

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 9 DECEMBER 2020 AT 2:07PM**

PRESENT: Mayor John Medcalf (OAM), Cr Elaine Bendall, Cr Melissa Blewitt, Cr Peter Harris, Cr Brian Nelson, 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), Jon Shillito (Director - Environment, Tourism and Economic Development), Brittany Doyle (Administration Officer), Paula Ewing (Executive Assistant)

1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

Acknowledgement of Country was read out by Cr Rees

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2020/339

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Rees

Apologies - Councillor Dennis Brady, Councillor Dave Carter

Leave of Absence - Councillor Mark Hall

CARRIED

3 CONFIRMATION OF MINUTES

RESOLUTION 2020/340

Moved: Cr Elaine Bendall

Seconded: Deputy Mayor Paul Phillips

That the minutes of the Ordinary Meeting held on 25 November 2020 be confirmed.

CARRIED

RESOLUTIONS 2020/341

Moved: Cr Melissa Bendall

Seconded: Deputy Mayor Paul Phillips

Cr Harris requested his name be recorded as a Leave of Absence for the November Ordinary meeting of Council.

CARRIED

4 MAYORAL MINUTE

4.1 MEETINGS AND FUNCTIONS ATTENDED BY THE MAYOR AND DEPUTY MAYOR - DECEMBER

MOTION

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Blewitt

That Council

1. Receive and Note Mayoral Report No R20/349.

4.2 MAYORAL MINUTE - DECEMBER

RESOLUTION 2020/342

Moved: Cr Brian Nelson

Seconded: Cr Melissa Rees

That Council

1. Receive and note Mayoral Minute no R20/354.

CARRIED

5 PUBLIC FORUM

Presentation from the Forbes Arts Society on the Lachlan Valley Sculpture Trail

6 DISCLOSURE OF INTEREST

Nil

7 GENERAL MANAGER

7.1 ACTIVE RESOLUTIONS - DECEMBER

RESOLUTION 2020/343

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That Council

1. Receive and note General Manager's Report no R20/352.

CARRIED

8 CORPORATE AND COMMUNITY SERVICES

8.1 ABORIGINAL ADVISORY COMMITTEE - PROPOSED EXPRESSION OF INTEREST FORM, PROPOSED ADVERTISEMENT, REVIEWED TERMS OF REFERENCE AND UPDATE TO COUNCIL

RESOLUTION 2020/344

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That:

1. The Director Corporate and Community Services report R20/324 be received and noted.
2. Council review the attached documents and provide feedback to the Director Corporate and Community Services.
3. Authorise advertising inviting nominations for appointment to the Aboriginal Advisory Committee to commence in late January 2021.

CARRIED

8.2 INVESTMENTS AT 30 NOVEMBER 2020

RESOLUTION 2020/345

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That:

1. The Director Corporate and Community Services Report No. R20/347 be received and noted.

CARRIED

9 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT

9.1 DRAFT LACHLAN ABORIGINAL CULTURAL HERITAGE STUDY

RESOLUTION 2020/346

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Environment Tourism and Economic Development Report No R20/314 be received and noted.
2. The draft Lachlan Aboriginal Cultural Heritage Study be placed on public exhibition for a minimum period of 28 days and public submissions be invited on the draft Study. During the exhibition period, further consultation be undertaken with the Aboriginal community in

accordance with the recommendation of the Study, prepared by OzArk Environment and Heritage.

3. A further report be presented to Council in February 2021, following the completion of the public exhibition period and further consultation, detailing any submissions received during the public exhibition period and to allow Council to consider the adoption of the final study.

CARRIED

9.2 DEVELOPMENT DATA NOVEMBER 2020

RESOLUTION 2020/347

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Environment Tourism and Economic Development Report No. R20/346 be received and noted.

CARRIED

9.3 DRAFT BUSH FIRE PRONE LAND MAP

RESOLUTION 2020/348

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That

1. The Director of Environment, Tourism and Economic Development Report No. R20/351 be received and noted.
2. Council adopt the recommendations of the report prepared by Integrated Consulting, as attached to this report.
3. Following the completion of the tasks, recommended in Integrated Consulting's report, the draft Bush Fire Prone Land map be placed on public exhibition for a minimum period of 28 days (which will be extended over the Christmas period in accordance with the Community Participation Plan) and public submissions be invited on the draft map.
4. A further report be presented to Council, following the completion of the public exhibition period, detailing any submissions received during the public exhibition period and to allow Council to consider the adoption of the plan prior to it being sent to the Commissioner of NSW RFS for review and certification.

CARRIED

10 INFRASTRUCTURE SERVICES**10.1 FY2021 UTILITIES MONTHLY UPDATE FOR NOVEMBER****RESOLUTION 2020/349**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services Report No. R20/336 be received and noted.
2. Water restrictions be implemented from 14 December 2020 until further notice as follows:
 - (a) Potable Water Supplies in:
 - (i) Condobolin: Level Two
 - (ii) Lake Cargelligo: Level One
 - (iii) Tottenham and Albert: Level Two.
 - (b) Non-Potable Water Supplies in:
 - (i) Tullibigeal (including Gibsonvale): Level One
 - (ii) Burcher and Fifield: Level Two.
3. Albert Standpipe be locked from 14 December 2020.

CARRIED

Cr Blewitt asked for her name to be recorded against the motion.

10.2 FY2021 ROADWORKS MONTHLY UPDATE FOR NOVEMBER**RESOLUTION 2020/350**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Rees

That

1. The Director Infrastructure Services Report No. R20/339 be received and noted.

CARRIED

10.3 FY2021 RECREATION MONTHLY UPDATE FOR NOVEMBER**RESOLUTION 2020/351**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That

1. The Director Infrastructure Services report R20/340 be received and noted.

CARRIED

10.4 GOOBANG CREEK FLOOD STUDY

RESOLUTION 2020/352

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. R20/341 be received and noted.
2. Council allocate \$18,900 from Unfinished Works Reserve as the necessary co-contribution for the grant.
3. Council delegate authority to the General Manager to Execute the Deed of Agreement.

CARRIED

10.5 GUM BEND LAKE UPDATE

RESOLUTION 2020/353

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That

1. The Director Infrastructure Services Report No R20/342 be received and noted.

CARRIED

11 DEPUTATIONS

12 NOTICES OF MOTION

Nil

13 NOTICES OF RESCISSION

Nil

14 DELEGATES REPORT

Cr Medcalf attended the Central NSW Joint Organisations meeting in Bathurst on November 4. Minutes from the meeting will be provided to Council when available.

15 CORRESPONDENCE

15.1 CORRESPONDENCE DECEMBER

RESOLUTION 2020/354

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That Council

1. Receive and note correspondence report R20/334.

CARRIED

16 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

17 PETITIONS

Nil

At 3:25pm Council paused for a break

At 3:39pm Council resumed the meeting

At 3:39pm Guy Marchant joined the meeting

18 CLOSED SESSION

RESOLUTION 2020/355

Moved: Cr Elaine Bendall

Seconded: Cr Peter Harris

CARRIED

RECOMMENDATION

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 Undetected Water Leak - Assessment 1003210

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 Youth Services - Proposed Funding Agreement for youth services for 12 months ended 30 June 2021, unspent 2020 financial year funds and report on services delivered July to September 2020

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.

18.3 Outstanding Debts Proposal - update

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.

18.4 Tender 2020/14 - Lake Cargelligo Swimming Pool Amenities Upgrade

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.

18.5 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.

18.6 Tender 2020/15 - Construction of new Amenities Building at Gum Bend Lake

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.

18.7 7 Hay Street 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.

18.8 Tender 2020/20 - 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.

18.9 Proposal Youth Strategic Plan

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.

18.10 Quote Q2020/37 - Replacement of Two (2) Gravel Trucks

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.

18.11 Netwaste Contract - Chipping of Garden Organics, Wood and Timbers

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.

18.12 Forbes Art Society - Sculpture Trail Update

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.

18.13 Condobolin Sport and Recreation Grounds - Draft Plan of Management

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.

RESOLUTION 2020/356

Moved: Cr Melissa Rees

Seconded: Cr Elaine Bendall

That Council moves out of Closed Council into Open Council.

CARRIED

18.1 UNDETECTED WATER LEAK - ASSESSMENT 1003210

RESOLUTION 2020/357

Moved: Cr Peter Harris
Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Corporate and Community Services Report No. R20/278 be received and noted.
2. Council conduct a site inspection to consider options to relocate the water meter and defer the report to the February Council meeting

CARRIED

18.2 YOUTH SERVICES - PROPOSED FUNDING AGREEMENT FOR YOUTH SERVICES FOR 12 MONTHS ENDED 30 JUNE 2021, UNSPENT 2020 FINANCIAL YEAR FUNDS AND REPORT ON SERVICES DELIVERED JULY TO SEPTEMBER 2020

RESOLUTION 2020/358

Moved: Deputy Mayor Paul Phillips
Seconded: Cr Peter Harris

That:

1. The Director Corporate & Community Services Report R20/299 be received and noted.
2. Council provide feedback on the contents of the July to September 2020 projects update and financials reports for Western Plains Regional Development.
3. Council approve the retention of 2020 financial year unspent funds totalling \$6,746.61 to be spent on the following specific projects:
 - Mental Health Training for all youth staff \$600
 - Update First Aid Kits for 2021 \$500
 - Lake Talbot and West Wyalong swimming pool trip \$2,000
 - Driving lessons in Tottenham and Lake Cargelligo with a qualified driving instructor \$2,100
 - Art Lessons with Splatter Gallery as part of the collaboration with Arts out West Art in the Corridor \$1,500
4. The General Manager be authorised to sign the Funding Agreement with Western Plains Regional Development for the 12 months ended 30 June 2021, subject to the incorporation of any changes requested by Council.

CARRIED

18.3 OUTSTANDING DEBTS PROPOSAL - UPDATE

RESOLUTION 2020/359

Moved: Cr Peter Harris
Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate & Community Services Report No. R20/319 be received and noted.
2. Council write a letter to the relevant minister regarding the outstanding debt.

CARRIED

At 3:58pm Cr Phillips left the meeting

At 4:00pm Cr Phillips returned to the meeting

18.4 TENDER 2020/14 - LAKE CARGELLIGO SWIMMING POOL AMENITIES UPGRADE**RESOLUTION 2020/360**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That

1. The Director of Environment, Tourism and Economic Development Report No. R20/312 be received and noted.
2. The tender, for the demolition of the existing amenities block and construction of a new amenities block at Lake Cargelligo Swimming Pool, be awarded to Adaptive Interiors, in accordance with the amount specified in Option 1 of this report.
3. The Mayor and General Manager be authorised to engage Adaptive Interiors and sign the contract documents and affix the Council seal to the contract documents.

CARRIED**18.5 RATES AND CHARGES DONATIONS - 2020/21****RESOLUTION 2020/361**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

- 1) The Director of Corporate and Community Services Report No. R20/330 be received and noted.
- 2) Council decline the full amount of the requested concession from the Condobolin Trike and Railway Museum.

CARRIED

At 3:58pm Guy Marchant left the meeting

At 4:00pm Guy Marchant returned to the meeting

18.6 TENDER 2020/15 - CONSTRUCTION OF NEW AMENITIES BUILDING AT GUM BEND LAKE**RESOLUTION 2020/362**

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That

1. The Director of Environment, Tourism and Economic Development Report No. R20/313 be received and noted.
2. Council decline to accept any of the tenders submitted and Council authorise the General Manager or their delegate to;
 - a) modify the design of the amenities building and create cost savings and/or reductions in the scope of works to reduce the overall costs, and
 - b) enter into direct negotiations with any person with a view to entering a contract in relation to the project, and
 - c) The Mayor and General Manager be authorised to enter into a contract should the negotiations result in project coming within the budget allocation and sign the contract documents and affix the Council seal to the contract documents (if required).

CARRIED

18.7 7 HAY STREET CONDOBOLIN

RESOLUTION 2020/363

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The General manager's Report No. R20/337 be received and noted.
2. Council acquire the property at 7 Hay Street Condobolin for use as a Youth and Community Centre at the value detailed in option 1 of the report.
3. Funds for the purchase of the property be allocated from Council's CDRV and Capital Improvement reserves as per option 1 in the report.
4. The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal if required.

CARRIED

18.8 TENDER 2020/20 - WASTE TRANSFER STATION

RESOLUTION 2020/364

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director of Environment, Tourism and Economic Development Report No. R20/333 be received and noted.
2. Council accept the revised tender price from Consenth Solutions Pty Ltd of \$303,521.48 (GST excl.) for the construction of the Condobolin Waste Transfer Station.

3. The Mayor and General Manager be authorised to sign a construction contract with Conseth Solutions Pty Ltd for the construction of the Condobolin Waste Transfer Station and affix the Council seal to any contract documents (if required).

CARRIED

18.9 PROPOSAL YOUTH STRATEGIC PLAN

RESOLUTION 2020/365

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Corporate & Community Services Report R20/345 be received and noted.
2. Council provide feedback on the proposed methodology and timeline.
3. Council endorse the proposed action to engage Karen Legge Consulting to prepare the Youth Strategic Plan and provide a Review of Youth Services arrangements, subject to any changes requested by Council with regards to the methodology and timeline being incorporated.

CARRIED

18.10 QUOTE Q2020/37 - REPLACEMENT OF TWO (2) GRAVEL TRUCKS

RESOLUTION 2020/366

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The Director Environment, Tourism and Economic Development Report No. R20/348 be received and noted.
2. Council purchase 2 new Mack Trident 535 with Chriss' bodies for \$279,396.40 (each) from Wagga Trucks, trade Fleet Nos. 7015 and 7017 for \$101,640.00 (each) with a changeover of \$177,842.40 (each).

CARRIED

18.11 NETWASTE CONTRACT - CHIPPING OF GARDEN ORGANICS, WOOD AND TIMBERS

RESOLUTION 2020/367

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Environment Tourism and Economic Development Report No. R20/350 be received and noted.
2. The current Contract with Ausshredding Ltd be extended in accordance with Clause 2 of the contract, for a further twelve (12) months to 14 November 2021.
3. Council authorise the Mayor and General Manager to sign the contract extension documents and affix the Council seal (if required).

CARRIED

18.12 FORBES ART SOCIETY - SCULPTURE TRAIL UPDATE

RESOLUTION 2020/368

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Environment, Tourism and Economic Development Report No. 20/353 be received and noted.
2. Council proceed with Option 2 as detailed in the report.

CARRIED

18.13 CONDOBOLIN SPORT AND RECREATION GROUNDS - DRAFT PLAN OF MANAGEMENT

RESOLUTION 2020/369

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That

1. The Director Infrastructure Services Report No R20/344 be received and noted.
2. Council endorse the Draft Plan of Management for the Condobolin Sports and Recreation Grounds and the Plan be submission to the Department for review.
3. Council receive and note the Native Title Advice.

CARRIED

GENERAL BUSINESS

TULLIBIGEAL SWIMMING POOL COMMITTEE

RESOLUTION 2020/370

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Melissa Rees

That

Council donate \$500 to the Tullibigeal Swimming Pool Committee for their Christmas event.

CARRIED

TOTTENHAM DOCTOR RESIDENCE

RESOLUTION 2020/371

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Elaine Bendall

That:

Council wave rent charges for doctors residence for period of 6 months to 30 June 2021.

CARRIED

The Meeting closed at 5:18pm.

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


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CHAIRPERSON