melissa Blewitt

Seconded: Cr Dave Carter

That:

1. The Director Infrastructure Services report No R23/196 be received and noted.

CARRIED

RESOLUTION 2023/162

Moved: Cr Megan Mortimer

Seconded: Deputy Mayor Paul Phillips

That:

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

- 8.8 Statecover Mutual LTD – Executive Review;
- 8.9 Active Resolutions.

CARRIED

9. DECISION REPORTS**9.1 GENERAL MANAGER****9.1.1 DELEGATES AND MOTIONS FOR THE NSW LOCAL GOVERNMENT ANNUAL CONFERENCE 2023****RESOLUTION 2023/163**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dave Carter

That:

1. The General Manager's Report No. R23/204 be received and noted.
2. The following motion be endorsed for submission to the Local Government NSW 2023 Annual Conference;
 - (a) LGNSW lobby the NSW Government to remove the requirement for compulsory voting in NSW local government by-elections due to poor voter turnout at recent by-elections, the relatively small penalty for not voting and the administrative burden of issuing infringement notices.

3. The Mayor and General Manager be delegated authority to authorise the submission of any further motions that may be suggested before the motion submission deadline closes on 15 September 2023.
4. Up to 3 Councillor delegates be nominated to attend the conference with the Mayor and General Manager.

CARRIED

Councillors Carter, Bartholomew and Brady were nominated to attend.

9.2 CORPORATE AND COMMUNITY SERVICES

9.2.1 ARIC FEES, REASONABLE EXPENSES AND FACILITIES POLICY V2

RESOLUTION 2023/164

Moved: Cr Peter Harris

Seconded: Cr Judith Bartholomew

That:

1. The Director Corporate & Community Services Report R23/83 be received and noted.
2. Subject to any changes Council wishes to make being incorporated, the ARIC Fees, Reasonable Expenses and Facilities Policy v2 be adopted.

CARRIED

9.2.2 COMMUNITY DONATION AND EVENT SUPPORT PROGRAM

RESOLUTION 2023/165

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Corporate and Community Services Report No. R23/192 be received and noted.
2. Council approve a \$1,245.62 contribution for the cost of mobile lighting towers for the Condobolin and District Kennel Club, to be funded from the Community Events Program budget. This donation is conditional on the All Breeds Championship Dog Shows event proceeding.
3. Council approve a \$400 donation to the Condobolin Sports Club for their Triple Bowls event, to be funded from the Community Events Program budget. This donation is conditional on the event proceeding.
4. Council approve the \$1,000 donation requested by West Milby Rodeo & Gymkhana Inc. to be funded from the Community Events Program budget. This donation is conditional on the event proceeding.

5. Council approve the in kind support estimated to be \$806.48 requested by Condobolin Junior Cricket Association. This contribution is to be funded from the In Kind Contributions budget and covers the dry hire cost of the vehicle only.

CARRIED

9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT

Nil

9.4 INFRASTRUCTURE SERVICES

9.4.1 TREE MANAGEMENT POLICY

RESOLUTION 2023/166

Moved: Cr Dave Carter

Seconded: Cr Peter Harris

That:

1. The Director Infrastructure Services Report R23/199 be received and noted.
2. The Tree Management Policy and Guidelines be adopted.

CARRIED

9.4.2 NATURE STRIPS: MOWING, PLANTING AND LANDSCAPING POLICY

RESOLUTION 2023/167

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Director Infrastructure Services Report R23/200 be received and noted.
2. The Nature Strips: Mowing, Planting and Landscaping Policy be adopted.

CARRIED

10 DEPUTATIONS

Nil.

11 NOTICES OF MOTION

Nil

12 NOTICES OF RESCISSION

Nil

13 DELEGATES REPORT

Nil

14 CORRESPONDENCE

14.1 CORRESPONDENCE

RESOLUTION 2023/168

Moved: Cr Melissa Rees

Seconded: Deputy Mayor Paul Phillips

That:

1. The Correspondence Report No. R23/212 be received and noted.

CARRIED

15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16 PETITIONS

Nil.

RESOLUTION 2023/169

Moved: Cr Dave Carter

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.

CARRIED**Meeting paused at 3:06pm****Meeting resumed at 3:20pm****17 CLOSED SESSION****17.1 Tender 2022/8 - Management Contract for Lakeview Caravan park - 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.

17.2 Interim Audit Management Letter 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.

17.3 Rural Fire Services - update to Council and direction sought

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.

17.4 Property Valuation

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.

17.5 Willow Bend Sports Centre Improvements

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 Executive Staff Performance Reviews

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).

17.7 1 McInnes Street Lake Cargelligo Master Plan

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 Request for use of Council Facilities - Marathon Health

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.

RESOLUTION 2023/170

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Rees

That Council moves out of Closed Council into Open Council.

CARRIED

17.1 TENDER 2022/8 - MANAGEMENT CONTRACT FOR LAKEVIEW CARAVAN PARK - SUBMISSION**RESOLUTION 2023/171**

Moved: Cr Dave Carter

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Environment, Tourism and Economic Development Report No. R23/150 be received and noted.
2. Council reject all tenders submitted and authorise the General Manager or delegate to negotiate with all tenderers or any other person, with the aim of achieving Option 2 within this report.
3. A further report be provided to Council detailing the outcome of the negotiations.

CARRIED

17.2 INTERIM AUDIT MANAGEMENT LETTER 2023**RESOLUTION 2023/172**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That:

1. The Director Corporate & Community Services Report No. R23/167 be received and noted.
2. The Interim Audit Management letter and associated comments for the financial year ended 30 June 2023 be noted.

CARRIED

17.3 RURAL FIRE SERVICES - UPDATE TO COUNCIL AND DIRECTION SOUGHT**RESOLUTION 2023/173**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Corporate and Community Services Report No. R23/185 be received and noted.
2. Council consents to the release of the 2022 Audit Management Letter to the Office of Local Government.

3. Council, with the support of LGNSW and the Lachlan Shire Council ARIC, continues to exclude assets which it does not control, including Rural Fire Service assets, from Council's Asset Register while acknowledging that this may lead to a qualified audit opinion for the 2022/23FY.

CARRIED

17.4 PROPERTY VALUATION

RESOLUTION 2023/174

Moved: Cr Peter Harris

Seconded: Cr Judith Bartholomew

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/190 be received and noted.
2. The General Manager be authorised to commence negotiations with the landowner with a view to purchasing of the property in accordance with option 1 of the report.
3. A further report be provided advising Council on the outcome of the negotiations.

CARRIED

Cr Blewitt declared a non-pecuniary less than significant interest in item 17.5 Willowbend Sport Centre Improvements, as her brother in law is the Manager of Willowbend Sport Centre.

Cr Blewitt vacated her chair.

17.5 WILLOW BEND SPORTS CENTRE IMPROVEMENTS

RESOLUTION 2023/175

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Director Environment, Tourism and Economic Development Report No. R23/195 be received and noted.
2. That Council proceed with Option 3 as outlined in this report.

CARRIED

Cr Blewitt resumed her chair.

Karen Pegler (Director - Corporate and Community Services) vacated her chair.

Jon Shillito (Director - Environment, Tourism and Economic Development) vacated his chair.

Adrian Milne (Director - Infrastructure Services) vacated his chair.

17.6 EXECUTIVE STAFF PERFORMANCE REVIEWS**RESOLUTION 2023/176**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That:

1. The General Manager's Report No. R23/197 be received and noted.

CARRIED

Karen Pegler (Director - Corporate and Community Services) resumed her chair.

Jon Shillito (Director - Environment, Tourism and Economic Development) resumed his chair.

Adrian Milne (Director - Infrastructure Services) resumed his chair.

17.7 1 MCINNES STREET LAKE CARGELLIGO MASTER PLAN**RESOLUTION 2023/177**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dave Carter

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/211 be received and noted.
2. A planning proposal be prepared and lodged with Department of Planning and Environment to re-zone the site RU5 Village under Lachlan Local Environmental Plan 2013.
3. Detailed contamination and geotechnical soil investigations be undertaken by the preferred consultant.
4. A further \$100,000 from the Housing and Development reserve be approved to continue investigations into 1 McInnes Street to determine the development potential of the site and prepare the preliminary design for the site.
5. A further report be presented to Council in the final quarter of 2023 with an update on the budget, the findings of the investigations and the progression of the planning proposal.

CARRIED

17.8 REQUEST FOR USE OF COUNCIL FACILITIES - MARATHON HEALTH

RESOLUTION 2023/178

Moved: Cr Dave Carter

Seconded: Deputy Mayor Paul Phillips

That:

1. The General Manager’s Report No. R23/213 be received and noted.
2. Marathon Health be granted approval to lease part (approximately two thirds) of the Community Facility building at 7 Hay Street Condobolin or the Council facility at 3 Melrose Street Condobolin for the purpose of delivering health and wellbeing services within the Condobolin community.
3. The fee for either premise be set at \$2,500 per month payable in advance.
4. The initial lease term to expire on 30 June 2024 with two 12 months options to extend the lease subject to the agreement of Council and Marathon Health.
5. The rent for the property be increased annually by CPI.
6. The Lessee be responsible for outgoing costs such as rates, water, sewer and electrical costs.
7. The General Manager be authorised to sign a commercial lease for either part 7 Hay Street or 3 Melrose Street Condobolin, subject to Marathon Health identifying their preferred property and any required planning approval being obtained.

CARRIED

Cr. Rees left the meeting at 3:50pm

The Meeting closed at 4:00pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 August 2023.

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CHAIRPERSON