

**MINUTES OF LACHLAN SHIRE  
ORDINARY COUNCIL MEETING  
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS  
ON WEDNESDAY, 27 SEPTEMBER 2023 AT 2:00 PM**

**Meeting opened at 2:13pm**

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

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

**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 Paul Phillips.

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

Nil.

**4 CONFIRMATION OF MINUTES**

**RESOLUTION 2023/206**

Moved: Cr Dennis Brady

Seconded: Cr Dave Carter

That:

1. The minutes of the Ordinary Meeting held on 23 August 2023 be confirmed.

**CARRIED**

**5 MAYORAL MINUTE****5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS ATTENDED SEPTEMBER 2023****RESOLUTION 2023/207**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Robyn Turner

That:

1. The Mayoral Minute No. R23/270 be received and noted.

**CARRIED**

**5.2 MAYORAL MINUTE -****RESOLUTION 2023/208**

Moved: Cr Judith Bartholomew

Seconded: Cr Dave Carter

That Council:

1. Received and noted Mayoral Minute No. R23/283.
2. Acknowledge its role as an information provider and facilitator of community discussion;
3. Recognises and respects that there is a diversity of views regarding the Voice to Parliament and the referendum and notes that it is not Council's role to financially support or advocate for a specific position regarding the Voice to Parliament;
4. Commits to sharing information on the Voice to Parliament in a respectful manner, making it easy for community members to access accurate and reliable information to form their own opinions and engage in constructive dialogue on the topic, including by providing a link on Council's website to the Australian Government's the Voice site ([voice.gov.au](http://voice.gov.au)); and
5. Partners with the Wiradjuri community and the wider community to understand the perspectives and knowledge of the Wiradjuri community regarding the Voice to Parliament.

**CARRIED**

**6 PUBLIC FORUM**

Nil.

**7 DISCLOSURE OF INTEREST**

Nil.

**8 READ AND NOTE**

**RESOLUTION 2023/209**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Blewitt

That:

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

- 8.1 Building Projects Monthly Update for August/September;
- 8.2 Investments as at 31 August 2023;
- 8.3 Disclosure of Interest Returns – 2022/2023
- 8.4 Development Data August 2023;
- 8.5 Arts Out West – Annual Report;
- 8.6 FY23/24 Utilities Monthly Update August;
- 8.7 FY23/24 Urban Works Monthly Update for August;
- 8.8 Active Resolutions – September.

**CARRIED**

**8.9 FY23/24 ROADWORKS MONTHLY UPDATE FOR AUGUST**

**RESOLUTION 2023/210**

Moved: Cr Melissa Blewitt

Seconded: Cr Melissa Rees

That:

- 1. The Director Infrastructure Services report No R23/272 be received and noted.

**CARRIED**

**9 DECISION REPORTS****9.1 GENERAL MANAGER****9.1.1 ELECTION OF MAYOR, DEPUTY MAYOR AND DELEGATES TO COMMITTEES**

**Cr John Medcalf (Mayor) vacated his chair.**

**Cr Paul Phillips (Deputy Mayor) vacated his chair.**

A foreshadow motion was moved by **Cr Brady** and seconded by **Cr Carter** that:

1. Council meetings be held on the 3<sup>rd</sup> Wednesday of every month at 10:00am.

The foreshadow motion was put to a **VOTE** and the vote was **LOST**.

A foreshadow motion was moved by **Cr Blewitt** and seconded by **Cr Bartholomew** that:

1. Council meetings be held on the 3<sup>rd</sup> **Wednesday** of every month at **2:00pm**.

The foreshadow motion was put to a **VOTE** and the motion was **CARRIED**.

A foreshadow motion was moved by **Cr Brady** and seconded by **Cr Mortimer** that:

1. Pre-Meeting Briefing sessions be held on the 1<sup>st</sup> **Wednesday** of every month at **2:00pm**.

The foreshadow motion was put to a **VOTE** and the motion was **CARRIED**.

A motion was moved by **Cr Phillips** and seconded by **Cr Brady** that:

1. **Cr Medcalf** remain in the seat of **Mayor** for the duration of the council meeting.

The motion was put to a **VOTE** and the motion was **CARRIED**.

A motion was moved by **Cr Blewitt** and seconded by **Cr Brady** that:

1. Delegates to the committees as outlined in the report remain the same unless a change is requested.

The motion was put to a **VOTE** and the motion was **CARRIED**.

**RESOLUTION 2023/211**

Moved: Cr Dennis Brady

Seconded: Cr Judith Bartholomew

That:

1. The General Manager's Report No. R23/262 be received and noted.
2. Council resolve the voting system for the election of the Mayor and Deputy Mayor to be the Preferential Voting System determined by secret ballot.
3. Council elected Cr. Paul Phillips as Mayor, and Cr. John Medcalf as Deputy Mayor and delegates to committees as reported.

4. Council set the time and dates for Ordinary meetings of Council to be held the 3<sup>rd</sup> Wednesday of each month at 2:00pm and Pre-meeting Briefing sessions to be held the first Wednesday of every month at 2:00pm.

**CARRIED**

**Mayoral vote: Cr. Paul Phillips: 6-4 (nominations: Cr Medcalf, Cr Phillips, Cr Brady).**

**Deputy Mayor vote: Cr John Medcalf: 8-2 (nominations: Cr Brady, Cr Phillips, Cr Medcalf).**

The following changes were requested and adopted by Council to the **ADVISORY COMMITTEES:**

<p><b>Gum Bend Lake Committee</b></p> <p>To consider matters referred to it in relation to the gum bend lake facility and make recommendations to council on those matters.</p>	<p>Two Councilors (currently Cr Carter and <b>Cr Brady</b>) and representatives of the community.</p> <p>Committee to be serviced by the Director of Infrastructure Services and other Departmental staff as appropriate.</p> <p>MEETS QUARTERLY.</p>
<p><b>Lake Cargelligo Foreshore Committee</b></p> <p>To consider matters referred to it in relation to Lake Cargelligo and make recommendations to Council on those matters.</p>	<p>Recommendation up to two local Councillors (currently <b>Cr Turner</b> and Cr Bartholomew) and representatives of the community.</p> <p>Committee to be serviced by the Director of Infrastructure Services and other departmental staff as appropriate.</p>

The following organisation name change was requested and noted by Council:

<p><b>Delegates to Lachlan &amp; Western Regional Services</b></p> <p>The organisation facilitates and provides a number of services to the community and receives annual funding from Lachlan Shire Council. Board meetings are held every two months in Condobolin</p>	<p>Mayor and Director Corporate and Community Services.</p>
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The following changes were requested and adopted by Council to **DELEGATES:**

<p><b>Delegates to the Association of Mining and Energy Related Councils</b></p> <p>This Association comprises Councils throughout NSW that have mining and renewable energy activities within their local government areas and meets quarterly at venues on a rotational basis.</p> <p>Councils pay an annual subscription to the association.</p>	<p>One Councillor delegate and an alternate delegate plus General Manager.</p> <p>(currently Cr Brady alt Cr <b>Mortimer</b>)</p>
<p><b>Condobolin Chamber of Commerce</b></p> <p>Established to expand business opportunities and economic development in Condobolin</p>	<p>Council delegate and alternate delegate as well as GM &amp; Director Environment, Tourism and Economic Development.</p> <p>(Currently Cr Harris alt <b>Cr Brady</b>)</p>

**Cr John Medcalf (Deputy Mayor) resumed the chair of Mayor.**

**Cr Paul Phillips (Mayor) resumed the chair of Deputy Mayor.**

**9.1.2 AUSTRALIA DAY AWARDS AND EVENT POLICY**

An amendment was moved by **Cr Rees** and seconded by **Cr Bartholomew** that the section **ISSUES AND COMMENTS** in the report be amended as follows:

The objective of this policy is to outline the arrangements for receiving and assessing nominations for Lachlan Shire Council's annual Australia Day awards and for determining the recipients of the awards by the Australia Day Advisory Committee. The Australia Day Advisory Committee comprises the Mayor, Deputy Mayor and a Councillor (**currently Cr Bartholomew**), immediate past citizen of the year winner and a representative from each of the various local Australia Day committees.

**Mayor Phillips** and **Cr Brady** made no objection to the amendment.

**RESOLUTION 2023/212**

Moved: Mayor Paul Phillips

Seconded: Cr Dennis Brady

That:

1. The General Manager's Report R23/265 be received and noted.
2. The draft Australia Day Awards and Event Policy be placed on public exhibition for a minimum period of 28 days.
3. Following the completion of the public exhibition period a further report be presented to Council summarising any submissions and feedback received from the public throughout the exhibition period.

**CARRIED**

**9.1.3 LOCAL ROAD AND COMMUNITY INFRASTRUCTURE PROGRAM PHASE 4****RESOLUTION 2023/213**

Moved: Mayor Paul Phillips

Seconded: Cr Dave Carter

That:

1. The General Manager's Report No. R23/286 be received and noted.
2. Council approve Project Ranking numbers 1 to 19 as detailed in the report as priority projects for funding under the Local Road and Community Infrastructure Phase 4A Program with a total value of \$2,128,508.
3. Council approve project number 1 as detailed in the report as the priority project for funding under the Local Road and Community Infrastructure Phase 4B Program with a total value of \$1,227,771.
4. The priority projects be submitted to the Commonwealth Government for approval as soon as possible.

**CARRIED**

**9.2 CORPORATE AND COMMUNITY SERVICES****9.2.1 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2023****RESOLUTION 2023/214**

Moved: Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The Director Corporate and Community Services Report No R23/184 be received and noted.
2. The Draft Financial Statements for the year ended 30 June 2023 be referred to Audit.
3. Council confirm that the Draft Financial Statements for the year ended 30 June 2023 have been prepared in accordance with:
  - a) the *Local Government Act 1993* and associated Regulations;
  - b) the Australian Accounting Standards and professional pronouncements; and
  - c) the Local Government Code of Accounting Practice and Financial Reporting.
4. Council confirm that:
  - a) The statements present fairly the Operating Result and Financial Position for the year;
  - b) The statements accord with Council's accounting and other records; and
  - c) Council is not aware of any matter that would render the statements false or misleading in any way.
5. The General Manager be authorised to finalise the date on which the auditor's report and financial statements are to be presented to the public.

**CARRIED**



**9.2.2 COMMUNITY DONATION AND EVENT SUPPORT PROGRAM - REPORT TO COUNCIL**

A motion was moved by **Cr Rees** and seconded by **Cr Blewitt** that:

1. Council approve a donation in the amount of \$500 for the Tottenham Horse Sports & Gymkhana Club Inc, for their Gymkhana event on 7 and 8 October 2023.

**Mayor Phillips** and **Cr Mortimer** made no objection to a donation in the amount of \$500.

**RESOLUTION 2023/215**

Moved: Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The Acting Director of Corporate and Community Services Report No. R23/235 be received and noted.
2. Council approve a donation in the amount of \$500 for the Tottenham Horse Sports & Gymkhana Club Inc, for their Gymkhana event on 7 and 8 October 2023.

**CARRIED**

**9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT****9.3.1 TEMPORARY AND SEASONAL WORKERS' ACCOMMODATION TOOLKIT****RESOLUTION 2023/216**

Moved: Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That:

1. The Director Environment, Tourism and Economic Development Report No. R23/253 be received and noted.
2. Council lodge a submission as per Option 1 of this report.
3. Investigate adding local provisions into Lachlan LEP 2013 around temporary workers accommodation and rural workers' dwellings as part of the housing strategy and determine what zones should permit temporary workers accommodation; and
4. A further report be presented to Council following these investigations to ensure that Council is ready to respond within the three (3) months.

**CARRIED**

**9.3.2 LOCAL HERITAGE GRANT PROGRAM - 2023/2024****RESOLUTION 2023/217**

Moved: Cr Melissa Rees

Seconded: Mayor Paul Phillips

That:

1. The Director Environment, Tourism and Economic Development Report No. R23/268 be received and noted.
2. Council allocate \$31,040.00 from the Lachlan Shire Council Local Heritage Fund 2023-2024 as follows:
  - (a) \$8,000.00 for the works to All Saints Anglican Church, Condobolin;
  - (b) \$6,540.00 for the works to the Presbyterian Manse Building, Condobolin;
  - (c) \$3,000.00 for the works to Tottenham and Albert Cemeteries;
  - (d) \$3,000.00 for the works to Melrose Homestead;
  - (e) \$3,500.00 for the works to Royal Hotel, Condobolin;
  - (f) \$3,500.00 for the works to the Weatherboard Dwelling at 27 Orange Street, Condobolin;
  - (g) \$3,500.00 for the works to the shop at 112 Bathurst Street, Condobolin.

**CARRIED**

**9.3.3 LACHLAN DEVELOPMENT CONTROL PLAN 2018 AMENDMENT - BUSHFIRE PROVISIONS****RESOLUTION 2023/218**

Moved: Mayor Paul Phillips

Seconded: Cr Dave Carter

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/269 be received and noted.
2. Council endorse the addition of the bushfire provisions and adopt the amended Lachlan Development Control Plan (DCP) 2018.

**CARRIED**

**9.3.4 REQUEST TO SUSPEND ALCOHOL FREE ZONE LAKE CARGELLIGO 29 SEPTEMBER 2023 - 1 OCTOBER 2023**

**RESOLUTION 2023/219**

Moved: Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That:

1. The Director of Environment, Tourism and Economic Development Report No. R23/273 be received and noted.
2. Council approve the suspension of the Alcohol Free Zone in Lake Cargelligo, at the identified locations, for the “Festival of the Lakes 2023” event to be held between 29 September 2023 and 1 October 2023.

**CARRIED**

**9.4 INFRASTRUCTURE SERVICES**

**9.4.1 TRAFFIC FACILITIES WITHIN TOWN LIMITS**

**RESOLUTION 2023/220**

Moved: Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The Director Infrastructure Services Report No. R23/280 be received and noted.

**CARRIED**

**10 DEPUTATIONS**

Nil.

**11 NOTICES OF MOTION**

Nil

**12 NOTICES OF RESCISSION**

Nil

**13 DELEGATES REPORT****13.1 DELEGATES REPORT****RESOLUTION 2023/221**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Delegate's Report No. R23/267 on the Central NSW Joint Organisation meeting held on 23 and 24 August 2023 be received and noted.

**CARRIED**

**Cr Harris** spoke about the following Councillor training courses he has undertaken in 2023:

- 1) Audit, Risk & Improvement Committee Training;
- 2) Understanding LG Finances for Councillors;
- 3) Planning 101 for Councillors;
- 4) Executive Certificate for Elected Members.

**14 CORRESPONDENCE****14.1 CORRESPONDENCE****RESOLUTION 2023/222**

Moved: Mayor Paul Phillips

Seconded: Cr Dennis Brady

That:

1. The Correspondence Report No. R23/259 be received and noted.

**CARRIED**

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

Nil

**16 PETITIONS**

Nil

**17 CLOSED SESSION**

**Meeting paused at 3:45pm.**

**Meeting resumed at 4:00pm**

**RESOLUTION 2023/223**

Moved: Cr Megan Mortimer

Seconded: Mayor Paul Phillips

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 Potential Purchase Opportunities**

This matter is considered to be confidential under Section 10A(2)a, b and 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 personnel matters concerning particular individuals (other than councillors), discussion in relation to the personal hardship of a resident or ratepayer and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

**17.2 Contract for collection and recycling of scrap metal for Councils in the Netwaste region.**

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 Request for Water Account Adjustment - 1005822**

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 Lake Cargelligo STP - Sewer Lagoons**

This matter is considered to be confidential under Section 10A(2)a 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 personnel matters concerning particular individuals (other than councillors) and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

**17.5 Road Betterment Design Assessment**

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 Request for lease part lot 14 DP816194 - former Condobolin Abattoir site**

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 2023/224**

Moved: Cr Melissa Rees

Seconded: Cr Judith Bartholomew

That Council moves out of Closed Council into Open Council.

**CARRIED**

**17.1 POTENTIAL PURCHASE OPPORTUNITIES**

**Cr Brady** moved an amendment to the recommendation to read as follows:

1. The Director Environment, Tourism and Economic Development Report No. R23/226 be received and noted.
2. Council proceed with Option 1 outlined within this report.
3. The General Manager or their delegate be authorised to bid on the properties at the public auction.
4. The Mayor and General Manager be authorised to sign the Contracts of Sale for any of the properties approved for purchase under this resolution.
5. **The additional lot in Bena street adjacent to the Burcher Hall be included as a potential purchase.**

**Cr Brady** and **Cr Bartholomew** made no objection to the amendment

**RESOLUTION 2023/225**

Moved: Cr Dennis Brady

Seconded: Cr Judith Bartholomew

That:

1. The Director Environment, Tourism and Economic Development Report No. R23/226 be received and noted.
2. Council proceed with Option 1 outlined within this report.
3. The General Manager or their delegate be authorised to bid on the properties at the public auction.
4. The Mayor and General Manager be authorised to sign the Contracts of Sale for any of the properties approved for purchase under this resolution.
5. The additional lot in Bena street adjacent to the Burcher Hall be included as a potential purpose.

**CARRIED**

**17.2 CONTRACT FOR COLLECTION AND RECYCLING OF SCRAP METAL FOR COUNCILS IN THE NETWASTE REGION.****RESOLUTION 2023/226**

Moved: Cr Melissa Rees

Seconded: Mayor Paul Phillips

That:

1. The Director Environment Tourism and Economic Development Report No. R23/258 be received and noted.
2. Council accept the option to extend the current Contract with Sims Metal Management for Collection and Recycling of Scrap Metal, for 2 x 12 month terms.
3. The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal if required.

**CARRIED**

**17.3 REQUEST FOR WATER ACCOUNT ADJUSTMENT - 1005822****RESOLUTION 2023/227**

Moved: Cr Dennis Brady

Seconded: Cr Dave Carter

That:

1. The Director of Corporate and Community Services Report R23/275 be received and noted.
2. Council approve a reduction of the water account for the 2023 period 2, of \$7,605.91 which is 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**



**17.4 LAKE CARGELLIGO STP - SEWER LAGOONS****RESOLUTION 2023/228**

Moved: Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That:

1. The Director Infrastructure Services Report No. R23/278 be received and noted.
2. The EPA's clean-up notice be received, noted and followed.

**CARRIED**

**Cr Carter left the meeting at 4.26**

**17.5 ROAD BETTERMENT DESIGN ASSESSMENT****RESOLUTION 2023/229**

Moved: Mayor Paul Phillips

Seconded: Cr Melissa Rees

That:

1. The Director Infrastructure Services Report No. R23/282 be received and noted
2. Council resolve to accept the RFQ 2023/06 for the Albert Road Causeway - Bulbodney Creek Upgrade from Civil & Stormwater Engineering Services Pty Ltd.
3. Council resolve to accept the RFQ Q2023/07 for Lachlan Valley Way - Flood Immunity Causeway Upgrade from Civil & Stormwater Engineering Services Pty Ltd.
4. Council resolve to allocate funding from the Unspent FAG Reserve to complete both design projects.
5. The General Manager be authorised to execute the contract documents and affix the Council seal

**CARRIED**

**17.6 REQUEST FOR LEASE PART LOT 14 DP816194 - FORMER CONDOBOLIN ABATTOIR SITE**

**RESOLUTION 2023/230**

Moved: Cr Dennis Brady

Seconded: Cr Megan Mortimer

That:

1. The General Manager's report No. R23/285 be received and noted.
2. The request from Lachlan Valley Firewood for the continued use of part Lot 14 DP 816194, as shown within the red line on the map attached to the report, at a rental fee of \$75/week plus GST be accepted.
3. The initial term of the lease/licence be for a period of 6 months then reverting to a periodical, month by month, agreement requiring 6 months' notice to terminate.
4. The Mayor and General Manager be authorised to sign the lease/licence documents and affix the Council seal

**CARRIED**

**The Meeting closed at 4:45pm**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 October 2023.**

.....  
**CHAIRPERSON**