

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBERS, CONDOBOLIN
ON WEDNESDAY, 28 JULY 2021 AT 2:08PM**

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

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), Robyn Ryan (Communications and Community Engagement Coordinator), Paula Ewing (Executive Assistant)

1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

Was read by Councillor Peter Harris

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2021/120

Moved: Cr Peter Harris
Seconded: Cr Dennis Brady

Councillor Dave Carter and Councillor Melissa Rees

3 CONFIRMATION OF MINUTES

RESOLUTION 2021/121

Moved: Cr Peter Harris
Seconded: Cr Dennis Brady

That the minutes of the Ordinary Meeting held on 30 June 2021 be confirmed.

CARRIED

4 MAYORAL MINUTE

**4.1 MEETINGS AND FUNCTIONS ATTENDED BY THE MAYOR AND DEPUTY MAYOR
JULY**

RESOLUTION 2021/122

Moved: Cr Peter Harris
Seconded: Cr Melissa Blewitt

That:

1. Mayoral Minute no R21/195 be received and noted.

CARRIED**4.2 MAYORAL MINUTE - ELIZABETH MCGREGOR PLAQUE****RESOLUTION 2021/123**

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That:

1. Council support the unveiling of a plaque for Elizabeth McGregor at Memorial Park Condobolin and agree to contribute a maximum of \$6,800 to the cost of the project as detailed in the request from the Operation Pilgrimage Group.

CARRIED**4.3 MAYORAL MINUTE - JULY****RESOLUTION 2021/124**

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That Council

1. Read and note Mayoral Minute No R21/211.

CARRIED**5 PUBLIC FORUM**

Nil

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 and Item 13.1 Rescission motion as she works with the applicant.

7 GENERAL MANAGER**7.1 ACTIVE RESOLUTIONS - JULY****RESOLUTION 2021/125**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The General Manager's Report R21/210 be received and noted.

CARRIED

7.2 DELIVERY PROGRAM AND OPERATIONAL PLAN STATUS UPDATES AS AT 30 JUNE 2021

RESOLUTION 2021/126

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

1. The General Manager's Report no R21/212 be received and noted.

CARRIED

8 CORPORATE AND COMMUNITY SERVICES

8.1 BUSH BURSARY SCHOLARSHIP PROGRAM 2021

RESOLUTION 2021/127

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That

1. The Director Corporate & Community Services Report No. R21/152 be received and noted
2. Council support the Bush Bursary program
 - (a) Financial contribution of \$3,000 + GST for the 2021.2022 financial year and
 - (b) In kind support to facilitate the local placements.

CARRIED

8.2 DONATIONS

RESOLUTION 2021/128

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That

1. The Director of Corporate and Community Services Report No. R21/153 be received and noted.
2. Council not donate to the Condobolin RSL Pipe Band Tattoo as the event has been cancelled.
3. Council waive the fees at the SRA Pavilion for the NSW Health clinic that may be established in August.

CARRIED

8.3 INVESTMENTS AS AT 30 JUNE 2021

RESOLUTION 2021/129

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate and Community Services Report No. R21/183 be received and noted.

CARRIED

8.4 CUSTOMER REQUESTS - 30 JUNE 2021

RESOLUTION 2021/130

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate and Community Services Report No. R21/184 be received and noted.

CARRIED

9 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT

9.1 ALCOHOL PROHIBITED AREA AND ALCOHOL-FREE ZONE FOR ALBERT

RESOLUTION 2021/131

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director Environment Tourism and Economic Development Report No. R21/163 be received and noted.
2. Pursuant to Section 644B of the Local Government Act, 1993, an Alcohol-Free Zone be established at the following locations:
 - Dandaloo Road between Comeback Street and Golf Links Road
 - Unnamed Lane between Dandaloo Road and Cedar Street
 - Unnamed Lane between Dandaloo Road and Federation Street
 - Federation Street
 - Comeback Street
 - Rymer Street

- Cedar Street
 - Jonathan Street
 - Yethara Road to 800m from of intersection with Dandaloo Road
3. The duration of the Alcohol-Free Zone be for four years, 24 hours per day, unless otherwise suspended or cancelled by Council.
 4. Pursuant to Section 632A of the Local Government Act, 1993, Council declare Albert Park in Albert an Alcohol Prohibited Area.

CARRIED

9.2 FY2021 PROJECT MONTHLY UPDATE FOR JUNE/JULY

RESOLUTION 2021/132

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The Director of Environment, Tourism and Economic Development Report No.R21/181 be received and noted.

CARRIED

9.3 DEVELOPMENT DATA - JUNE 2021

RESOLUTION 2021/133

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

The Director Environment, Tourism and Economic Development Report No. R21/187 be received and noted.

CARRIED

9.4 PLANNING PROPOSAL - ADDITION OF "ANIMAL SHELTER" AS A PERMITTED USE ON THE CONDOBOLIN SEWERAGE TREATMENT PLANT SITE

RESOLUTION 2021/134

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R21/188 be received and noted.

2. Council endorse the finalisation of the Planning Proposal (PP-2021-146) to amend Lachlan Local Environmental Plan 2013 (LLEP 2013) allowing "Animal Shelter", as an Additional Permitted Use in Schedule 1 on Lot 16 DP 914643, 301 Golf Links Road, Condobolin.
3. Development Application 2021/07 for the Construction of the Animal Shelter be determined under delegation by the General Manager (or his delegate) following finalisation of the Planning Proposal and assessment of the DA.

CARRIED

9.5 TOTTENHAM CARAVAN PARK COMMUNITY MEETING OUTCOME

RESOLUTION 2021/135

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That

1. The Director of Environment, Tourism and Economic Development Report No.R21/205 be received and noted.

CARRIED

9.6 DA2020/45 - SOLAR FARM - CONSIDERATION OF CONDITION 33

RESOLUTION 2021/136

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Environment, Tourism and Economic Development Report No. R21/201 be received and noted.
2. Council accept the legal advice from Lindsay Taylor Lawyers regarding Condition 33.
3. Council resolve to approve Development Application (DA2020/45) in accordance with the Recommended Conditions of Consent provided in Attachment 2.

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

Against: Nil

CARRIED

10 INFRASTRUCTURE SERVICES

10.1 FY2021 UTILITIES MONTHLY UPDATE FOR JUNE

RESOLUTION 2021/137

Moved: Cr Peter Harris
Seconded: Cr Mark Hall

That:

1. The Director Infrastructure Services Report No. R21/180 be received and noted.

CARRIED

10.2 FY2021 ROADWORKS MONTHLY UPDATE FOR JUNE

RESOLUTION 2021/138

Moved: Cr Mark Hall
Seconded: Deputy Mayor Paul Phillips

That

1. The Director of Infrastructure Services Report No. R21/191 be received and noted.

CARRIED

10.3 FY2021 - URBAN WORKS MONTHLY UPDATE FOR JUNE

RESOLUTION 2021/139

Moved: Deputy Mayor Paul Phillips
Seconded: Cr Mark Hall

That:

1. The Director Infrastructure Services Report No. R21/199 be received and noted.

CARRIED

10.4 DIGGERS AVENUE TREES

RESOLUTION 2021/140

Moved: Cr Dennis Brady
Seconded: Cr Melissa Blewitt

That

1. The Director Infrastructure Services Report No. R21/200 be received and noted
2. Council refer the tree condition report to the Lachlan Heritage Advisory and the RSL Sub-Branch for comment.

CARRIED

10.5 REQUEST FOR STOCK GRID NORTH FORBES ROAD**RESOLUTION 2021/141**

Moved: Cr Mark Hall

Seconded: Deputy Mayor Paul Phillips

That

1. Director of Infrastructure Services Report No R21/202 be received and noted.
2. The request from Mr and Mrs Hoe for a stock grid on SR 85 North Forbes Road be declined.

CARRIED

Councillor Phillips left the meeting at 3:17pm

10.6 PROJECT DELIVERY - THE MURIE CREEK AND SMYTH'S CORNER DRAINAGE STRUCTURES**RESOLUTION 2021/142**

Moved: Cr Mark Hall

Seconded: Cr Melissa Blewitt

That

1. The Director Infrastructure Services Report No. R21/204 be received and noted
2. Due to extenuating circumstances and remoteness of locality the box culvert drainage structures for the Murie Creek and Smyth's corner be procured by inviting quotations from 3 suitable companies, rather than through an open tender process.
3. Expressions of Interest be called for the installation of the Murie Creek and Smyth's Corner drainage structures and competitive quotations then be invited from the preferred Contractors identified in the EOI process.
4. A further report be presented to Council outline details of the quotations received, with a recommendation of a preferred Contractor or Contractors for the installation of the Murie Creek and Smyth's Corner drainage structures.

CARRIED

Councillor Phillips returned to the meeting at 3:18pm

10.7 CROWN RESERVE 190069 - MADLINE STREET RESERVE**RESOLUTION 2021/143**

Moved: Cr Dennis Brady

Seconded: Cr Elaine Bendall

That:

1. The Director Infrastructure Services Report R21/207 be received and noted
2. Council respond to the Letter from DPIE Crown Lands and provide all relevant information relating to the management of the Reserve.
3. Council offer no suggestion for the future use of the Reserve and suggest the Aboriginal Land Claim be upheld.

CARRIED

11 DEPUTATIONS

12 NOTICES OF MOTION

Nil

13 NOTICES OF RESCISSION

Councillor Blewitt declared a non- significant non- pecuniary interest in Item 13.1 and left the meeting at 3:20pm.

13.1 NOTICE OF RESCISSION - ITEM 10.6 JUNE ORDINARY COUNCIL MEETING

RESOLUTION 2021/144

Moved: Cr Dennis Brady

Seconded: Cr Mark Hall

That Council:

1. Rescind resolution of Item 10.6 of the June 30th Ordinary Meeting as not all the relevant information was able to be presented and the applicants did not get an opportunity for their case to be adequately put forward.
2. A further report be brought to the next meeting.

CARRIED

Councillor Blewitt returned to the meeting at 3:29pm

14 DELEGATES REPORT

Nil

15 CORRESPONDENCE

15.1 CORRESPONDENCE - JULY

RESOLUTION 2021/145

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Mark Hall

That:

1. The Correspondence Report no R21/196 be received and noted.

CARRIED

16 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

17 PETITIONS

Nil

Council paused for a break at 3:37pm

Council resumed at 3:54pm

18 CLOSED SESSION

RESOLUTION 2021/146

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

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 Section 355 Committees

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).

18.2 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 Offer to purchase land - Merilba Street Tottenham

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.

18.4 Expressions of Interest for the Lease of 54 Blackers Road, Lake Cargelligo for Grazing Purposes

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.

18.5 Offer to purchase land - Walker Street 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.

18.6 IFT T2021/12 Condobolin Bore Fields II Scheme - Contract 1 - Pipeline

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.

18.7 Rating concession

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.

18.8 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 2021/147

Moved: Cr Mark Hall

Seconded: Deputy Mayor Paul Phillips

That Council moves out of Closed Council into Open Council.

CARRIED

The General Manager left the meeting at 3:55pm

18.1 SECTION 355 COMMITTEES

RESOLUTION 2021/148

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That:

- 1) The Director Corporate and Community Services Report No. R21/155 be received and noted.

CARRIED

18.2 RATES AND CHARGES DONATIONS - 2021/22

RESOLUTION 2021/149

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

- 1) The Director of Corporate and Community Services Report No. R21/186 be received and noted.
- 2) Council grant the full concessional amount of rates and charges requested to the Country Women's Association of NSW Tullibigeal Branch.

CARRIED

18.3 OFFER TO PURCHASE LAND - MERILBA STREET TOTTENHAM

RESOLUTION 2021/150

Moved: Cr Dennis Brady

Seconded: Cr Mark Hall

That

1. The General Manager's Report No. R21/189 be received and noted.
2. Council adopt option 1 of the report for the sale of Lot 16 Section 10 DP 758989 Merilba Street, Tottenham.
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

18.4 EXPRESSIONS OF INTEREST FOR THE LEASE OF 54 BLACKERS ROAD, LAKE CARGELLIGO FOR GRAZING PURPOSES

RESOLUTION 2021/151

Moved: Cr Mark Hall

Seconded: Cr Dennis Brady

That:

1. The Director Infrastructure Services Report No. R21/192 be received and noted.
2. The offer of \$600 (Inc. GST) from Glen Harris for a 12 month grazing lease at 54 Blackers Road, Lake Cargelligo be accepted.
3. Council authorise the General Manager to enter into a grazing lease with Glen Harris.

CARRIED

The General Manager returned to the meeting at 4:04pm

18.5 OFFER TO PURCHASE LAND - WALKER STREET LAKE CARGELLIGO

RESOLUTION 2021/152

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Mark Hall

That

1. The General Manager's Report No. R21/198 be received and noted.
2. Council accept the offer to purchase Lot 6 Section 58 DP 758595 Walker Street Lake Cargelligo as per option 1 in 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

18.6 IFT T2021/12 CONDOBOLIN BORE FIELDS II SCHEME - CONTRACT 1 - PIPELINE**RESOLUTION 2021/153**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. R21/203 be received and noted.
2. The Leed Engineering and Construction P/L tender submission be accepted.
3. The Mayor and General Manager be authorised to execute the contract documents and affix the Council seal.

CARRIED**18.7 RATING CONCESSION****RESOLUTION 2021/154**

Moved: Cr Elaine Bendall

Seconded: Cr Dennis Brady

That:

- 1) The Director of Corporate and Community Services Report No. R21/206 be received and noted.
- 2) Council approve a water consumption charge concession of up to 150kL per annum or part thereof, to be granted to assessment 1010518, commencing in the 2021-2022 financial year.

CARRIED

At 4:05pm Robyn Ryan, Adrian Milne, Karen Pegler and Jon Shillito left the meeting.

18.8 SENIOR STAFF UPDATE**RESOLUTION 2021/155**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The General Manager's Report No. 21/197 be received and noted.

CARRIED

At 4:31pm, Adrian Milne, Karen Pegler and Jon Shillito returned to the room.

The Meeting closed at 4:38pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 25 August 2021.


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CHAIRPERSON