

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS CONDOBOLIN
ON WEDNESDAY, 22 JULY 2020 AT 2:38PM**

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

IN ATTENDANCE: Greg Tory (General Manager), Adrian Milne (Acting Director - Infrastructure Services), Jon Shillito (Director - Environment, Tourism and Economic Development), Paula Ewing (Executive Assistant).

1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

Was read out by Councillor Rees

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Councillor Mark Hall

RESOLUTION 2020/150

Moved: Cr Peter Harris
Seconded: Cr Dennis Brady

CARRIED

3 CONFIRMATION OF MINUTES

RESOLUTION 2020/151

Moved: Cr Peter Harris
Seconded: Cr Dennis Brady

That the minutes of the Ordinary Meeting held on 24 June 2020 be confirmed.

CARRIED

RESOLUTION 2020/152

Moved: Cr Elaine Bendall
Seconded: Cr Dave Carter

That the minutes of the Extraordinary Meeting held on 29 June 2020 be confirmed.

4 MAYORAL MINUTE

4.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS JULY

RESOLUTION 2020/153

Moved: Cr Dennis Brady
Seconded: Deputy Mayor Paul Phillips

That Council:

1. Receive and note Mayoral Minute R20/186

CARRIED

4.2 MAYORAL MINUTE -

RESOLUTION 2020/154

Moved: Cr Peter Harris
Seconded: Deputy Mayor Paul Phillips

That:

1. Mayoral Minute R20/190 be received and noted.

CARRIED

5 PUBLIC FORUM

Nil

6 DISCLOSURE OF INTEREST

Clr Brady declared a non-significant, non pecuniary interest in Item 10.5 as he is a Member of Rotary Club.

Clr Blewitt declared a significant pecuniary interest in Item 18.4.

7 GENERAL MANAGER

7.1 LOCAL GOVERNMENT REMUNERATION TRIBUNAL 2020

RESOLUTION 2020/155

Moved: Cr Peter Harris
Seconded: Cr Dave Carter

That

1. Council note advice regarding the 2020/2021 determination of the Local Government Remuneration Tribunal relating to the annual fees for the Mayor and Councillors.
2. Council determine the annual fees for 2020/2021 to be:
 - (a) Mayor - \$26,530
 - (b) Councillors - \$12,160
 - (c) Deputy Mayor - \$2,893 (to be deducted from the Mayoral fee)

Cllrs Melissa Rees, Elaine Bendall, Melissa Blewitt and Peter Harris asked for their names to be recorded against the motion.

CARRIED

7.2 ACTIVE RESOLUTIONS - JULY 2020

RESOLUTION 2020/156

Moved: Cr Dave Carter

Seconded: Deputy Mayor Paul Phillips

That Council

- (i) Receive and Note General Manager's Report No R20/184.

CARRIED

7.3 LOCAL ROAD AND COMMUNITY INFRASTRUCTURE GRANT

RESOLUTION 2020/157

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The General Manager's Report No. 20/189 be received.
2. The General Manager be authorised to sign the Local Roads and Community Infrastructure Funding Agreement.
3. Council nominate the installation of a Solar PV energy project at 11 Council owned sites as a project under the Local Road and Community Infrastructure Program.
4. The Executive Leadership Team review Council's Long Term Financial Plan and identify suitable Council funded future work projects that meet the program eligibility criteria and can be brought forward for delivery by 30 June 2021.
5. The projects identified by the Executive Leadership Team be submitted to the Department of Infrastructure, Transport, Regional Development and Communication for consideration and approval.
6. A further report be presented to Council providing information on the projects submitted for funding under the Local Road and Community Infrastructure Program.

CARRIED

7.4 CORRESPONDENCE JULY

RESOLUTION 2020/158

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dave Carter

That:

1. The General Manager's Report No. 20/193 be received.
2. Council adopts the recommendation suggested in the correspondence.

CARRIED

8 CORPORATE AND COMMUNITY SERVICES

8.1 INVESTMENTS AT 30 JUNE 2020

RESOLUTION 2020/159

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate and Community Services Report No. R20/168 be received and noted.

CARRIED

8.2 PROCUREMENT, LOCAL PREFERENCE AND ASSET DISPOSAL POLICIES

RESOLUTION 2020/160

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That:

1. The Director of Corporate and Community Services Report No R20/129 be received.
2. The following policies be adopted;
 - a) Procurement Policy
 - b) Revised Local Preference Purchasing Policy; and
 - c) Newly created Disposal of Assets Policy
3. The existing Procurement and Disposal Policy be withdrawn and be replaced by the draft policies detailed in this report.

CARRIED

8.3 REVIEW OF INFORMATION SERVICES POLICIES-CCTV POLICY

RESOLUTION 2020/161

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The Director Corporate and Community Services Report No R20/161 be received.
2. The revised Public CCTV Code of Practice be adopted.

CARRIED

8.4 DONATION REQUESTS

RESOLUTION 2020/162

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

The Director Corporate & Community Services Report No. R20/165 be received.

RESOLUTION 2020/163

Moved: Cr Melissa Rees

Seconded: Cr Melissa Blewitt

That Council:

Donates \$200,00 per athlete to a total of \$400,00 to the Southern Sports Academy.

RESOLUTION 2020/164

Moved: Cr Melissa Blewitt

Seconded: Cr Elaine Bendall

That Council:

Donates \$1000,00 to the Rotary Club of Lake Cargelligo Christmas Carnival Committee.

CARRIED

8.5 CANCELLED EVENT DONATIONS

RESOLUTION 2020/165

Moved: Cr Dennis Brady

Seconded: Cr Melissa Blewitt

That:

1. The Director Corporate & Community Services Report No. R20/166 be received.
2. Council approve the Condobolin Sports Promotion's request to retain the \$5,000 donation to offset some of their costs that were incurred prior to the cancellation of the 2020 Condo 750 event due to COVID-19.

CARRIED

8.6 REVIEW OF DEBT RECOVERY POLICY AND HARDSHIP POLICY**RESOLUTION 2020/166**

Moved: Cr Peter Harris
Seconded: Cr Elaine Bendall

That:

1. The Director of Corporate and Community Services Report No. R20/181 be received.
2. The revised Debt Recovery and Hardship Policies be adopted as amended.

CARRIED

9 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT**9.1 COVID-19 COMMUNITY AND ECONOMIC RESILIENCE RESPONSE****RESOLUTION 2020/167**

Moved: Cr Peter Harris
Seconded: Cr Melissa Blewitt

That:

1. The Director Environment, Tourism and Economic Development Report No. R20/156 be received.
2. A Community Grants and Funding Program be established and \$15,000 be transferred for the program from the existing \$28,140 budget allocation for "community programs and events" in FY2020/21.
3. The General Manager or their delegate be authorised to advertise the program and to seek applications, in accordance with guidelines attached to this report.
4. A further report be brought back to Council once the applications have been received for determination of the allocations.
5. Council not proceed with the establishment of a Shire Taskforce.

CARRIED

9.2 DA2020/10 - WASTE TRANSFER STATION - 55 BOONA ROAD, CONDOBOLIN**RESOLUTION 2020/168**

Moved: Cr Peter Harris
Seconded: Cr Dennis Brady

That:

1. The Director of Environment, Tourism and Economic Development Report No. R20/169 be received.
2. Council approve DA2020/10 subject to the conditions recommended by Penrith City Council and subject to the suggested changes within this report.

3. Council provide a material public benefit to the value of approximately \$3,000 in lieu of payment for a section 7.12 Developer Contribution in accordance with Lachlan Contributions Plan 2015.

In Favour: Crs John Medcalf, Paul Phillips, Elaine Bendall, Melissa Blewitt, Dennis Brady, Dave Carter, Peter Harris, Melissa Rees and Brian Nelson

Against: Nil

CARRIED

9.3 DEVELOPMENT DATA - JUNE 2020

RESOLUTION 2020/169

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Environment, Tourism and Economic Development Report No. R20/173 be received and noted.

CARRIED

9.4 INTRODUCTION OF ANNUAL PERMITS FOR NON-DESEXED CATS AND DANGEROUS/RESTRICTED DOGS

RESOLUTION 2020/170

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director of Environment, Tourism and Economic Development Report No. R20/175 be received and noted.

CARRIED

9.5 DRAFT ENERGY SUSTAINABILITY PLAN

RESOLUTION 2020/171

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That

1. The Director of Environment, Tourism and Economic Development Report No. R20/180 be received.
2. The draft Lachlan Shire Council Energy Sustainability Plan be endorsed and the plan be placed on public exhibition for a minimum of 28 days.
3. A further report be presented to Council following the public exhibition period, outlining the details of any submissions received and incorporating any amendments to the plan.

CARRIED

9.6 LIVE AND LOCAL MUSIC PROGRAM

RESOLUTION 2020/172

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That

1. The Director Environment, Tourism and Economic Development Report No. R20/170 be received.
2. Council resolve to proceed with the live and local event and authorise the General Manager to sign the funding agreement.

CARRIED

10 INFRASTRUCTURE SERVICES

10.1 FY1920 UTILITIES MONTHLY UPDATE FOR JUNE

RESOLUTION 2020/173

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dave Carter

That

1. The Acting Director Infrastructure Services Report No. R20/167 be received and noted.

CARRIED

10.2 FY1920 ROADWORKS MONTHLY UPDATE FOR JUNE

RESOLUTION 2020/174

Moved: Cr Elaine Bendall

Seconded: Cr Peter Harris

That

1. The Acting Director Infrastructure Services Report No. R20/171 be received and noted.

CARRIED

10.3 FY1920 RECREATION MONTHLY UPDATE FOR JUNE**RESOLUTION 2020/175**

Moved: Cr Peter Harris
Seconded: Cr Elaine Bendall

That

1. The Acting Director Infrastructure Services report R20/176 be received and noted.

CARRIED

At 4:00pm Guy Marchant joined the meeting.

10.4 WATER ALLOCATIONS JULY 2019 TO JUNE 2020**RESOLUTION 2020/176**

Moved: Cr Peter Harris
Seconded: Deputy Mayor Paul Phillips

That

1. The Acting Director Infrastructure Services Report No R20/177 be received and noted.
2. The action to sell the temporary transfer of 374ML of high security water allocation licence, with a value of \$167.65 per ML be confirmed.
3. Council resolve to not open Gum Bend Lake for the FY20/21 season, until sufficient water allocations are available.
4. Raw Water Standpipes:-
 - (a) Council apply the fees and charges for the Condobolin and Lake Cargelligo Raw Water standpipes, as advertised in the 2020/2021 Operational Plan from 1 August 2020.
 - (b) Council place a notice at each standpipe advising of the charges being applied from 1 August 2020.

CARRIED

At 4:05pm, Councillor Melissa Rees left the meeting.

10.5 ROTARY CONDOBOLIN - REQUEST TO PARTNER WITH COUNCIL**RESOLUTION 2020/177**

Moved: Cr Peter Harris
Seconded: Cr Melissa Blewitt

That:

1. The Acting Director Infrastructure Services Report R19/179 be received.
2. The donation of \$9,600 from the Condobolin Rotary Club for the purchase of 4 bench seats and shelters from Felton Industries be accepted.
3. Council authorise the allocated \$4,000 from the Donation boxes to install the shelters.

4. The Gum Bend Lake Advisory Committee be consulted on preferred locations for the bench seats and shelters.

CARRIED

11 DEPUTATIONS

Nil

12 NOTICES OF MOTION

Nil

13 NOTICES OF RESCISSION

Nil

14 DELEGATES REPORT

Councillor Nelson gave a report on the Roads Safety Committee he attended at Lachlan Shire Council administration building, Condobolin on Monday 29th June.

15 CORRESPONDENCE

Nil

16 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

17 PETITIONS

Nil

At 4:10pm Councillor Melissa Rees returned to the meeting.

At 4:10pm Council ceased for a break.

At 4:33pm Council resumed.

18 CLOSED SESSION

RESOLUTION 2020/178

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

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 Tender 2020/10 - proposed council works depot Condobolin

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.

18.2 Rates and Charges Donations - 2020/21

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 Tender Assessment - 3 Swimming Pool Operations

This matter is considered to be confidential under Section 10A(2)c, 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business, 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.

18.4 Operation and Management of Willow Bend Sports Centre

This matter is considered to be confidential under Section 10A(2)a and 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 personnel matters concerning particular individuals (other than councillors) and information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

18.5 Forbes Art Society - Sculpture Trail

This matter is considered to be confidential under Section 10A(2)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, reveal a trade secret.

18.6 81 Loughnan Street, Lake Cargelligo

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.

18.7 Senior Staff 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).

CARRIED

RESOLUTION 2020/179

Moved: Cr Dennis Brady

Seconded: Cr Dave Carter

That Council moves out of Closed Council into Open Council.

CARRIED**18.1 TENDER 2020/10 - PROPOSED COUNCIL WORKS DEPOT CONDOBOLIN****RESOLUTION 2020/180**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R20/162 be received.
2. Council decline to accept any of the tenders submitted.
3. Council resolve to enter into negotiations with the contractors who submitted the four (4) lowest tenders to understand the significant cost variations between their tenders.
4. Council authorise the General Manager, or their delegate, to commence negotiations with Hines Construction Pty Ltd, Akura Pty Ltd, North Construction Building Pty Ltd and Dezin with a view to entering into a contract for the construction of the depot with one of these tenders.
5. A further report be presented to Council once the tender negotiations have been completed.

CARRIED

At 4:51pm Mayor Medcalf declared a significant pecuniary interest as he is the President of the Tottenham Golf Club and left the meeting.

18.2 RATES AND CHARGES DONATIONS - 2020/21**RESOLUTION 2020/181**

Moved: Cr Dennis Brady

Seconded: Cr Dave Carter

That:

1. The Director Corporate & Community Services Report R20/130 be received and noted.

CARRIED

At 4:52pm Mayor Medcalf returned to the meeting.

18.3 TENDER ASSESSMENT - 3 SWIMMING POOL OPERATIONS**RESOLUTION 2020/182**

Moved: Cr Peter Harris
Seconded: Cr Dennis Brady

That

1. The Acting Director of Infrastructure Services Report No R20/178, Tender Assessment - 3 Swimming Pool Operation be received and noted.
2. The revised Tender from M & K Thorpe for the Operation of the Condobolin Swimming Pool for the 2020 - 2023 swim seasons be accepted.
3. The revised Tender from Leisure and Recreation Group for the Operation of the Lake Cargelligo Swimming Pool for the 2020 - 2023 swim seasons be accepted
4. The revised Tender from J & T Fulton for the Operation of the Tottenham Swimming Pool for the 2020 - 2023 swim seasons be accepted
5. The Mayor and General Manager be authorised to sign the contract documents and affix the Council Seal.

CARRIED

At 4:42pm Clr Blewitt declared a significant pecuniary interest in 18.4 and left the meeting.

18.4 OPERATION AND MANAGEMENT OF WILLOW BEND SPORTS CENTRE**RESOLUTION 2020/183**

Moved: Cr Peter Harris
Seconded: Cr Melissa Rees

1. That Director of Environmental, Tourism and Economic Development Report No.R20/182 be received.
2. That Council authorise the General Manager to enter into a twelve (12) month license with Brayden Davis Personal Training for the Operation and Management of the Willow Bend Sports Centre, and
3. That Council authorise the General Manager to enter into a further two (2) year licence, after the initial twelve (12) month licence period, with Brayden Davis Personal Training subject to final agreement with the Department of Education and overall compliance with the licence by Brayden Davis during the initial 12 month period.

CARRIED

At 5:00pm Clr Blewitt returned to the meeting.

18.5 FORBES ART SOCIETY - SCULPTURE TRAIL**RESOLUTION 2020/184**

Moved: Cr Dave Carter
Seconded: Cr Dennis Brady

That

1. The Director Environment, Tourism and Economic Development Report No. 20/185 be received.
2. Council support the sculpture down the Lachlan sculpture trail and provide \$33,300 in funding towards the project every year over the next three financial years, subject to all necessary approvals being obtained.
3. Council authorise the Mayor and General Manager to enter into a funding agreement with the Forbes Art Society and affix the Council seal (if required).

CARRIED

18.6 81 LOUGHNAN STREET, LAKE CARGELLIGO

RESOLUTION 2020/185

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That

1. The Director Environment, Tourism and Economic Development Report No. R20/188 be received and noted.
2. Council rescind Part 3 of resolution No. 2020/142.
3. Council rent the property No. 81 Loughnan Street to the local doctor in accordance with Option 2 from this report.

CARRIED

At 5:23pm Director Jon Shillito, Acting-Director Adrian Milne, Building Manager Guy Marchant and Executive Assistant Paula Ewing left the meeting.

18.7 SENIOR STAFF UPDATE

RESOLUTION 2020/186

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That:

1. The General Managers Report No. 20/187 be received and noted.

CARRIED

At 5:40pm Councillor Phillips left the meeting.

At 5:43pm Director Jon Shillito, Acting-Director Adrian Milne, Building Manager Guy Marchant and Executive Assistant Paula Ewing returned to the meeting.

The Meeting closed at 5:56pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 August 2020.


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CHAIRPERSON