

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 29 JUNE 2022 AT 2:00PM**

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

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

The Chair welcomed those present and declared the meeting open at 2.05pm.

Cr Medcalf informed the meeting that he and the General Manager attended the recent ALGA in Canberra. Cr Medcalf also attended the Rotary Change Over dinner Tuesday 28.06.2022.

1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

The Acknowledgement of Country and Elders was made by Cr Melissa Blewitt.

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2022/172

Moved: Cr Dennis Brady

Seconded: Cr Dave Carter

That the apology received from Cr Peter Harris be accepted and leave of absence granted.

CARRIED

3 CONFIRMATION OF MINUTES

RESOLUTION 2022/173

Moved: Cr Dave Carter

Seconded: Cr Judith Bartholomew

That the minutes of the Ordinary Meeting held on 25 May 2022 be confirmed.

CARRIED

4 MAYORAL MINUTE

4.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS JUNE – BRADY/ MORTIMER

RESOLUTION 2022/174

Moved: Cr Dennis Brady

Seconded: Cr Megan Mortimer

That:

1. That Mayoral Minute No R22/179 be received and noted, with the inclusion of the Rotary Changeover dinner held Tuesday 28 June 2022.

CARRIED

5 PUBLIC FORUM

Nil

6 DISCLOSURE OF INTEREST

Cr Mortimer declared a Pecuniary Interest in item 18.6 – Lease of Former Abattoir Site as she is a land owner where Platina propose to establish a scandium mine.

7 GENERAL MANAGER**7.1 DELEGATES AND MOTIONS FOR THE NSW LOCAL GOVERNMENT ANNUAL CONFERENCE 2022****RESOLUTION 2022/175**

Moved: Cr Dennis Brady
Seconded: Cr Melissa Blewitt

That:

1. The General Manager's Report No. R22/177 be received and noted.
2. The following motions be endorsed for submission to the Local Government NSW 2020 Annual Conference;
 - a) LGNSW lobby the NSW government to develop a definition for rating purposes of what constitutes the commencement of mining when new or reactivated mining operations commence.
3. The Mayor and General Manager be given delegated authority to authorise the submission of any further proposed motions that may be suggested before the deadline for submitting motions.
4. Council nominate 2 Councillor delegates to attend the conference with the Mayor and General Manager. Cr Phillips, Cr Brady and Cr Harris indicated they would like to attend.

CARRIED**7.2 ACTIVE RESOLUTIONS - JUNE****RESOLUTION 2022/176**

Moved: Deputy Mayor Paul Phillips
Seconded: Cr Dave Carter

That:

1. The General Manager's report no R22/178 be received and noted.

CARRIED

7.3 RECONNECTING REGIONAL NSW - COMMUNITY EVENT PROGRAM

RESOLUTION 2022/177

Moved: Cr Dave Carter

Seconded: Deputy Mayor Paul Phillips

That:

1. The General Manager Report No. R22/181 be received and noted.
2. Council determine the events that will progress to full application under the Department of Regional NSW Reconnecting Regional NSW Community Event Program, including the dollar value of the funding request.
 - (i) Community Events Coordinator – Lachlan Shire Council
 - (ii) Lachlan Shire Visitor Information Centre Celebration – Lachlan Shire Council
 - (iii) Long Lunch by the Lake - Lower Lachlan Community Services
 - (iv) Born to Read Spectacular - Born to Read
 - (v) Condobolin Street Festival - Condobolin Chamber of Commerce
 - (vi) Tottenham Community Expo - Tottenham Welfare Council Inc.
 - (vii) Tottenham Horse Sports and Gymkhana - Tottenham Horse Sports and Gymkhana Clun Inc.
 - (viii) Reconnection Art Show - St Francis Xavier Primary School
 - (ix) Condobolin Tattoo - Condobolin RSL Pipe Band
 - (x) Condobolin Summer Carnival 2022 - Condobolin Rotary Club
 - (xi) Open Night 22/23 - Tottenham Swimming Club
 - (xii) Condo SkyFest Miima Warrabinya – Wiradjuri Condobolin Corporation Ltd.
 - (xiii) Condobolin Park Run
3. The endorsed events be submitted to the NSW Government for approval prior to the 8 July 2022 deadline.

CARRIED

8 CORPORATE AND COMMUNITY SERVICES

8.1 INVESTMENTS AS AT 31 MAY 2022

RESOLUTION 2022/178

Moved: Cr Dennis Brady

Seconded: Cr Megan Mortimer

That:

1. The Director Corporate and Community Services Report No. R22/120 be received and noted.

CARRIED

8.2 PAYMENT OF EXPENSES AND THE PROVISION OF FACILITIES TO THE MAYOR AND COUNCILLORS POLICY

RESOLUTION 2022/179

Moved: Cr Dennis Brady

Seconded: Cr Dave Carter

That

1. The Director Corporate & Community Services Report R21/358 be received and noted.
2. Subject to any changes Council wishes to make being incorporated, the draft Payment of Expenses and the Provision of Facilities for Mayors and Councillors Policy be placed on public exhibition for 28 days, from 30 June 2022, as required under the *Local Government Act 1993 NSW section 253*.
3. Following the completion of the public exhibition period the Director of Corporate and Community Services present a further report to the August 2022 ordinary Council meeting, summarising any submissions received during the public exhibition period, for the consideration of Council prior to final adoption of the Payment of Expenses and the Provision of Facilities for Mayors and Councillors Policy.

CARRIED

8.3 DONATIONS

RESOLUTION 2022/180

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That:

1. The Director of Corporate and Community Services Report No. R22/154 be received and noted.
2. Council provide in principle support to carry over the previously agreed, in kind assistance for the Condobolin RSL Pipe Band Tattoo from the cancelled 2021 event to the 2022 event.
4. Council approve payment of the Lake Cargelligo gym expenses donation up to the approved budget of \$6830. A request for a report of member numbers and incoming funds is to be forwarded to the operator.

CARRIED

8.4 DISABILITY INCLUSION ACTION PLAN 2022-2025

RESOLUTION 2022/181

Moved: Cr Dave Carter
Seconded: Cr Dennis Brady

That:

1. The Director Corporate and Community Services Report R22/171 be received and noted.
2. The Disability Inclusion Action Plan 2022-2025 be adopted as presented.

CARRIED

8.5 INTEGRATED PLANNING & REPORTING DOCUMENTS

RESOLUTION 2022/182

Moved: Deputy Mayor Paul Phillips
Seconded: Cr Elaine Bendall

That

1. The Director Corporate and Community Services Report R22/172 be received and noted.
2. The Community Strategic Plan 2023-2032, Delivery Program 2022-2026, Operational Plan 2022-2023 and Resourcing Strategy comprising the Workforce Management Plan 2022-2026, Asset Management Strategy and 10 year Long Term Financial Plan be adopted as presented.

CARRIED

8.6 MAKING OF THE RATES FOR 2022-2023 FINANCIAL YEAR

RESOLUTION 2022/183

Moved: Cr Judith Bartholomew
Seconded: Cr Elaine Bendall

That

1. The Director of Corporate and Community Services Report No. R22/175 be received and noted.
2. Council resolve to MAKE the Rates, Annual Charges and Water Consumption Charges, and ADOPT the Fees and Charges for the year 1 July 2022 to 30 June 2023, as set out in the 2022 – 2026 Delivery Program, the 2022/2023 Operational Plan, the 2022/2023 Budget, and as listed in the attachment circulated separately to the report.

CARRIED

Cr Rees joined the meeting at 3.12pm

9 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT**9.1 DEVELOPMENT DATA MAY 2022****RESOLUTION 2022/184**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dennis Brady

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/148 be received and noted.

CARRIED

9.2 RE-ESTABLISHMENT OF ALCOHOL FREE ZONES IN CONDOBOLIN AND LAKE CARGELLIGO**RESOLUTION 2022/185**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That:

1. The Director Environment Tourism and Economic Development Report No. R22/149 be received and noted.
2. Council proceed with a proposal to re-establish the Alcohol Free Zones (AFZs) in Lake Cargelligo and Condobolin with the same boundaries as the current AFZs.
3. The proposal, to declare Condobolin and Lake Cargelligo Alcohol Free Zones be placed on public exhibition for a period of twenty-eight (28) days and invite submissions/objections to the proposal.
4. A further report be considered by Council, outlining the details of any submissions/objections made during the notification period for Council's consideration before making any final declarations.

CARRIED

9.3 FY21/22 PROJECT MONTHLY UPDATE FOR MAY/JUNE**RESOLUTION 2022/186**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/155 be received and noted.

CARRIED

10 INFRASTRUCTURE SERVICES

10.1 FY21/22 ROADWORKS MONTHLY UPDATE FOR MAY

RESOLUTION 2022/187

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That

1. The Director of Infrastructure Service Report No. R22/157 be received and noted.

CARRIED

10.2 SWIMMING POOL OPERATIONS - END OF SEASON REPORT - CONDOBOLIN, LAKE CARGELLIGO AND TOTTENHAM

RESOLUTION 2022/188

Moved: Cr Melissa Rees

Seconded: Cr Megan Mortimer

That:

- 1) The Director Infrastructure Services Report No R22/159 be received and noted.

CARRIED

Cr Carter left the meeting at 3.31pm and returned at 3.35pm.

10.3 MEMORIAL PARK CONDOBOLIN - WATER EXTRACTION

RESOLUTION 2022/189

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That:

1. The Director Infrastructure Services Report No. R22/161 be received and noted.

CARRIED

10.4 FY21/22 UTILITIES MONTHLY UPDATE FOR MAY

RESOLUTION 2022/190

Moved: Cr Elaine Bendall

Seconded: Cr Judith Bartholomew

That:

1. The Director Infrastructure Services Report No. R22/162 be received and noted.

CARRIED

10.5 ASSET MANAGEMENT PLANS - TRANSPORT, WATER AND SEWER, BUILDINGS AND PARKS & RESERVES**RESOLUTION 2022/191**

Moved: Cr Melissa Rees

Seconded: Cr Megan Mortimer

That

1. The Director Infrastructure Services Report No. R22/167 be received and noted.
2. The draft asset management plans for transport, water and sewer, buildings and parks and reserves assets be placed on public exhibition for a period of 28 days and the community be invited to make submissions on the draft documents.
3. Council note the summary of key issues raised in the asset management plans as identified in this report.
4. Following the expiry of the public exhibition period the Director of Infrastructure Services provide a report to Council on any submissions received, for consideration by Council, prior to the draft Asset Management Plans being adopted.

CARRIED

10.6 FY21/22 URBAN WORKS MONTHLY UPDATE FOR MAY**RESOLUTION 2022/192**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dennis Brady

That:

1. The Director Infrastructure Services Report No. R22/174 be received and noted.

CARRIED

10.7 RURAL FIRE SERVICE SHED - LAND ACQUISITION WEJA ROAD, UNGARIE**RESOLUTION 2022/193**

Moved: Cr Elaine Bendall

Seconded: Cr Dennis Brady

That:

1. The Director Infrastructure Services Report R22/180 be received and noted
2. Council acquire lands in accordance with section 186 of the Local Government Act 1993 for the purpose of a Rural Fire station;
3. Council undertake acquisition by compulsory process of the land described as Lot 1 DP1284208 Parish of Bygalorie, County of Gipps from Colin Arthur Worland;
4. The General Manager is authorised to instruct Council's solicitors to make the necessary application to the Minister and/or the Governor to approve the acquisition under the Just Terms Compensation Act.

CARRIED

11 DEPUTATIONS

Nil

12 NOTICES OF MOTION

Nil

13 NOTICES OF RESCISSION

Nil

14 DELEGATES REPORT**14.1 CENTRAL NSW JOINT ORGANISATION BOARD MEETING 26 MAY 2022****RESOLUTION 2022/194**

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That:

1. The Mayor's report No. R22/151 on the Central NSW Joint Organisation Board meeting held on 26 May 2022 be received and noted.
2. Council provide feedback to the Joint Organisation Board on post federal election priorities.

CARRIED**14.2 COUNTRY MAYORS MEETING****RESOLUTION 2022/195**

Moved: Cr Dennis Brady

Seconded: Cr Megan Mortimer

That:

1. The General Manager's Report No R22/153 be received and noted.

CARRIED**15 CORRESPONDENCE****15.1 CORRESPONDENCE - JUNE****RESOLUTION 2022/196**

Moved: Cr Elaine Bendall

Seconded: Cr Megan Mortimer

That:

1. The Correspondence Report No R22/152 be received and noted.

CARRIED

The General Manager presented correspondence received on 24 June 2022 from The Hon. Wendy Tuckerman Minister for Local Government informing Council that there are no plans to postpone the 2024 Council elections.

16 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

17 PETITIONS

Nil

Cr Carter left the meeting at 4.05pm

18 CLOSED SESSION**RESOLUTION 2022/197**

Moved: Cr Elaine Bendall

Seconded: Cr Megan Mortimer

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, charges & Water consumption concession - Condobolin Local Aboriginal Land Council

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 Tender Assessment - Condobolin Bore Pipeline - Transfer Pump station

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.

18.3 Netwaste Regional Recycling Supply Agreement.

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 Audit, Risk & Improvement Committee minutes from 9 February 2022 meeting

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.

18.5 Enterprise Risk Management (ERM) Framework comprising ERM Policy, ERM Plan and Risk Appetite Statements

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.

18.6 Lease of former 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 2022/198

Moved: Cr Melissa Rees
Seconded: Cr Dennis Brady

That Council moves out of Closed Council into Open Council.

CARRIED

18.1 RATES, CHARGES & WATER CONSUMPTION CONCESSION - CONDOBOLIN LOCAL ABORIGINAL LAND COUNCIL**RESOLUTION 2022/199**

Moved: Cr Elaine Bendall
Seconded: Deputy Mayor Paul Phillips

That:

- 1) The Director of Corporate and Community Services Report No. R22/127 be received and noted.
- 2) The tier 1 water allocation for the Willow Bend properties in the name of Condobolin Local Aboriginal Land Council and listed on Attachment 2B be increased from 600kL to a maximum of 9,600kL of water per annum.
- 3) With regards to all properties in the name of Condobolin Local Aboriginal Land Council that are listed on annexure B attached to this report (refer Attachment 1B)
 - a) As per clause 558 (1) of the *Local Government Act NSW 1993* Council resolves not to provide an exemption for water supply special rates and not to provide an exemption for sewerage special rates

AND

As Council is not providing an exemption from water supply special rates, then as per clause 558 (4) Council cannot resolve to provide any water free of charge.

CARRIED

18.2 TENDER ASSESSMENT - CONDOBOLIN BORE PIPELINE - TRANSFER PUMP STATION**RESOLUTION 2022/200**

Moved: Cr Elaine Bendall
Seconded: Cr Megan Mortimer

That:

1. The Director Infrastructure Services Report No. R22/160 be received and noted.
2. The tender submission from Trazlbat Pty Ltd be accepted.
3. The Mayor and General Manager be authorised to execute the contract documents and affix the Council seal.

CARRIED

18.3 NETWASTE REGIONAL RECYCLING SUPPLY AGREEMENT.**RESOLUTION 2022/201**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That

1. The Director Environment Tourism and Economic Development Report No. R22/164 be received and noted.
2. The Supply Agreement between VISY and JR Richards Pty Ltd be noted.
3. The Mayor and General Manager be authorised to sign a Deed of Variation with JR EG Richards and affix the Council Seal (if required).
4. The Mayor and General Manager be authorised to sign the NSW Container Deposit Scheme – Refund Sharing Notification and affix the Council Seal (if required).

CARRIED

18.4 AUDIT, RISK & IMPROVEMENT COMMITTEE MINUTES FROM 9 FEBRUARY 2022 MEETING**RESOLUTION 2022/202**

Moved: Cr Megan Mortimer

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate & Community Services Report R22/166 be received and noted.
2. The confirmed minutes of the Audit, Risk & Improvement Committee meeting held on 9 February 2022 be received and noted.

CARRIED

18.5 ENTERPRISE RISK MANAGEMENT (ERM) FRAMEWORK COMPRISING ERM POLICY, ERM PLAN AND RISK APPETITE STATEMENTS**RESOLUTION 2022/203**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dennis Brady

That:

1. The Director of Corporate and Community Services Report No. R22/173 be received and noted
2. The Enterprise Risk Management Framework comprising:
 - Enterprise Risk Management Policy;
 - Enterprise Risk Management Plan; and
 - Risk Appetite Statementsbe adopted as presented.

CARRIED

Cr Mortimer declared a Pecuniary Interest in item 18.6 – Lease of Former Abattoir Site as she is a land owner where Platina propose to establish a scandium mine.

Cr Mortimer left the meeting at 4.32pm

18.6 LEASE OF FORMER ABATTOIR SITE**RESOLUTION 2022/204**

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That:

1. The General Manager's Report No. R22/176 be received and noted.
2. Council lease the premise to Platina Resources for a 12 month period as detailed in option 3 in the Issues and Comments section of the report subject to both parties agreeing.
3. Council authorise the Mayor and General Manager to sign and affix the Council seal to a new lease and to any contract documents should the option to purchase be taken up.

CARRIED

Cr Mortimer returned to the meeting at 4.39pm

RESOLUTION 2022/205

Moved: Cr Dennis Brady

Seconded: Cr Judith Bartholomew

That Council accept the multipurpose support grant funding.

CARRIED

1.1 RURAL FIRE SERVICE ASSETS

RESOLUTION 2022/206

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dennis Brady

That Council:

1. Formally receive and note the Director Corporate and Community Services report R22/182.
2. Support the direction of Local Government NSW and not record Rural Fire Service assets in Council's financial statements, acknowledging that Council may receive a modified audit opinion on its 30 June 2022 Financial Statements if it takes this position.

CARRIED

RESOLUTION 2022/207

Moved: Cr Dennis Brady

Seconded: Cr Elaine Bendall

That Council donate \$2047.50 to the Organisers of Condobolin and District Kennel Club All Breeds Championship Dog Show towards accommodation for the running of the show.

CARRIED

The Meeting closed at 5.15pm.

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

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CHAIRPERSON