

**MINUTES OF LACHLAN SHIRE  
ORDINARY COUNCIL MEETING  
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS  
ON WEDNESDAY, 27 APRIL 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, Cr Megan Mortimer, Deputy Mayor Paul Phillips, Cr Melissa Rees

**IN ATTENDANCE:** Greg Tory (General Manager), Karen Pegler (Director - Corporate and Community Services), Jon Shillito (Director - Environment, Tourism and Economic Development), Stephen Taylor (Acting Director - Infrastructure Services), Paula Ewing (Executive Assistant),

**1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS**

Was delivered by Cr Harris

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

Nil

**3 CONFIRMATION OF MINUTES**

**RESOLUTION 2022/110**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

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

**CARRIED**

**4 MAYORAL MINUTE**

**4.1 MEETINGS AND FUNCTIONS - APRIL**

**RESOLUTION 2022/111**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That Council

1. Read and note Mayoral Minute no R22/112.
2. Note that Councillor Rees attended the RSL Life Care ANZAC service on behalf of the Mayor as the Mayor was attending an CNSWJO meeting in Orange.

**CARRIED****5 PUBLIC FORUM**

Peter Skipworth – Ungarie to Lake Cargelligo Action Committee - Railway upgrade concerns

Mark Noonan, CatholicCare, – DA2021/47

Barbara Neilsson – Community hubs at the Lake, Lake Cargelligo

**6 DISCLOSURE OF INTEREST**

Councillor Brady declared a non-significant, non-pecuniary interest in Item 9.2 as his spouse Jennifer, works in Catholic education and is a member of the Condobolin Catholic Parish.

Councillor Melissa Blewitt declared a non-significant, non-pecuniary interest in Item 9.3 as her brother-in-law is the manager of Willowbend Sports Centre.

**7 GENERAL MANAGER****7.1 ACTIVE RESOLUTIONS - APRIL****RESOLUTION 2022/112**

Moved: Cr Melissa Rees

Seconded: Cr Peter Harris

That Council

1. Receive and note General Manager's report no R22/114.

**CARRIED****8 CORPORATE AND COMMUNITY SERVICES****8.1 COUNCILLOR SUPERANNUATION PAYMENTS FROM 1 JULY 2022.****RESOLUTION 2022/113**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Corporate and Community Services Report R22/69 be formally received and noted.
2. Council agree to Superannuation Guarantee payments to Councillors from 1 July 2022, at the same rate as Superannuation paid on behalf of employees, providing all legislative requirements are met.

**CARRIED**

## 8.2 CORPORATE CREDIT CARD POLICY V3 REVIEW

### RESOLUTION 2022/114

Moved: Cr Peter Harris  
Seconded: Cr Judith Bartholomew

That

1. The Director Corporate & Community Services Report R22/71 be received and noted.
2. Subject to any changes Council wishes to make being incorporated, the draft Corporate Credit Card Policy be adopted.

**CARRIED**

## 8.3 DONATIONS

### RESOLUTION 2022/115

Moved: Cr Peter Harris  
Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Corporate and Community Services Report No. R22/88 be received and noted.
2. Council provide a donation to:
  - a. Lucy Kirk – Speak Up Event
  - b. Wiradjuri Condobolin Corporation Pty Ltd for NAIDOC Week
3. Council decline to provide any further concession on SRA Hall and grounds hire to the Wiradjuri Condobolin Corporation.

**CARRIED**

### RESOLUTION 2022/116

Moved: Cr Melissa Blewitt  
Seconded: Cr Peter Harris

That Council donate \$200 to Lucy Kirk – Speak Up Event

### RESOLUTION 2022/117

Moved: Cr Dennis Brady  
Seconded: Cr Melissa Blewitt

That Council donate \$500 to Wiradjuri Condobolin Corporation Pty Ltd for NAIDOC Week

#### 8.4 BUSH BURSARY SCHOLARSHIP PROGRAM 2022

##### RESOLUTION 2022/118

Moved: Cr Megan Mortimer

Seconded: Cr Melissa Rees

That

1. The Director Corporate & Community Services Report No. R22/91 be received and noted
2. Council provide in principle support for the Bush Bursary program via:
  - (a) A financial contribution of \$3,300 including GST for the 2022/23 financial year; and
  - (b) In kind support to facilitate the local placements.
3. That Council write to the NSW Rural Doctors Network requesting information on any other programs that are running in order to support allied health professionals other than doctors.

**CARRIED**

#### 8.5 INVESTMENT POLICY REVIEW

##### RESOLUTION 2022/119

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director Corporate & Community Services' Report No R22/94 be received and noted.
2. The Investment Policy be adopted as presented.

**CARRIED**

#### 8.6 PERMANENT ADDITIONAL SPECIAL VARIATION

##### RESOLUTION 2022/120

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That

1. The Director Corporate and Community Services Report No. R22/95 be formally received and noted.
2. That Council make an application to the Independent Pricing and Regulatory Tribunal (IPART) under section 508(2) of the Local Government Act (1993) for a permanent Additional Special Variation of 1.8% including the population factor (0%) for the 22/23 FY and throughout the Long Term Financial Plan. This is 1.1% in addition to the IPART determination of a 0.7% rates peg including population factor (0%) for Lachlan Shire Council in relation to the 22.23FY.

3. In making this application for the Additional Special Variation, Council has undertaken an assessment against the current Long Term Financial Plan, which assumed a 1.8% Rate Peg for 22/23 and noted;
  - (a) the additional income that Council will receive for the 22.23 financial year, if approved compared to that Rate Peg of 0.7% as determined by IPART in December 2021 totals \$77k and the additional income forecast to receive over the LTFP equates to approximately \$539k.
  - (b) is required to ensure Council's continuing financial sustainability and maintain the current levels of services and operations to the Lachlan Shire Council community.
  - (c) that Council has considered the impact on ratepayers and the community in the 2022/23 Operational Plan and future years and that the impact is reasonable.

**CARRIED**

Clr Blewitt asked for her name to be recorded against the resolution.

## **8.7 CUSTOMER REQUESTS - 31 MARCH 2022**

### **RESOLUTION 2022/121**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Director Corporate and Community Services Report No. R22/96 be received and noted.

**CARRIED**

## **8.8 INVESTMENTS AS AT 31 MARCH 2022**

### **RESOLUTION 2022/122**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate and Community Services Report No. R22/98 be received and noted.

**CARRIED**

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

### **9.1 DEVELOPMENT DATA MARCH 2022**

#### **RESOLUTION 2022/123**

Moved: Cr Dave Carter

Seconded: Deputy Mayor Paul Phillips

That:

The Director Environment, Tourism and Economic Development Report No. R22/45 be received and noted.

**CARRIED**

Councillor Brady declared a non-significant, non-pecuniary interest in Item 9.2 as his spouse Jennifer, works in Catholic education and is a member of the Condobolin Catholic Parish.

## **9.2 DA2021/47 - TRANSITIONAL GROUP HOME**

### **RESOLUTION 2022/124**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dennis Brady

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/100 be received and noted.
2. Council resolve to approve DA2021/47 in accordance with the Recommended Conditions of Consent provided in Attachment 2, including granting an exemption to the development levy under Council's Section 7.12 Contributions Plan.

In Favour: Crs John Medcalf, Paul Phillips, Elaine Bendall, Melissa Blewitt, Dennis Brady, Dave Carter, Peter Harris, Melissa Rees, Judith Bartholomew and Megan Mortimer

Against: Nil

**CARRIED**

Councillor Melissa Blewitt declared a non-significant, non-pecuniary interest in Item 9.3 as her brother-in-law is the manager of Willowbend Sports Centre.

## **9.3 FY21/22 PROJECT MONTHLY UPDATE FOR MARCH/APRIL**

### **RESOLUTION 2022/125**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/102 be received and noted.

**CARRIED**

**10 INFRASTRUCTURE SERVICES**

**10.1 FY21/22 ROADWORKS MONTHLY UPDATE FOR MARCH**

**RESOLUTION 2022/126**

Moved: Cr Peter Harris  
Seconded: Cr Judith Bartholomew

That

1. The Director of Infrastructure Service Report No. R22/103 be received and noted.

**CARRIED**

**10.2 FY21/22 UTILITIES MONTHLY UPDATE FOR MARCH**

**RESOLUTION 2022/127**

Moved: Cr Peter Harris  
Seconded: Cr Dave Carter

That

1. The Director Infrastructure Services Report No. R22/104 be received and noted.

**CARRIED**

**10.3 FY21/22 URBAN WORKS MONTHLY UPDATE FOR MARCH**

**RESOLUTION 2022/128**

Moved: Cr Judith Bartholomew  
Seconded: Cr Megan Mortimer

That the Director Infrastructure Services Report No. R22/107 be received and noted.

**CARRIED**

**11 DEPUTATIONS**

Nil

**12 NOTICES OF MOTION**

**12.1 NOTICE OF MOTION - STORM DAMAGE, GRACE ST TO HOLT ST, LAKE CARGELLIGO**

**RESOLUTION 2022/129**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That Council

1. Consult with land owners re: major storm damage over several years from Grace Street to Holt Street running west to east – with it being very dangerous during storms and wild weather. There is water channel/erosion and a danger to public safety.

**CARRIED**

### **13 NOTICES OF RESCISSION**

Nil

### **14 DELEGATES REPORT**

#### **14.1 FEDERAL ROUND TABLE APH REPORT**

##### **RESOLUTION 2022/130**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That Council

1. Read and note Delegate's Report no R22/108.

**CARRIED**

### **15 CORRESPONDENCE**

#### **15.1 CORRESPONDENCE FOR THE MONTH OF APRIL**

##### **RESOLUTION 2022/131**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That Council

1. Read and note Correspondence Report no R22/113.

**CARRIED**



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

Nil

**17 PETITIONS**

Nil

Council paused for a break at 3:57pm

Council resumed at 4:13pm

**18 CLOSED SESSION****RESOLUTION 2022/132**

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 Lake Cargelligo mobile childcare**

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 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.

**18.3 Debt Recovery Update**

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 Review of Council's Information Services Policies 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.

**18.5 Removal of Water Concessions and Exemptions**

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.

**18.6 Foster Street Upgrade - Tender Negotiations**

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 2022/133**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Blewitt

That Council moves out of Closed Council into Open Council.

**CARRIED**

**18.1 LAKE CARGELLIGO MOBILE CHILDCARE**

**RESOLUTION 2022/134**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. Director Corporate and Community Services Report No. R22/68 be formally received and noted.
2. Council provide direction on the mobile childcare services provided at Lake Cargelligo TAFE campus.
3. Council defer the report.
4. That Council write to TAFE in regards to working together to provide a secure gate and fencing at Lake Cargelligo TAFE.

**CARRIED**

**18.2 RATES AND CHARGES DONATIONS - 2021/22**

**RESOLUTION 2022/135**

Moved: Cr Peter Harris

Seconded: Cr Judith Bartholomew

That:

- 1) The Director of Corporate and Community Services Report No. R22/99 be received and noted.
- 2) Council determine the amount of any concession to be granted to the Uniting Church in Australia, Lake Cargelligo Parish
  - (i) Assessment number 1021331 - waste charge \$414
  - (ii) Assessment number 1023668 - waste charge \$414

**CARRIED**

**18.3 DEBT RECOVERY UPDATE**

**RESOLUTION 2022/136**

Moved: Cr Elaine Bendall

Seconded: Cr Peter Harris

That:

- 1) The Director of Corporate and Community Services Report No. R22/101 be received and noted.
- 2) Council provide authorisation to commence the process for Sale of Land for unpaid rates and water charges.

**CARRIED**

#### **18.4 REVIEW OF COUNCIL'S INFORMATION SERVICES POLICIES 2022**

##### **RESOLUTION 2022/137**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The Director of Corporate and Community Services Report No R22/97 be received and noted.
2. Council adopt the following operational policies:
  - Communications and Mobile Device Policy
  - Computer Systems and Equipment Use Policy
  - Email Policy
  - Internet Use Policy

**CARRIED**

#### **18.5 REMOVAL OF WATER CONCESSIONS AND EXEMPTIONS**

##### **RESOLUTION 2022/138**

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

- 1) The Director of Corporate and Community Services Report No. R22/111 be received and noted.
- 2) As per *clause 558 (1) (b) of the Local Government Act NSW 1993* and effective from 1 January 2022, Council resolves not to provide an exemption for water supply special rates on the following properties:
  - (i) Assessment number 1004698
  - (ii) Assessment number 1002769

- (iii) Assessment number 1047549
- 3) As per *Clause 558 (5) of the Local Government Act NSW 1993*, and effective 1 January 2022, Council resolves to remove any water consumption concession applied under the *Local Government 1993 NSW clause 558 (4)* on the following properties:
- (i) Assessment number 1004698
  - (ii) Assessment number 1002769
  - (iii) Assessment number 1047549

**CARRIED**

## **18.6 FOSTER STREET UPGRADE - TENDER NEGOTIATIONS**

### **RESOLUTION 2022/139**

Moved: Cr Peter Harris  
Seconded: Cr Elaine Bendall

That

1. The Director Infrastructure Services Report R22/115 be received and noted.
2. Council confirm the Roads to Recovery budget commitment to enable the project to proceed.
3. Council resolve to accept the revised tender from Conseth Solutions Pty Ltd.
4. The Mayor and General Manager be authorised to execute the contract documents and affix the Council seal.

**CARRIED**

**The Meeting closed at 4:50pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 May 2022.**

  
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**CHAIRPERSON**