

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD ONLINE VIA ZOOM
ON WEDNESDAY, 25 AUGUST 2021 AT 2:02PM**

PRESENT: Mayor John Medcalf (OAM) , Cr Melissa Blewitt, Cr Dennis Brady, 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), Paula Ewing (Executive Assistant)

1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

Clr Mark Hall read out the acknowledgement.

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Clr Dave Carter

Clr Elaine Bendall

RESOLUTION 2021/156

Moved: Cr Brian Nelson

Seconded: Cr Mark Hall

3 CONFIRMATION OF MINUTES

RESOLUTION 2021/157

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That the minutes of the Ordinary Meeting held on 28 July 2021 be confirmed.

CARRIED

4 MAYORAL MINUTE

4.1 MAYORAL MINUTE - AUGUST

RESOLUTION 2021/158

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That Council

1. Receive and note Mayoral Minute R21/237.

CARRIED

4.2 MAYORAL MINUTE - MEETINGS AND FUNCTIONS ATTENDED BY THE MAYOR AND DEPUTY MAYOR FOR THE MONTH OF AUGUST.

RESOLUTION 2021/159

Moved: Cr Melissa Rees
Seconded: Cr Melissa Blewitt

That Council

1. Read and note Mayoral Minute R21/238.

CARRIED

4.3 MAYORAL MINUTE - INFRASTRUCTURE CONTRIBUTIONS REFORM

RESOLUTION 2021/160

Moved: Cr Dennis Brady
Seconded: Cr Peter Harris

That:

1. Mayoral Minute R21/242 be received and noted.
2. Council calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
3. Council calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
4. Council calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
5. Council writes to the local State Member the Hon Roy Butler MP, the Premier the Hon Gladys Berejiklian MP, Treasurer the Hon Dominic Perrottet MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.
6. Council writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party

the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining Council's concerns with the Bill.

7. Council alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.
 - (i) Council affirms its support to LGNSW and requests LGNSW continue advocating on our behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

CARRIED

Councillor Paul Phillips joined the meeting at 2:09pm

5 PUBLIC FORUM

Ian Kemp – Lake Cargelligo RSL Sub Branch in regards to a donation for repairs to the Cenataph in Liberty Park.– Ian was not present for public forum.

6 DISCLOSURE OF INTEREST

Councillor Blewitt declared a non-significant, non-pecuniary interest in Item 7.1 as her brother in-law has the lease at Willowbend Sports Centre as well as Item 10.7 as she works with the applicants mother.

Councillor Rees declared a non-significant, non-pecuniary interest in Item 10.7 as she works with the applicant.

Councillor Brady declared a non-significant, non-pecuniary interest in Item 8.2 as he is a Member of Rotary of Condobolin.

The General Manager declared an a significant pecuniary interest in Item 18.3.

7 GENERAL MANAGER

7.1 ACTIVE RESOLUTIONS - AUGUST 2021

RESOLUTION 2021/161

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The General Manager's Report No R21/236 be received and noted.

CARRIED**8 CORPORATE AND COMMUNITY SERVICES****8.1 SATISFACTION SURVEY - INFORMATION FOR COUNCILLORS AND COMMUNITY****RESOLUTION 2021/162**

Moved: Cr Mark Hall
Seconded: Cr Peter Harris

That:

1. The Director Corporate & Community Services Report No. R21/178 be received and noted.
2. The Satisfaction Survey 2021 be shared with the community via Council's website.

CARRIED**8.2 DONATIONS****RESOLUTION 2021/163**

Moved: Cr Peter Harris
Seconded: Deputy Mayor Paul Phillips

That

1. The Director of Corporate and Community Services Report No. R21/190 be received and noted.
2. Any donation approved be subject to the event actually being held.

RESOLUTION 2021/164

Moved: Cr Dennis Brady
Seconded: Cr Melissa Blewitt

3. Council determine the amount of any donation for:
 - a. West Milby Rodeo & Gymkhana Inc. - \$1000.00

RESOLUTION 2021/165

Moved: Cr Melissa Rees
Seconded: Cr Melissa Blewitt

- b. Rotary Club fee waiver –

A 50% fee reduction to use the SRA pavilion in line with Council's fees and charges waiver.

- c. Condobolin Preschool and Childcare Centre

50% fee reduction to use the SRA Pavilion in line with Council's fees and charges waiver.

d. Condobolin Chamber of Commerce

A 50% fee reduction to use the SRA Pavilion in line with Council's fees and charges waiver.

RESOLUTION 2021/166

Moved: Cr Dennis Brady

Seconded: Cr Melissa Blewitt

e. Condobolin RSL Pipe Band – Council's contribution be left in place.

CARRIED

8.3 INVESTMENTS AS AT 31 JULY 2021**RESOLUTION 2021/167**

Moved: Cr Dennis Brady

Seconded: Cr Mark Hall

That:

1. The Director Corporate and Community Services Report No. R21/222 be received and noted.

CARRIED

9 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT**9.1 MEMORANDUM OF UNDERSTANDING BETWEEN ARTS OUTWEST AND LACHLAN SHIRE COUNCIL****RESOLUTION 2021/168**

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That

1. The Director of Environment, Tourism and Economic Development Report No. R21/215 be received and noted.
2. The Mayor and General Manager be authorised to sign the MOU with Arts OutWest.

CARRIED

9.2 FY2021 PROJECT MONTHLY UPDATE FOR JULY/AUGUST**RESOLUTION 2021/169**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No.R21/223 be received and noted.

CARRIED

9.3 DEVELOPMENT DATA JULY 2021

RESOLUTION 2021/170

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

1. The Director Environment, Tourism and Economic Development Report No. R21/230 be received and noted.

CARRIED

9.4 AMENDED SECTION 7.12 CONTRIBUTIONS PLAN

RESOLUTION 2021/171

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R21/232 be received and noted.
2. The amended Section 7.12 Contributions Plan, as attached, be adopted by Council.
3. A notice of Councils decision be published on Councils website, within 28 days, advising the public.
4. A copy of the amended contributions plan be provided to the Minister for Planning, Industry and Environment.

CARRIED

9.5 DRAFT BUSHFIRE PRONE LAND MAP

RESOLUTION 2021/172

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That

1. The Director of Environment, Tourism and Economic Development Report No. R21/233 be received and noted.

2. Following receipt of the revised mapping from the NSW RFS, the revised draft Bush Fire Prone Land Map be placed on public exhibition for a minimum period of 28 days and public submissions be invited on the revised draft map.
3. A further report be presented to Council, following the completion of the public exhibition period, detailing any submissions received during the public exhibition period and to allow Council to consider the adoption of the map prior to it being sent to the Commissioner of NSW RFS for review and certification.

CARRIED

9.6 ABORIGINAL CULTURAL HERITAGE STUDY

RESOLUTION 2021/173

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That

1. The Director Environment Tourism and Economic Development Report No R21/88 be received and noted.
2. The Lachlan Aboriginal Cultural Heritage Study, as attached under separate cover, be adopted by Council.
3. The Lachlan Aboriginal Cultural Heritage Study be issued to Office of Environment and Heritage for publication together with the grant funding acquittal.

CARRIED

9.7 DRAFT KEEPING OF DOMESTIC ANIMALS POLICY

RECOMMENDATION

That:

1. The Director of Environment, Tourism and Economic Development Report No. R21/240 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.

RESOLUTION 2021/174

Moved: Cr Melissa Blewitt

Seconded: Cr Dennis Brady

That Council defer the report Item 9.7 until the September meeting and staff work with Councillors for further input into the policy.

CARRIED

10 INFRASTRUCTURE SERVICES**10.1 FY2122 UTILITIES MONTHLY UPDATE FOR JULY****RESOLUTION 2021/175**

Moved: Cr Peter Harris
Seconded: Cr Dennis Brady

That

1. The Director Infrastructure Services Report No. R21/224 be received and noted.

CARRIED

10.2 FY2122 ROADWORKS MONTHLY UPDATE FOR JULY**RESOLUTION 2021/176**

Moved: Cr Mark Hall
Seconded: Cr Peter Harris

That

1. The Director of Infrastructure Services Report No. R21/225 be received and noted.

CARRIED

10.3 WATER ALLOCATIONS JULY 2020 TO JUNE 2021**RESOLUTION 2021/177**

Moved: Cr Peter Harris
Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services Report No R21/226 be received and noted.

CARRIED

10.4 OFFICERS PARADE - WAIVE KERB & GUTTER CO-CONTRIBUTION POLICY**RESOLUTION 2021/178**

Moved: Cr Dennis Brady
Seconded: Cr Peter Harris

That

1. Council receive and note the Director Infrastructure Services Report no R21/227.

2. Council resolve not to apply the policy for contributions to the cost of Kerb & Gutter construction to the Officers Parade Upgrade Project, as this project is 100% externally grant funded.

CARRIED

Councillor Brady declared a non-significant, non-pecuniary interest in Item 10.4 as his wife owns a property in the vicinity of this project.

The Director of Infrastructure Services, Adrian Milne, declared a non-significant, non-pecuniary interest in Item 10.4 as he owns a property opposite the proposed Kerb and Gutter location in Officers Parade Condobolin.

10.5 LAKE CARGELLIGO SWIMMING POOL - PROPOSED CHANGE OF OPERATING HOURS

RESOLUTION 2021/179

Moved: Cr Mark Hall
Seconded: Cr Dennis Brady

That

1. The Director Infrastructure Services Report No R21/228 be received and noted.
2. Council accept the proposal from Leisure and Recreation Group to vary the hours of operation of the Lake Cargelligo Swimming Pool on the condition they publicly advertise the change of hours and the net benefit the community will receive.

CARRIED

10.6 FY2122 - URBAN WORKS REPORT UPDATE FOR JULY

RESOLUTION 2021/180

Moved: Cr Peter Harris
Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. R21/234 be received and noted.

CARRIED

Councillor Blewitt declared a non-significant, non-pecuniary interest in Item 10.7 as she works with the applicant's mother and left the meeting at 3:33pm.

Councillor Rees declared a non-significant, non-pecuniary interest in Item 10.7 as she works with the applicant and left the meeting at 3:33pm.

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

RECOMMENDATION

That

1. The Director Infrastructure Services Report No. R21/235 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 will vest in the Crown if closed and any proceeds from the sale of the road will be returned to the Crown.

CARRIED

RESOLUTION 2021/181

Moved: Cr Dennis Brady

Seconded: Cr Mark Hall

That Council defer the report to the September meeting.

At 3:35pm Councillors Blewitt and Rees returned to the meeting.

11 DEPUTATIONS

Nil

12 NOTICES OF MOTION

Nil

13 NOTICES OF RESCISSION

Nil

14 DELEGATES REPORT

14.1 MINING AND ENERGY RELATED COUNCILS (NSW) ORDINARY MEETING HELD 30TH JULY 2021.

RESOLUTION 2021/182

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That:

1. The Delegates Report No R21/241 be received and noted.

CARRIED

14.2 CENTRAL NSW JOINT ORGANISATION BOARD MEETING - AUGUST

RESOLUTION 2021/183

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That Council

1. Read and note Delegates Report R21/243.

CARRIED

15 CORRESPONDENCE

Nil

16 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

17 PETITIONS

Nil

18 CLOSED SESSION**RESOLUTION 2021/184**

Moved: Cr Peter Harris
Seconded: Cr Dennis Brady

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 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.

18.3 General Manager's Performance Review

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

At 3:39pm Council paused for a break.

At 3:46pm Council resumed.

RESOLUTION 2021/185

Moved: Cr Peter Harris
Seconded: Deputy Mayor Paul Phillips

That Council moves out of Closed Council into Open Council.

CARRIED

18.1 RATES AND CHARGES DONATIONS - 2021/22**RESOLUTION 2021/186**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

- 1) The Director of Corporate and Community Services Report No. R21/214 be received and noted.
- 2) Council grant the full amount of the rates and charges concession to:
 - Country Women's Association of NSW Tottenham Branch
 - Catholic Church Lake Cargelligo
 - Catholic Church Tullibigeal

CARRIED

18.2 CONTRACT FOR COLLECTION AND RECYCLING OF SCRAP METAL FOR COUNCILS IN THE NETWASTE REGION.**RESOLUTION 2021/187**

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

1. The Director Environment Tourism and Economic Development Report No. R21/231 be received and noted.
2. Council accept the NetWaste tender (F2959) submitted by Sims Metal Management for Collection and Recycling of Scrap Metal.
3. The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal.

CARRIED

At 3:49pm The Directors and General Manager left the meeting.

18.3 GENERAL MANAGER'S PERFORMANCE REVIEW**RESOLUTION 2021/188**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That Council

1. Note the report of the General Manager's Performance Review Panel.
2. Note the finding of the Panel on the General Manager's Annual Performance Review for the period ending 30 June 2021, in particular the Panel's summary assessment:

3. That it be noted in the opinion of the Performance Review Panel, the General Manager, Greg Tory, is performing at a level that is Better than Satisfactory standard.

That it be noted the Panel has made the following summary assessment on the General Manager's Performance for the annual review period 1 July 2020 to 30 June 2021:

"The General Manager presented to the Panel a list of the Council's achievements in 2020/21. It was quite extensive and provided a great record of what Lachlan Shire had achieved for all its communities during the past year. These achievements would not have occurred except for the excellent leadership shown by the General Manager during 2020/21. The Panel congratulates him on these accomplishments."

His overall rating is 7.54, which exceeds a Better than Satisfactory

4. That for the 2021/22 Performance Review period the Performance Agreement Part D – Annual Projects & Priorities be included following determination by the Panel and the General Manager.

CARRIED

The Directors and General Manager returned to the meeting at 3:53pm.

LATE ITEM –SALE OF LAND

RESOLUTION 2021/189

Moved: Cr Dennis Brady

Seconded: Cr Mark Hall

That Council

1. Accept the offer to sell Lots 3, 4, 5 and 6 Walker Street Lake Cargelligo subject to further information and discussion at the September 2021 Strategic Briefing,
2. Authorise the Mayor and General Manager to sign and execute the contract documents.

CARRIED

The Meeting closed at 4:48pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 28 September 2021.


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CHAIRPERSON