

**MINUTES OF LACHLAN SHIRE  
ORDINARY COUNCIL MEETING  
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS  
ON WEDNESDAY, 23 MARCH 2022 AT 2:00PM**

**PRESENT:** Mayor John Medcalf (OAM), Cr Judith Bartholomew, Cr Elaine Bendall, Cr Melissa Blewitt, Cr Dennis Brady, Cr Dave Carter, Cr Peter Harris, Deputy Mayor Paul Phillips, Cr Melissa Rees

**IN ATTENDANCE:** Greg Tory (General Manager), Karen Pegler (Director - Corporate and Community Services) (via videoconference), Adrian Milne (Director - Infrastructure Services), Jon Shillito (Director - Environment, Tourism and Economic Development), Carolyne Marchant (Minute Taker)

The Chair welcomed those present and declared the meeting open at 2.06pm. Cr Medcalf acknowledged the impacts of heavy rain and flooding across NSW and Queensland. Cr Medcalf reminded the meeting that the Community Safety Public Meeting is being held tonight.

**1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS**

The Acknowledgement of Country and Elders was made by Cr Dave Carter.

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

**RESOLUTION 2022/80**

Moved: Cr Peter Harris  
Seconded: Cr Dave Carter

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

**CARRIED**

**3 CONFIRMATION OF MINUTES**

**RESOLUTION 2022/81**

Moved: Cr Peter Harris  
Seconded: Cr Dave Carter

That the minutes of the Ordinary Meeting held on 23 February 2022 be confirmed.

**CARRIED**

**4 MAYORAL MINUTE**

**4.1 CENTRAL NSW JOINT ORGANISATION BOARD MEETING**

**RESOLUTION 2022/82**

Moved: Cr Peter Harris  
Seconded: Cr Elaine Bendall

That Council note the report from the recent CNSWJO Board meeting.

**CARRIED**

## **4.2 MAYORAL MINUTE - MEETINGS AND FUNCTIONS MARCH**

### **RESOLUTION 2022/83**

Moved: Cr Dave Carter  
Seconded: Cr Melissa Blewitt

That Council

1. Read and note Mayoral Minute R22/84.

**CARRIED**

## **4.3 MAYORAL MINUTE - DONATION THROUGH GIVIT OR THE AUSTRALIAN RED CROSS TO THE NSW FLOODS APPEAL**

### **RESOLUTION 2022/84**

Moved: Cr Dennis Brady  
Seconded: Cr Elaine Bendall

That

1. Council note the significant weather event across eastern New South Wales and Queensland and acknowledge the work of emergency services personnel and volunteers.
2. Council donate \$1,000 from the donations budget to GIVIT for the NSW Flood Appeal.

**CARRIED**

## **5 PUBLIC FORUM**

Nil

## **6 DISCLOSURE OF INTEREST**

Cr Blewitt declared a Non-pecuniary Less Than Significant Interest in Item 9.1 FY20/21 and FY21/22 Project Monthly Update for February/March.

## **7 GENERAL MANAGER**

### **7.1 GENERAL MANAGER DELEGATIONS**

#### **RESOLUTION 2022/85**

Moved: Cr Melissa Rees  
Seconded: Cr Elaine Bendall

That:

1. The Manager Human Resources Report R22/74 – General Manager Delegations be received and noted.
2. Council delegates to the General Manager, Gregory Philip Tory the authority to exercise all discretionary functions that Council is capable of delegating and is not prohibited from so doing under section 377 of the Local Government Act, 1993, but excluding any specific functions which Council has, by resolution, reserved to Council.

**CARRIED**

## 7.2 ACTIVE RESOLUTIONS MARCH

### RESOLUTION 2022/86

Moved: Cr Dennis Brady

Seconded: Cr Judith Bartholomew

That Council

1. Read and note General Manager's report R22/87.

**CARRIED**

Councillors questioned which schools had received information packs from Koori Kids. The Director Corporate and Community Services requested to provide the information later in the meeting.

## 8 CORPORATE AND COMMUNITY SERVICES

### 8.1 DONATIONS

#### RESOLUTION 2022/87

Moved: Cr Dennis Brady

Seconded: Cr Elaine Bendall

That:

1. The Director of Corporate and Community Services Report No. R22/66 be received and noted.
2. Council provide a donation of \$1000 to the Condobolin Clay Target Club Inc. for their 2022 Annual Club Champion Shoot.
3. Council provide a of \$200 donation directly to the Biggest Morning Tea through the Cancer Council.

**CARRIED**

### 8.2 INVESTMENTS AS AT 28 FEBRUARY 2022

#### RESOLUTION 2022/88

Moved: Cr Elaine Bendall

Seconded: Cr Dave Carter

That:

1. The Director Corporate and Community Services Report No. R22/67 be received and noted.

**CARRIED**

## **9 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT**

Cr Blewitt declared a Non-pecuniary Less Than Significant Interest in Item 9.1 FY20/21 and FY21/22 Project Monthly Update for February/March as her future brother-in-law manages the facility.

### **9.1 FY20/21 AND FY21/22 PROJECT MONTHLY UPDATE FOR FEBRUARY/MARCH**

#### **RESOLUTION 2022/89**

Moved: Cr Melissa Rees

Seconded: Cr Dennis Brady

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/72 be received and noted.

**CARRIED**

### **9.2 DEVELOPMENT DATA FEBRUARY 2022**

#### **RESOLUTION 2022/90**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dennis Brady

That:

The Director Environment, Tourism and Economic Development Report No. R22/80 be received and noted.

**CARRIED**

## **10 INFRASTRUCTURE SERVICES**

### **10.1 DRAFT CENTRAL WEST AND ORANA TRANSPORT STRATEGY**

#### **RESOLUTION 2022/91**

Moved: Cr Melissa Rees

Seconded: Cr Elaine Bendall

That

1. The Director of Infrastructure Service Report No. R22/54 be received and noted
2. Council submit comments discussed within this report on the Draft Central West and Orana Regional Transport Plan to TfNSW by 31 March 2022.

**CARRIED**

**10.2 FY21/22 ROADWORKS MONTHLY UPDATE FOR FEBRUARY****RESOLUTION 2022/92**

Moved: Cr Elaine Bendall

Seconded: Deputy Mayor Paul Phillips

That

1. The Director of Infrastructure Service Report No. R22/70 be received and noted.

**CARRIED**

**10.3 FY21/22 UTILITIES MONTHLY UPDATE FOR FEBRUARY****RESOLUTION 2022/93**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That

1. The Director Infrastructure Services Report No. R22/73 be received and noted.

**CARRIED**

**10.4 FY21/22 URBAN WORKS MONTHLY UPDATE FOR FEBRUARY****RESOLUTION 2022/94**

Moved: Cr Elaine Bendall

Seconded: Cr Judith Bartholomew

That the Director Infrastructure Services Report No. R22/77 be received and noted.

**CARRIED**

**10.5 GUM BEND LAKE ADVISORY COMMITTEE NOMINATIONS**

**It was moved** Cr Carter and Cr Brady that

1. The Director Infrastructure Services report R22/85 be received and noted.
2. Council determine a direction for the Gum Bend Lake Advisory Committee.
3. Council write to the three community members who nominated for the Gum Bend Lake Committee and advise them of Council's decision.

**An amendment was moved** Cr Rees and Cr Brady that

1. The Director Infrastructure Services report R22/85 be received and noted.
2. That Council accept the nominations of Todd Smith, Colin Doonan and Meg Crouch to reform the Committee.
3. Re-advertise for further nominations to the vacant committee positions.

**RESOLUTION 2022/95**

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

## 10.6 CONDOBOLIN CEMETERY ADVISORY COMMITTEE NOMINATIONS

**It was moved** Cr Carter and Cr Brady that

1. The Director Infrastructure Services report R22/86 be received and noted.
2. Council determine a direction for the Condobolin Cemetery Advisory Committee.
3. Council write to the two community members who nominated for the Condobolin Cemetery Committee and advise them of Council's decision.

**An amendment was moved** Cr Blewitt and Cr Bendall that

1. The Director Infrastructure Services report R22/86 be received and noted.
2. That Council accept the nominations of Jeffrey Grogan and Elizabeth Riley to reform the Committee.
3. Re-advertise and call for a second round of nominations to the committee.

### RESOLUTION 2022/96

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

Councillors questioned which schools had received information packs from Koori Kids. The Director Corporate and Community Services advised the meeting that Lake Cargelligo Central School, Saint Francis Xavier Primary School, Condobolin High School, Condobolin Public School, Euabalong West Public School and St Joseph's Primary School received packs. Will request a response regarding why Tottenham and Tullibigeal schools were not included

## 11 DEPUTATIONS

Nil

## 12 NOTICES OF MOTION

### 12.1 NOTICE OF MOTION - ELECTION TERM

#### RESOLUTION 2022/97

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. Lachlan Shire Council communicates with the Office of Local Government and the Minister for Local Government and seek support from Country Mayors with regards to extending the current Council election term to the normal four (4) year cycle with elections being held in September 2025. This will not only be a cost saving to NSW Councils but will also afford the opportunity for the newly elected councils to enact their Community Strategic plans over that period.

**CARRIED**

## 13 NOTICES OF RESCISSION

Nil

**14 DELEGATES REPORT****14.1 COUNTRY MAYOR'S ASSOCIATION OF NEW SOUTH WALES****RESOLUTION 2022/98**

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That Council

1. Read and note Delegate's report no R22/82.

**CARRIED**

The General Manager congratulated the Mayor on his election to the Country Mayors executive.

Cr Harris reported that he and Cr Phillips attended the Special Local Government Conference 28.02.2022 – 02.03.2022 and felt it was a successful event. Cr Harris attended the Rural and Regional Health workshop, panels on Climate change – the gap between recognition and action and Working together to combat the Housing Crisis. He thanks Council for allowing him to attend.

Cr Phillips thanked Jon Shillito for his leadership and guidance at the conference.

Cr Brady reported that he attended the Mining & Energy Related Councils NSW meeting on 18 March 2022, has was elected to the executive.

**15 CORRESPONDENCE**

Nil

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

Nil

**17 PETITIONS**

Nil

## **18 CLOSED SESSION**

### **RESOLUTION 2022/99**

Moved: Cr Dennis Brady

Seconded: Cr Melissa Blewitt

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 Audit Engagement Plan for the financial year ended 30 June 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.

#### **18.2 Appointment of Internal Auditor for 4 years 2022-2025**

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.

#### **18.3 Tender Assessment - Supply of Crushed Gravel and Stone 2022-2025**

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.

#### **18.4 Tender Assessment - Plant Hire**

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.

#### **18.5 Murie and Smyth's Culvert installation**

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.

#### **18.6 Budget 22.23 draft Fees and Charges**

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.

#### **18.7 Appointment of Audit, Risk and Improvement Committee Chair**

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).



**1.1 Tender Assessment - Foster Street Upgrade**

This matter is considered to be confidential under Section 10A(2)di 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

**CARRIED****RESOLUTION 2022/100**

Moved: Cr Dennis Brady  
Seconded: Cr Elaine Bendall

That Council moves out of Closed Council into Open Council.

**CARRIED****18.1 AUDIT ENGAGEMENT PLAN FOR THE FINANCIAL YEAR ENDED 30 JUNE 2022****RESOLUTION 2022/101**

Moved: Cr Elaine Bendall  
Seconded: Cr Peter Harris

That the Director Corporate and Community Services Report R22/63 be received and noted.

**CARRIED****18.2 APPOINTMENT OF INTERNAL AUDITOR FOR 4 YEARS 2022-2025****RESOLUTION 2022/102**

Moved: Cr Peter Harris  
Seconded: Cr Elaine Bendall

1. That the Director Corporate and Community Services Report No. R22/65 be formally received and noted.

**CARRIED****RESOLUTION 2022/103**

Moved: Cr Dennis Brady  
Seconded: Cr Peter Harris

That Council appoint Lambourne Partners as the Internal Auditor for the four years 2022-2025.

**CARRIED**

**18.3 TENDER ASSESSMENT - SUPPLY OF CRUSHED GRAVEL AND STONE 2022-2025****RESOLUTION 2022/104**

Moved: Cr Melissa Rees

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services Report R22/78 be received and noted
2. Council accept the tender from Mays Earthmoving Pty Ltd for gravel winning and crushing services
3. Council accept the offer from Mays Earthmoving Pty Ltd for the supply of gravel from Milby quarry at the rates quoted
4. Council accept the offer from Ross Brothers Excavations for supply of gravel at the rates quoted
5. The Mayor and General Manager be authorised to execute contract documents and affix the Council seal (if required)

**CARRIED**

**18.4 TENDER ASSESSMENT - PLANT HIRE****RESOLUTION 2022/105**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That

1. Council receive and note Director Infrastructure Services Report R22/79
2. Tendered rates for the plant and equipment term panel be accepted for all Tenders received (including late tenders)
3. The General Manager be authorised to execute the contract documentation

**CARRIED**

**18.5 MURIE AND SMYTH'S CULVERT INSTALLATION****RESOLUTION 2022/106**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That

1. Receive and note Director Infrastructure Services report R22/83
2. Rescind Resolution 2022/40.
3. The revised tender submission from McMahon Services be accepted.
4. The Mayor and General Manager be authorised to execute the contract documents and affix the Council seal.

**CARRIED**

**18.6 BUDGET 22.23 DRAFT FEES AND CHARGES****RESOLUTION 2022/107**

Moved: Cr Elaine Bendall

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate & Community Services Report R22/76 be received and noted
2. Any changes proposed be incorporated with the final Fees and Charges document, due to be presented to Council at its budget workshop on 13 April 2022

**CARRIED**

**18.7 APPOINTMENT OF AUDIT, RISK AND IMPROVEMENT COMMITTEE CHAIR****RESOLUTION 2022/108**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That

1. The Director Corporate & Community Services Report R22/30 be received and noted.
2. Council appoint Graeme Fleming as the Audit, Risk and Improvement Committee Chairperson for a 2 year period from 23 March 2022 with an option for a further two years, dependent on in force legislation and on achieving a satisfactory performance appraisal.
3. Set the Chairperson fee at \$1,200 per meeting, and pay travel and other expenses as per the adopted Audit, Risk and Improvement Committee Fees, Reasonable Expenses and Facilities Policy.

**CARRIED 8 TO 1**

**1.1 TENDER ASSESSMENT - FOSTER STREET UPGRADE****RESOLUTION 2022/109**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That

1. The Director Infrastructure Services Late Report R22/93 be received and noted
2. Council resolve to decline to accept all Tender submitted in response to IFT2022/03 Foster Street Upgrade, Lake Cargelligo;
3. Council Authorise the General Manager or their delegate to enter into direct negotiations with any person with a view to entering a contract in relation to the subject matter of the IFT;
4. Council note that the reason for entering into direct negotiations is that it is not expected that further market testing will provide a more satisfactory result;
5. Following the completion of further negotiations the Director of Infrastructure Services present a further report for Council's consideration.

**CARRIED**

The Mayor thanked Jon Shillito for undertaking the role of Acting General Manager. He thanked the three Directors for the excellent support of himself and the other Councillors. He then welcomed the General Manager back from holidays.

Cr Bendall thanked Carlyne Marchant, Robyn Ryan, Guy Marchant and Jon Shillito for their work at the recent 'Music and Screen on the Green' at Lake Cargelligo, which was a great success.

**The Meeting closed at 5.15pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 27 April 2022.**

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**CHAIRPERSON**