

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD via ZOOM
ON WEDNESDAY, 22 SEPTEMBER 2021 AT 2:06PM**

PRESENT: Mayor John Medcalf (OAM), Cr Elaine Bendall, Cr Melissa Blewitt, Cr Mark Hall, Cr Peter Harris, Cr Brian Nelson, Deputy Mayor Paul Phillips, 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), Robyn Ryan (Communications and Community Engagement Officer), Paula Ewing (Executive Assistant)

1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

Was read out by Clr Mel Blewitt

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Clr Dennis Brady

Clr Dave Carter

RESOLUTION 2021/190

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

3 CONFIRMATION OF MINUTES

RESOLUTION 2021/191

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That the minutes of the Ordinary Meeting held on 25 August 2021 be confirmed.

CARRIED

4 MAYORAL MINUTE

4.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS SEPTEMBER

RESOLUTION 2021/192

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That Council

- (i) Receive and note Mayoral Minute no R21/271.

CARRIED**4.2 MAYORAL MINUTE - SEPTEMBER****RESOLUTION 2021/193**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That Council

- (i) Receive and note Mayoral Minute no R21/277.

CARRIED**5 PUBLIC FORUM**

Fiona Doyle – Crown Rd Transfer Request

6 DISCLOSURE OF INTEREST

Clr Mel Blewitt declared a non-significant, non-pecuniary interest in Item 7.3 as her future brother in-law has the lease at Willowbend Sports Centre

Councillor Mel Blewitt declared a non-significant, non-pecuniary interest in Item 18.12 as she works with the applicants mother.

Councillor Mel Rees declared a non-significant, non-pecuniary interest Item 18.12 as she works with the applicant.

7 GENERAL MANAGER**7.1 ELECTION OF DEPUTY MAYOR AND DELEGATES TO COMMITTEES****RESOLUTION 2021/194**

Moved: Cr Mark Hall

Seconded: Cr Melissa Rees

That:

1. The General Manager's Report No. R21/254 be received and noted.
2. Council resolve the voting system for the election of the Deputy Mayor.
3. Council elect Councillor Paul Phillips as the Deputy Mayor and delegates to committees as outlined in the Report.
4. The time and dates for Ordinary meetings of Council and Strategic Briefing Sessions remain as is.

CARRIED

7.2 SENIOR STAFF HIGHER GRADE DUTIES POLICY**RESOLUTION 2021/195**

Moved: Cr Peter Harris
Seconded: Cr Melissa Rees

That:

1. The General Manager's Report No. R21/259 be received and noted.
2. Council adopt the Senior Staff Higher Grade Duties Policy.
3. The Senior Staff Higher Grade Duties Policy be included in Schedule 'A' – Council Policies on the respective Senior Staff contracts of employment.

CARRIED

7.3 ACIVE RESOLTUTIONS SEPTEMBER**RESOLUTION 2021/196**

Moved: Cr Peter Harris
Seconded: Cr Mark Hall

That:

1. The General Manager's Report No. R21/263 be received and noted.

CARRIED

8 CORPORATE AND COMMUNITY SERVICES**8.1 DONATIONS****RESOLUTION 2021/197**

Moved: Cr Peter Harris
Seconded: Cr Mark Hall

That

1. The Director of Corporate and Community Services Report No. R21/219 be received and noted.
2. The donation be subject to the event being held.
3. Council determine the amount of sponsorship to be provided to the Rotary Club of Lake Cargelligo for their Christmas Carnival 2021 fireworks to be \$1000.00

CARRIED

8.2 INVESTMENTS AS AT 31 AUGUST 2021**RESOLUTION 2021/198**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate and Community Services Report No. R21/252 be received and noted.

CARRIED**8.3 UPDATES TO BUDGET 2021-2022: REVOTES AND ADDITIONAL GRANT FUNDED PROJECTS.****RESOLUTION 2021/199**

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

1. The Director Corporate & Community Services Report No. R21/255 be received and noted.
2. The transfers from Reserves as noted in the "Revotes" as presented be adopted.
3. The 2021-2022 Amended Budget be adopted to include revotes and additional grant funded projects not included in the original 2021-2022 Budget.

CARRIED**8.4 DRAFT FINANCIAL STATEMENTS FOR THE YEAR ENDED 30 JUNE 2021****RESOLUTION 2021/200**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Corporate and Community Services Report No R21/261 be received and noted.
2. The Draft Financial Statements for the year ended 30 June 2021 be referred for Audit.
3. Council confirm that the Draft Financial Statements for the year ended 30 June 2021 have been prepared in accordance with:
 - (a) the Local Government Act 1993 and 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 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT

9.1 DA2021/13 COMMUNITY FACILITY

RESOLUTION 2021/201

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Environment, Tourism and Economic Development Report No. R21/193 be received and noted.
2. Council approve DA2021/13 in accordance with the Recommended Conditions of Consent provided in Attachment 2.

In Favour: Crs John Medcalf, Paul Phillips, Elaine Bendall, Melissa Blewitt, Mark Hall, Peter Harris, Melissa Rees and Brian Nelson

Against: Nil

CARRIED

9.2 PARTNERSHIP AGREEMENT - SERVICE NSW

RESOLUTION 2021/202

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R21/213 be received and noted.
2. Council delegates authority to the General Manager to sign the partnership agreement with Service NSW.

CARRIED

9.3 DEVELOPMENT DATA AUGUST 2021

RESOLUTION 2021/203

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

The Director Environment, Tourism and Economic Development Report No. R21/262 be received and noted.

CARRIED

9.4 CENTRAL WEST AND ORANA REGIONAL PLAN REVIEW

RESOLUTION 2021/204

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

1. The Director of Environment, Tourism and Economic Development Report No.R21/270 be received and noted.
2. A further report be presented to Council once the draft *Central West and Orana Regional Plan 2041* has been placed on public exhibition, providing a summary of the plan and details of any submissions made in relation to the plan.

CARRIED

9.5 FY2021 PROJECT MONTHLY UPDATE FOR AUGUST/SEPTEMBER

RESOLUTION 2021/205

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director of Environment, Tourism and Economic Development Report No.R21/260 be received and noted.

CARRIED

9.6 DRAFT KEEPING OF DOMESTIC ANIMALS POLICY

RESOLUTION 2021/206

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R21/274 be received and noted.
2. The Keeping of Domestic Animals Policy, as attached, be adopted as a Council Policy.
3. The policy be uploaded to Council's website.

CARRIED

10 INFRASTRUCTURE SERVICES

10.1 FY2122 ROADWORKS MONTHLY UPDATE FOR AUGUST

RESOLUTION 2021/207

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director of Infrastructure Services Report No. R21/253 be received and noted.

CARRIED

10.2 FY2122 UTILITIES MONTHLY UPDATE FOR AUGUST

RESOLUTION 2021/208

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services Report No. R21/256 be received and noted.

CARRIED

10.3 TREE ASSESSMENT - 42 NAPIER STREET, CONDOBOLIN

RESOLUTION 2021/209

Moved: Cr Elaine Bendall

Seconded: Cr Melissa Rees

That

1. The Director Infrastructure Services Report No. 21/266 be received and noted.
2. Council remove all trees as requested and replace with more suitable tree species.

CARRIED

10.4 FY2122 - URBAN WORKS REPORT UPDATE FOR AUGUST

RESOLUTION 2021/210

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. R21/272 be received and noted.

CARRIED

11 DEPUTATIONS

12 NOTICES OF MOTION

Nil

13 NOTICES OF RESCISSION

Nil

14 DELEGATES REPORT

Nil

15 CORRESPONDENCE

15.1 CORRESPONDENCE - SEPTEMBER

RESOLUTION 2021/211

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The Correspondence Report No. R21/264 be received and noted.

CARRIED

16 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

17 PETITIONS

Nil

18 CLOSED SESSION

At 3:15pm Council paused for a break.

At 3:26pm Council resumed.

RESOLUTION 2021/212

Moved: Cr Peter Harris

Seconded: Deputy 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:

18.1 Internal Audit - Accounts Payable

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.

18.2 Interim Audit Management letter for year ended 30 June 21

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.

18.3 Water Account Adjustment - 1041933

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).

18.4 Water Account Adjustment - 1005741

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).

18.5 Water Account Adjustment - 1018883

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).

18.6 Water Account Adjustment - 1046852

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).

18.7 Enterprise Risk Management Framework work program and proposal

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.

18.8 Draft internal audit and risk management framework for local councils in NSW – August 2021

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.

18.9 Tender Assessment - Supply of Culverts for the Murie and Smythe's Corner project

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.

18.10 Tottenham Reservoir - Mural Painting

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.

18.11 Offer to purchase land - Walker Street Lake Cargelligo

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.

18.12 Request to transfer a crown road - near to North Forbes Road

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).

CARRIED

RESOLUTION 2021/213

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Rees

That Council moves out of Closed Council into Open Council.

CARRIED

18.1 INTERNAL AUDIT - ACCOUNTS PAYABLE

RESOLUTION 2021/214

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate & Community Services Report No. R21/220 be received and noted.
2. The Internal Audit Report - Accounts Payable be noted.
3. Councillors provide feedback on the recommendations and proposed actions detailed in the report.

CARRIED**18.2 INTERIM AUDIT MANAGEMENT LETTER FOR YEAR ENDED 30 JUNE 21****RESOLUTION 2021/215**

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

1. The Director Corporate and Community Services report R21/221 be received and noted.

CARRIED**18.3 WATER ACCOUNT ADJUSTMENT - 1041933****RESOLUTION 2021/216**

Moved: Cr Mark Hall

Seconded: Cr Brian Nelson

That:

1. The Director of Corporate and Community Services Report No. R21/229 be received and noted.
2. Council approve the request to reduce water consumption charges for the September to December 2020 billing period by an amount of \$433.60 for assessment 1041933.

CARRIED**18.4 WATER ACCOUNT ADJUSTMENT - 1005741****RESOLUTION 2021/217**

Moved: Cr Elaine Bendall

Seconded: Cr Brian Nelson

That:

1. The Director of Corporate and Community Services Report No. R21/249 be received and noted.
2. Council approve the request to reduce water consumption charges for the 2021 billing period 4 by an amount of \$4,328.45 for assessment 1005741.
3. The ratepayer be advised this is the first and only application allowable under the Undetected Water Leak Policy.

CARRIED

18.5 WATER ACCOUNT ADJUSTMENT - 1018883**RESOLUTION 2021/218**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Corporate and Community Services Report No. R21/250 be received and noted.
2. Council approve a reduction in the 2019/20 water billing periods of \$3,566.22 for assessment 1018883.

CARRIED**18.6 WATER ACCOUNT ADJUSTMENT - 1046852****RESOLUTION 2021/219**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The Director of Corporate and Community Services Report No. R21/258 be received and noted.
2. Council approve the request to reduce water consumption charges for the 2021 billing periods 3 & 4 by a total amount of \$4,684.01 for assessment 1046852.
3. The ratepayer be advised this is the first and only application allowable under the Undetected Water Leak and Faulty Water Meter Policy.

CARRIED**18.7 ENTERPRISE RISK MANAGEMENT FRAMEWORK WORK PROGRAM AND PROPOSAL****RESOLUTION 2021/220**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Mark Hall

That:

1. The Director Corporate and Community Services report R21/246 be received and noted.

CARRIED

18.8 DRAFT INTERNAL AUDIT AND RISK MANAGEMENT FRAMEWORK FOR LOCAL COUNCILS IN NSW – AUGUST 2021**RESOLUTION 2021/221**

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

1. The Director Corporate and Community Services report R21/245 be received and noted.
2. The DCCS prepare a Draft Framework including that two Councillors are allowed full voting rights and the Mayor should not be automatically excluded from the committee.

CARRIED**18.9 TENDER ASSESSMENT - SUPPLY OF CULVERTS FOR THE MURIE AND SMYTHE'S CORNER PROJECT****RESOLUTION 2021/222**

Moved: Cr Brian Nelson

Seconded: Cr Peter Harris

That:

1. The Director Infrastructure Services Report No R21/269 be received and noted.
2. The proposal from Modcast for the supply of the reinforced concrete culverts be accepted, subject to written confirmation of delivery timeframe.
3. The General Manager be authorised to execute the contract documents and affix the Council seal.

CARRIED**18.10 TOTTENHAM RESERVOIR - MURAL PAINTING****RESOLUTION 2021/223**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The Director Infrastructure Services Report No. R21/268 be received and noted.
2. Council allocate \$10,000 to the Tottenham Mural Project from the reserve for contributions to mural projects.
3. The scope of works for other Water Fund Capital Works items in Tottenham, as follows, be reduced to fund the remediation of the Tottenham Reservoir.
 - a. Water Main renewal \$46,394 – reduce length of water main renewal.

- b. Tottenham potable water standpipe \$40,000 – reduce scope of works to deliver a partial upgrade.

CARRIED

18.11 OFFER TO PURCHASE LAND - WALKER STREET LAKE CARGELLIGO

RESOLUTION 2021/224

Moved: Cr Mark Hall

Seconded: Deputy Mayor Paul Phillips

That

1. The General Manager's Report No. R21/278 be received and noted.
2. Council accept the offers to purchase Lots 3, 4, 5 and 6 Section 58 DP 758595 Walker Street Lake Cargelligo as per option 1 in the report.
3. The General Manager engage Council's legal representative to prepare the contract documents and transact the sale.
4. The Mayor and General Manager be delegated authority to sign the contract documents and affix the Council Seal.
5. The lots be built on within the two year period.

CARRIED

Councillor Mel Blewitt declared a non-significant non-pecuniary interest in Item 18.12 as she works with the applicants mother and left the meeting at 4:32pm

Councillor Mel Rees declared a non-significant non-pecuniary interest Item 18.12 as she works with the applicant and left the meeting at 4:32pm

18.12 REQUEST TO TRANSFER A CROWN ROAD - NEAR TO NORTH FORBES ROAD

RESOLUTION 2021/225

Moved: Cr Brian Nelson

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services Report No. R21/275 be received and noted.
2. The application for Council to take over the Crown road off North Forbes Road to upgrade and maintain be declined.
3. Council consents to the closure of the unnamed section of public road linking lot 13 DP1053434 to the Crown road at the applicant's full cost.
4. Council acknowledge that the land in the unnamed road may vest in the Crown if closed and any proceeds from the sale of the road may be returned to the Crown.
5. That the report be deferred to the next Ordinary Meeting of Council.

CARRIED

Councillor Rees and Councillor Blewitt returned to the meeting at 4:33pm

The Meeting closed at 4:44pm .

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 October 2021.


.....
CHAIRPERSON