

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

PRESENT: Mayor John Medcalf (OAM), Deputy Mayor Paul Phillips, Cr Elaine Bendall, Cr Melissa Blewitt, Cr Dave Carter, Cr Peter Harris, Cr Megan Mortimer, 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) and Carolyne Marchant (Minute Taker)

The Chair welcomed those present and declared the meeting open at 2.03pm.

1 ACKNOWLEDEMENT OF COUNTRY AND ELDERS

The Acknowledgement of Country and Elders was made by Cr Mortimer

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2022/47

Moved: Cr Peter Harris
Seconded: Cr Dave Carter

That the apologies received from Cr Brady and Cr Bartholomew be accepted and leave of absence granted.

CARRIED

3 CONFIRMATION OF MINUTES

RESOLUTION 2022/48

Moved: Cr Melissa Rees
Seconded: Cr Dave Carter

That the minutes of the Ordinary Meeting held on 27 January 2022 be confirmed.

CARRIED

4 MAYORAL MINUTE

4.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS FEBRUARY

RESOLUTION 2022/49

Moved: Cr Peter Harris
Seconded: Cr Elaine Bendall

That:

1. The Mayoral Minute No. R22/60 be received and noted.

CARRIED

5 PUBLIC FORUM

Nil

6 DISCLOSURE OF INTEREST

Nil

7 GENERAL MANAGER

7.1 DRAFT LSC TERMS AND CONDITIONS OF BUSINESS - GOODS AND SERVICES

RESOLUTION 2022/50

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The General Manager's Report No R22/48 be received and noted.
2. The Lachlan Shire Council Terms and Conditions of Business be adopted as presented.

CARRIED

7.2 MINUTES FROM THE ORDINARY COUNCIL MEETING ON 27 OCTOBER 2021

RESOLUTION 2022/51

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The General Manager's report no. R22/53 be received and noted.
2. Council approve the correction of resolution 2021/233 to read \$3,000.

CARRIED

7.3 ALGA FEDERAL ELECTION PRIORITIES 2022**RESOLUTION 2022/52**

Moved: Cr Peter Harris
Seconded: Cr Melissa Rees

That:

1. The General Manager's Report No. R22/55 be received and noted.
2. Council supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.39 billion per year to Australia's GDP and create 42,975 jobs; and
3. Agree to support and participate in the Australian Local Government Association's advocacy for their endorsed national funding priorities by writing to the Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
 - a. express support for ALGA's funding priorities.
 - b. identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
 - c. seek funding commitments from the members, candidates and their parties for these identified local projects and programs.

CARRIED

7.4 ACTIVE RESOLUTIONS - FEBRUARY**RESOLUTION 2022/53**

Moved: Cr Dave Carter
Seconded: Cr Peter Harris

That:

1. The General Manager's Report no R22/56 be received and noted.

CARRIED

7.5 DELIVERY PROGRAM AND OPERATIONAL PLAN STATUS UPDATES AS AT 31 DEC 2021.**RESOLUTION 2022/54**

Moved: Cr Peter Harris
Seconded: Cr Megan Mortimer

That:

1. The General Manager's Report no R22/61 be received and noted.

CARRIED

8 CORPORATE AND COMMUNITY SERVICES

8.1 INVESTMENTS AS AT 31 JANUARY 2022

RESOLUTION 2022/55

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Director Corporate and Community Services Report No. R22/34 be received and noted.

CARRIED

8.2 BUSH BURSARY 2022 UPDATE

RESOLUTION 2022/56

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director of Corporate and Community Services Report No R22/47 be received and noted.

CARRIED

Council requested the Director of Corporate and Community Services obtain statistics on the number of Bush Bursary recipients who have returned to rural and regional areas once qualified.

8.3 DONATIONS

RESOLUTION 2022/57

Moved: Cr Dave Carter

Seconded: Cr Elaine Bendall

That:

1. The Director of Corporate and Community Services Report No. R22/50 be received and noted.
2. Council provide a \$300 donation to the Country Women's Association – Oxley Group for their 2022 Junior Public Speaking Competition.
3. Council extend an invitation to local students who participated in the competition to speak at a future Council meeting.

CARRIED

A request has been received from Western NSW Local Health District and Murrumbidgee NSW Local Health District to waive any fees for hire of the SRA Pavilion and Lake Cargelligo Memorial Hall for the holding of a Covid-19 Vaccination Clinic. Council did not support the request.

8.4 QUARTERLY BUDGET REVIEW 2 2022 FY**RESOLUTION 2022/58**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Director Corporate and Community Services Report No.R22/51 be received and noted.
2. The Quarterly Budget adjustments and reserve movements be adopted as presented.

CARRIED**8.5 ARIC FEES, REASONABLE EXPENSES AND FACILITIES POLICY****RESOLUTION 2022/59**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Corporate & Community Services Report R22/52 be received and noted.
2. Subject to any changes Council wishes to make being incorporated, the ARIC Fees, Reasonable Expenses and Facilities Policy be adopted.

CARRIED**9 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT****9.1 INFRASTRUCTURE CONTRIBUTIONS REFORM PUBLIC EXHIBITION****RESOLUTION 2022/60**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That

1. The Director of Environment, Tourism and Economic Development Report No. R21/344 be received and noted.
2. That Council lodge a formal submission in relation to the infrastructure contributions reform package that includes the matters raised within this report.

CARRIED

9.2 FY20/21 AND FY21/22 PROJECT MONTHLY UPDATE FOR JANUARY/FEBRUARY

RESOLUTION 2022/61

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/29 be received and noted.

CARRIED

9.3 DEVELOPMENT DATA JANUARY 2022

RESOLUTION 2022/62

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/38 be received and noted.

CARRIED

10 INFRASTRUCTURE SERVICES

10.1 LAKE CARGELLIGO CRICKET NETS - LICENCE WITH DEPARTMENT OF EDUCATION

RESOLUTION 2022/63

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services Report R22/42 be received and noted
2. Council decline to accept and sign the proposed licence agreement with Secretary of the Department of Education and investigate an alternate location to construct the Lake Cargelligo Cricket Nets.

CARRIED

10.2 FY21/22 ROADWORKS MONTHLY REPORT UPDATE FOR JANUARY

RESOLUTION 2022/64

Moved: Cr Peter Harris
Seconded: Deputy Mayor Paul Phillips

That

1. The Director of Infrastructure Service Report No. R22/43 be received and noted.

CARRIED

10.3 FY2122 UTILITIES MONTHLY UPDATE FOR JANUARY

RESOLUTION 2022/65

Moved: Cr Peter Harris
Seconded: Cr Elaine Bendall

That

1. The Director Infrastructure Services Report No. R22/44 be received and noted.

CARRIED

10.4 FY21/22 URBAN WORKS MONTHLY UPDATE FOR JANUARY

RESOLUTION 2022/66

Moved: Cr Peter Harris
Seconded: Cr Megan Mortimer

That:

1. The Director Infrastructure Services Report No. R22/49 be received and noted.

CARRIED

11 DEPUTATIONS

Nil

12 NOTICES OF MOTION

Nil

13 NOTICES OF RESCISSION

Nil

14 DELEGATES REPORT

Nil

15 CORRESPONDENCE**15.1 CORRESPONDENCE - FEBRUARY.****RESOLUTION 2022/67**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Correspondence Report No R22/57 be received and noted.
2. Council collaborate with United Services Union in their campaign regarding rate capping in NSW Local Government.

CARRIED

16 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

17 PETITIONS

Nil

18 CLOSED SESSION**RESOLUTION 2022/68**

Moved: Cr Melissa Rees

Seconded: Cr Peter Harris

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 Rates and Charges Donations - 2021/22

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.

18.2 Rates Assessment Number 1049216 - Write off of Outstanding Rates and Interest

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).

18.3 Tendering - Regional Contract for the Supply and Delivery of Bulk Fuel (JROC)

This matter is considered to be confidential under Section 10A(2)c and diii 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 information that would, if disclosed, reveal a trade secret.

18.4 Visitor Information Centre - Construction Tender

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.

18.5 Tottenham Caravan Park Management Option and Enhancement

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.

18.6 Condobolin and District Historical Museum - Extension to Museum and Display Enhancements 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.

18.7 Tender Assessment - CNSWJO Supply of Linemarking Services

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.

18.8 Electricity Procurement - CNSWJO tender

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.

18.9 Sunrise Mine Project - Consent issued under s.138 of the Roads Act 1993 (NSW) for Sunrise Mine Project Water Pipeline.

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.

CARRIED

RESOLUTION 2022/69

Moved: Cr Peter Harris
Seconded: Cr Elaine Bendall

That Council moves out of Closed Council into Open Council.

CARRIED

18.1 RATES AND CHARGES DONATIONS - 2021/22

RESOLUTION 2022/70

Moved: Cr Peter Harris
Seconded: Cr Elaine Bendall

That:

1. The Director of Corporate and Community Services Report No. R22/25 be received and noted.
2. Council determine the amount \$148.40 of any rates and charges concession to be granted to the Anglican Church Albert, assessment 1000319.

CARRIED

18.2 RATES ASSESSMENT NUMBER 1049216 - WRITE OFF OF OUTSTANDING RATES AND INTEREST

RESOLUTION 2022/71

Moved: Cr Peter Harris
Seconded: Cr Elaine Bendall

That:

1. The Director of Corporate and Community Services Report No. R22/26 be received and noted.
2. Council approve the write-off of the 2016/2017 FY rate levy of \$50,122.02 on Assessment 1049216.
3. Council approve the write-off of interest relating to the unpaid 2016/2017 FY levy of in excess of \$19,100 on Assessment 1049216.

CARRIED

18.3 TENDERING - REGIONAL CONTRACT FOR THE SUPPLY AND DELIVERY OF BULK FUEL (JROC)**RESOLUTION 2022/72**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That:

1. The Director of Corporate and Community Services Report No. R22/37 be received and noted.
2. Council agrees to participate in a regional contract for the supply and delivery of bulk fuel.
3. The Central NSW Joint Organisation of Council's be advised of Council's decision.

CARRIED**18.4 VISITOR INFORMATION CENTRE - CONSTRUCTION TENDER****RESOLUTION 2022/73**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R21/353 be received and noted.
2. That Council accepts the tender submission from Patterson Building Group Pty Ltd, incorporating the cost savings identified within their tender.
3. An additional sum of \$375,617.91 from savings on other road projects be allocated to the MR57S (Gipps Way) road improvement works.
4. The Mayor and General Manager be authorised to engage Patterson Building Group Pty Ltd and sign the contract documents and affix the Council seal.

CARRIED**18.5 TOTTENHAM CARAVAN PARK MANAGEMENT OPTION AND ENHANCEMENT****RESOLUTION 2022/74**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/33 be received and noted.
2. That Council seek tenders for the operation and management of Tottenham Caravan Park, through a management contract which outlines the proposed enhancement works that will be undertaken, once the LRCl Phase 3 project proposal is approved.

CARRIED

18.6 CONDOBOLIN AND DISTRICT HISTORICAL MUSEUM - EXTENSION TO MUSEUM AND DISPLAY ENHANCEMENTS PROJECT

RESOLUTION 2022/75

Moved: Cr Megan Mortimer

Seconded: Cr Elaine Bendall

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/39 be received and noted.
2. Discussions be held with the Condobolin and District Historical Society regarding the project and determine how the available funds can be utilised and seek variations from the grant body to allow the funds to be spent.

CARRIED

18.7 TENDER ASSESSMENT - CNSWJO SUPPLY OF LINEMARKING SERVICES

RESOLUTION 2022/76

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director Infrastructure Services Report R22/41 be received and noted.
2. Council accept the tenders from
Avante Linemarking,
Central West Linemarking,
Complete Linemarking, and
Oz Linemarking
for the supply and delivery of line marking services and advise CNSWJO of that decision.
3. The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal if required.

CARRIED

18.8 ELECTRICITY PROCUREMENT - CNSWJO TENDER**RESOLUTION 2022/77**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The General Manager's Report No. 22/58 on electricity procurement be received and noted.
2. Note that a reduced tender period has been considered.
3. Resolve that because of the extenuating circumstances set out in the report a satisfactory result would not be achieved by inviting tenders for the aggregated procurement of electricity for large market sites and street lighting which are due to commence on 1 January 2023.
4. Note that the reasons for the decision of the Council in resolution 3 are as follows:
 - (a) The services with respect to which the tender relates can only be provided by energy retailers.
 - (b) Council has received expert advice that due to the nature of the relevant market, offers from those retailers which will be made in response to the request for tender will only be open for acceptance for a period of 1-2 weeks.
 - (c) Even if the tender period was shortened to 7 days as permitted under the Regulations, some if not all of the relevant tenders would expire prior to Council being able to undertake an assessment of tenders, report the matter to Council and resolve to accept or reject any tenders.
 - (d) This would result in Council either having no valid tenders which it is able to accept, or it would not be able to consider for acceptance all of the tenders lodged in response to the request for tender.
 - (e) This would not be a satisfactory result for Council.
5. Delegate the authority to execute the contracts for the supply of electricity for large market sites and street lighting to the General Manager; and
6. Advise Central NSW Joint Organisation of Council's decision.

CARRIED

18.9 SUNRISE MINE PROJECT - CONSENT ISSUED UNDER S.138 OF THE ROADS ACT 1993 (NSW) FOR SUNRISE MINE PROJECT WATER PIPELINE.

RESOLUTION 2022/78

Moved: Cr Peter Harris
 Seconded: Cr Melissa Rees

That:

1. The General Manager's Report No. R22/59 be received and noted.
2. Council endorse the lease to SRL Ops Pty Ltd for 'Sunrise Mine Project: Lease for Construction and Operation of Water Pipeline and Related Services in Public Road Reserves' for those parts of the roads on which the pipeline is constructed; and
3. Pursuant to s.149 of the Roads Act 1993, request that the Secretary of the Department of Planning and Environment approve the granting of the lease.
4. General Manager be authorised to execute the lease agreement.

CARRIED

1.1 ALGA NATIONAL GENERAL ASSEMBLY 2022 - JOINT MOTION WITH PCC

RESOLUTION 2022/79

Moved: Cr Peter Harris
 Seconded: Deputy Mayor Paul Phillips

That:

1. The General Managers Report No. R22/62 be received and noted.
2. The attached draft motion be jointly submitted with Penrith City Council to the Australian Local Government Association National General Assembly 2022.

CARRIED

The Meeting closed at 3.42pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 March 2022.



CHAIRPERSON