

**MINUTES OF LACHLAN SHIRE  
ORDINARY COUNCIL MEETING  
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS  
ON WEDNESDAY, 28 OCTOBER 2020 AT 2:05PM**

**PRESENT:** Mayor John Medcalf (OAM), Cr Elaine Bendall, Cr Melissa Blewitt, Cr Dennis Brady, Cr Dave Carter, Cr Mark Hall, Cr Peter Harris, 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), Guy Marchant (Acting Director - Environment, Tourism and Economic Development), Brittany Doyle (Administration Coordinator)

The Mayor welcomed Samantha Dawson from RSL Retirement Village

**1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS**

Acknowledgement to Country was read by Cr Paul Phillips.

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

Cr Brian Nelson,

**RESOLUTION 2020/281**

Moved: Cr Mark Hall

Seconded: Cr Peter Harris

CARRIED

**3 CONFIRMATION OF MINUTES**

**RESOLUTION 2020/282**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That the minutes of the Ordinary Meeting held on 23 September 2020 be confirmed.

CARRIED

**4 MAYORAL MINUTE**

**4.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS ATTENDED BY THE MAYOR AND DEPUTY MAYOR OCTOBER**

**RESOLUTION 2020/283**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That Council

1. Read and note Mayoral Minute R20/302.

**CARRIED**

**4.2 MAYORAL MINUTE - OCTOBER**

**RESOLUTION 2020/284**

Moved: Cr Peter Harris  
Seconded: Cr Dennis Brady

That:

- (i) Mayoral Minute No R20/309 be received and noted.

**CARRIED**

**5 PUBLIC FORUM**

**6 DISCLOSURE OF INTEREST**

**7 GENERAL MANAGER**

**7.1 ACTIVE RESOLUTIONS - OCTOBER**

**RESOLUTION 2020/285**

Moved: Cr Dennis Brady  
Seconded: Cr Peter Harris

That Council

- (i) Receive and Note General Manager's Report no R20/301.

**CARRIED**

**RESOLUTION 2020/286**

Moved: Cr Dennis Brady  
Seconded: Cr Mark Hall

That Council submit an additional motion to LGNSW conference requesting the NSW Government to take immediate action to proclaim the state's Modern Slavery Act 2018.

**CARRIED**

**8 CORPORATE AND COMMUNITY SERVICES**

**8.1 DONATION REQUESTS**

**RESOLUTION 2020/287**

Moved: Cr Peter Harris  
Seconded: Cr Dennis Brady

That:

1. The Director Corporate & Community Services Report No. R20/267 be formally received.

**CARRIED**

**RESOLUTION 2020/288**

Moved: Cr Dennis Brady  
Seconded: Deputy Mayor Paul Phillips

Council to review the Gospel Trust's request for concession once a structure is erected on the site.

**CARRIED**

Moved: Cr Mark Hall  
Seconded: Deputy Mayor Paul Phillips

**RESOLUTION 2020/289**

That Council write a letter to Murrumbidgee Local Health District to request cancellation of rent charges to Lake Cargelligo Fitness Centre for use of the facility.

**CARRIED**

**8.2 INVESTMENTS AT 30 SEPTEMBER 2020**

**RESOLUTION 2020/290**

Moved: Cr Peter Harris  
Seconded: Cr Dave Carter

That:

1. The Director Corporate and Community Services Report No. R20/285 be received and noted.

**CARRIED**

**8.3 REVOTE OF EXPENDITURE TO 2020-2021 OPERATIONAL PLAN**

**RESOLUTION 2020/291**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The Director Corporate & Community Services Report No. R20/286 be received and noted.
2. The transfers from Reserves as noted in the "Revotes" as presented be adopted.
3. The 2020-2021 Amended Budget V1 be adopted.

**CARRIED**

#### **8.4 YOUTH SERVICES QUARTERLY REPORT APRIL TO JUNE 2020 AND UPDATE TO COUNCIL.**

##### **RESOLUTION 2020/292**

Moved: Cr Mark Hall

Seconded: Cr Peter Harris

That:

1. The Director Corporate & Community Services Report No. R20/297 be received and noted.
2. Council provide feedback on the contents of the report for the Western Plains Regional Development Committee.

**CARRIED**

At 2:43pm Councillor Rees joined the meeting.

At 2:44pm Cr Bendall left the meeting

At 2:47pm Cr Bendall returned to the meeting

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

### **9.1 PLANNING PROPOSAL - AMENDMENT TO LACHLAN LOCAL ENVIRONMENTAL PLAN 2013 TO ALLOW AN ANIMAL SHELTER AT THE CONDOBOLIN SEWERAGE TREATMENT PLAN SITE**

#### **RESOLUTION 2020/293**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director of Environment, Tourism and Economic Development Report No. R20/270 be received and noted.
2. Council endorse the preparation and lodgement of a planning proposal to amend Lachlan Local Environmental Plan 2013, to include the words "animal shelter" as a purpose shown on Sheet LZN\_010A for the SP2 portion that is currently only identified for "Sewerage Systems".
3. Council approve the Planning Proposal for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination.
4. Council seek authority from the Department of Planning, Industry and Environment to exercise the delegation of all functions of the relevant local plan making authority under

Section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan to put into effect the Planning Proposal.

5. Authority be delegated to the General Manager to make any minor variations to the Planning Proposal, following receipt of the Gateway Determination.
6. A further report be brought back to Council following the public exhibition of the Planning Proposal detailing any submissions received during the public exhibition period.

**CARRIED**

## **9.2 DRAFT SHIPPING CONTAINER POLICY**

### **RESOLUTION 2020/294**

Moved: Cr Peter Harris  
Seconded: Cr Dave Carter

That

1. The Director of Environment, Tourism and Economic Development Report No. R20/275 be received and noted.
2. The draft Shipping Container Policy – ENV017 be placed on public exhibition for a minimum of 28 days.
3. A further report be presented to Council, following the public exhibition of the draft Shipping Container Policy – ENV017, detailing any submissions received during the public exhibition period and to allow Council to consider the adoption of the policy.

**CARRIED**

## **9.3 DEVELOPMENT DATA SEPTEMBER 2020**

### **RESOLUTION 2020/295**

Moved: Deputy Mayor Paul Phillips  
Seconded: Cr Peter Harris

That:

1. That Director Environment, Tourism and Economic Development Report No. R20/277 be received and noted.

**CARRIED**

## **10 INFRASTRUCTURE SERVICES**

### **10.1 FY2021 ROADWORKS MONTHLY UPDATE FOR SEPTEMBER**

#### **RESOLUTION 2020/296**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services Report No. R20/276 be received and noted.

**CARRIED**

## **10.2 CENTRAL NSW JOINT ORGANISATION - PARTICATION IN TENDER FOR THE SUPPLY AND DELIVERY OF BITUMEN EMULSION**

### **RESOLUTION 2020/297**

Moved: Cr Mark Hall

Seconded: Cr Peter Harris

That

1. The Director Infrastructure Services Report R20/281 be received and noted.
2. Council resolve to participate in a regional purchase of bitumen emulsion through Central NSW Joint Organisation (CNSWJO).

**CARRIED**

## **10.3 ROAD CONSTRUCTION PROGRAM FY 20/21 AND 21/22**

### **RESOLUTION 2020/298**

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

1. The Director Infrastructure Services report R20/216 be received and noted.
2. Council accepts the funding of
  - \$265,228 for Condobolin Truck Wash
  - \$258,000 for MR461 Henry Parkes Way intersection upgrade (Kiacatoo Road, Maitland Street and Silo Road)from the Heavy Vehicle Safety and Productivity Program.
3. Council funds \$55,228 from the FAG roads reserve for the Condobolin Truck Wash.
4. Council funds \$208,000 from the Regional Road block grant for the MR461 Henry Parkes Way intersection upgrade.
5. That the revised road program for FY20/21 and FY21/22 be adopted.
6. That the General Manager be authorised to accept and sign the respective Heavy Vehicle Safety and Productivity Program funding deeds and affix the Council seal if required.

**CARRIED**

**10.4 FY2021 RECREATION MONTHLY UPDATE FOR SEPTEMBER**

**RESOLUTION 2020/299**

Moved: Cr Peter Harris  
Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services report R20/289 be received and noted.

**CARRIED**

**10.5 AERODROME WATER STORAGE TANK - USER CHARGES**

**RESOLUTION 2020/300**

Moved: Deputy Mayor Paul Phillips  
Seconded: Cr Dennis Brady

That

1. The Director Infrastructure Services Report R20/290 be received and noted.
2. The process for accessing the water storage tanks and the following fees and charges be placed on public exhibition for a period of 28 days:-
  - (a) Aerodrome treated water access fee per day - \$55.70
  - (b) Aerodrome treated water use per kL- \$4.15
3. Following conclusion of the public exhibition period a further report be presented to Council detailing any submissions received for consideration prior to the fees and charges being adopted.

**CARRIED**

**10.6 FY2021 UTILITIES MONTHLY UPDATE FOR SEPTEMBER**

**RESOLUTION 2020/301**

Moved: Cr Mark Hall  
Seconded: Cr Melissa Rees

That

1. The Director Infrastructure Services Report No. R20/295 be received and noted.

**CARRIED**

**11 DEPUTATIONS**

**12 NOTICES OF MOTION**

Nil

**13 NOTICES OF RESCISSION**

Nil

**14 DELEGATES REPORT**

**14.1 CENTRAL NSW JOINT ORGANISATION BOARD MEETING**

**RESOLUTION 2020/302**

Moved: Cr Mark Hall

Seconded: Deputy Mayor Paul Phillips

That Council

1. Receive and note Delegate Report no R20/292.

**CARRIED**

Cr Rees left the meeting at 3:37pm

Cr Rees returned to the meeting at 3:39pm

**14.2 2020 MURRAY DARLING ASSOCIATION CONFERENCE**

**RESOLUTION 2020/303**

Moved: Cr Mark Hall

Seconded: Cr Elaine Bendall

That:

1. The Delegates Report No R20/307 from Cr Hall be received and noted.

**CARRIED**

**14.3 FARMER'S MENTAL HEALTH SYMPOSIUM**

**RESOLUTION 2020/304**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Delegates Report No R20/308 from Cr Hall be received and noted.

**CARRIED**



**15 CORRESPONDENCE****15.1 CORRESPONDENCE FOR THE MONTH OF OCTOBER****RESOLUTION 2020/305**

Moved: Cr Melissa Rees  
Seconded: Cr Elaine Bendall

That Council

1. Receive and note Correspondence Report no R20/293.

**CARRIED**

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

Nil

**17 PETITIONS**

Nil

**18 CLOSED SESSION****RESOLUTION 2020/306**

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 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 Offer to purchase industrial land - 1 West St and 100 Loughnan St Lake Cargelligo.**

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 Notice of Motion - 6 Townsend Street Lake Cargelligo**

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.

**18.4 Tender 2020/20 - Proposed Condobolin Waste Transfer 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.

**CARRIED****RESOLUTION 2020/307**

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 2020/308**

Moved: Cr Mark Hall

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R20/236 be received and noted.
2. The revised tender of Hines Construction to construct the Condobolin Works Depot in accordance with the amount specified in Option 1 of this report be accepted.
3. That \$537,715 be allocated from the Depot Improvements Reserve and \$620,201 be allocated from the Capital Improvements Reserve to fund the shortfall in the project budget.
4. The Mayor and General Manager be authorised to engage Hines Construction and sign the contract documents.
5. The Mayor and General Manager be authorised to sign and execute all loan documents necessary to obtain the loan facility required for the Depot Construction Project.

**CARRIED****18.2 OFFER TO PURCHASE INDUSTRIAL LAND - 1 WEST ST AND 100 LOUGHNAN ST LAKE CARGELLIGO.****RESOLUTION 2020/309**

Moved: Cr Mark Hall

Seconded: Deputy Mayor Paul Phillips

That:

1. The General Manager's Report No. R20/294 be received and noted.
2. Council make a counter offer for the sale of lot 1 and lot 8 DP 1087944 as per option 2 in the body of the report.
3. The General Manager engage Council's legal representative to prepare the contract documents and transact the sale.
4. The Mayor and General Manager be delegated authority to sign the contract documents and affix the Council Seal.

**CARRIED**

At 4:26pm Rowan Bentick (Environment and Waste Officer) joined the meeting.

### **18.3 NOTICE OF MOTION - 6 TOWNSEND STREET LAKE CARGELLIGO**

#### **RESOLUTION 2020/310**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Mark Hall

That:

1. Council rescind points 4, 5 and 6 of Resolution 2020/142.
2. Dr Bardawil be offered a 2 year residential lease for 6 Townsend Street, Lake Cargelligo.
3. The rent for the property be set as per the amount proposed in the background information with this report.
4. The tenant will be responsible for all grounds maintenance.
5. At the expiry of the 2 year lease Council review the need to retain 6 Townsend Street for doctor housing.
6. Should Dr Bardawil not sign a new 2 year lease for 6 Townsend Street, by 30 November 2020, a further report be presented to Council to reconsider the sale of the property.

**CARRIED**

### **18.4 TENDER 2020/20 - PROPOSED CONDOBOLIN WASTE TRANSFER STATION**

#### **RESOLUTION 2020/311**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Director of Environment, Tourism and Economic Development Report No. R20/296 be received and noted.
2. Council decline to accept any of the tenders submitted.
3. Council authorise the General Manager or their delegate to enter into direct negotiations with the two (2) lowest tenderers with a view to entering a contract in relation to the project, including reductions in the scope of works to reduce the overall costs in accordance with Option 1 of this report to understand the cost variations between the two (2) lowest tenderers.

4. A further report be submitted for Council's consideration follow completion of the tender negotiations.

**CARRIED**

At 4:48pm Cr Phillips left the meeting

At 4:55pm Cr Phillips returned to the meeting

**The Meeting closed at 5:03pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 November 2020.**

  
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**CHAIRPERSON**