

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 28 SEPTEMBER 2016 AT 11:00AM**

PRESENT: Cr John Medcalf, Cr Melissa Blewitt, Cr Dave Carter, Cr Max Frankel, Cr Mark Hall, Cr Peter Harris, Cr Brian Nelson, Cr Paul Phillips, Cr Melissa Rees, Cr John Ridley

IN ATTENDANCE: Robert Hunt (General Manager), Alan Townsend (Acting Director Environment & Planning), Luke Taberner (Director Community Services & Governance), John Chapman (Chief Financial Officer) & Juanita Gilpin (Executive Assistant Relief)

1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

Acknowledgment done by Councillor Mark Hall

2 CONFIRMATION OF MINUTES

RESOLUTION 2016/299

Moved: Cr Mark Hall
Seconded: Cr Paul Phillips

That the minutes of the Ordinary Meeting held on 17 August 2016 be confirmed.

CARRIED

3 LEAVE OF ABSENCE

Nil

4 MAYORAL MINUTE

Nil

5 PUBLIC FORUM

Damien Doyle – Flood Plain Management
Marko & Nicole Pasquali – SRA Hall Design Presentation

6 DISCLOSURE OF INTEREST

Nil

7 GENERAL MANAGER

7.1 2012-2016 DELIVERY PROGRAM

RESOLUTION 2016/300

Moved: Cr Dave Carter

Seconded: Cr Max Frankel

That:

1. General Manager Report R16/60 be received.
2. Council note the status of the Four Year Delivery Program and Operational Plan targets.

CARRIED

7.2 COUNCIL IMPROVEMENT PLAN UPDATE

RESOLUTION 2016/301

Moved: Cr Mark Hall

Seconded: Cr John Ridley

That

1. General Manager Report No R16/68 be received.
2. Council note the relative progress made in implementing the Council Improvement Plan.

CARRIED

7.3 DONATION REQUESTS

RESOLUTION 2016/302

Moved: Cr Melissa Blewitt

Seconded: Cr Mark Hall

That:

1. Council receive and note General Management Report R16/87, Donation Requests and;
2. Council approved the following donations:
 - (i) The Condobolin Rotary Club - \$1000
 - (ii) The Born to Read Organisation - \$1000
 - (iii) Tullibigeal & District Progress Association - \$450

CARRIED

8 COMMUNITY SERVICES & GOVERNANCE

8.1 COMMITMENT TO THE EXTENSION OF THE CONDOBOLIN LIBRARY

RESOLUTION 2016/303

Moved: Cr Dave Carter

Seconded: Cr Melissa Blewitt

That Council

1. Commit \$520,000 in the 2017/18 budget to the extension of the Condobolin Library
2. Make a submission for a \$200,000 grant from the State Library of NSW under the Public Library Infrastructure Grants Program.

CARRIED**9 FINANCE****9.1 INVESTMENTS AS AT 31 AUGUST 2016****RESOLUTION 2016/304**

Moved: Cr Brian Nelson

Seconded: Cr Paul Phillips

That

- a) Council receive and note the Chief Financial Officer's Report No. R16/65.

CARRIED**9.2 RATES AND CHARGES DONATIONS - 2016/17****RESOLUTION 2016/305**

Moved: Cr Brian Nelson

Seconded: Cr Dave Carter

That:

- (a) Revenue Accountant's report No R16/71 be received.
- (b) Council make a donation of \$1,065 to offset rates and charges owing by the Rotary Club of Condobolin for the 2016/17 year.

CARRIED**9.3 LOAN AGREEMENT - SRA HALL CONSTRUCTION****RESOLUTION 2016/306**

Moved: Cr Paul Phillips

Seconded: Cr Dave Carter

That:

- (a) The Mayor and General Manager be authorised to sign and affix the Council Seal to the loan agreement with the National Australia Bank for a loan of \$1,900,000 repayable over 15 years.
- (b) The Chief Financial Officer be authorised to confirm the fixed rate of interest rate at the date of transfer of the loan funds to Council's bank account

CARRIED

10 ENVIRONMENT & PLANNING**10.1 31 WELLS STREET, CURLEW WATERS****RESOLUTION 2016/307**

Moved: Cr Paul Phillips

Seconded: Cr Mark Hall

That:

- a) Council revoke part (v) of its resolution of 17 February 2016 to have the owner remove all illegal development from Lot 31 DP 807084 (31 Wells Street), Curlew Waters.
- b) Council allow Council's Certifiers to address the non-compliance issues through the assessment and processing of the owner's new Development Application, 2016/0029.

CARRIED

10.2 WASTE, RECYCLING AND ORGANICS COLLECTION**RESOLUTION 2016/308**

Moved: Cr Max Frankel

Seconded: Cr Melissa Rees

That :

1. Environment & Waste Officer Report No R16/79 be received and noted.

CARRIED

10.3 DEVELOPMENT ACTIVITY AUGUST 2016**RESOLUTION 2016/309**

Moved: Cr Brian Nelson

Seconded: Cr Dave Carter

That:

1. Council receive and note Environment & Planning Report R16/11, Development Activity for August 2016.

CARRIED

10.4 WASTE MANAGEMENT OPERATIONS**RESOLUTION 2016/310**

Moved: Cr Paul Phillips

Seconded: Cr Mark Hall

That Council:

1. Notes and accepts the report, and
2. Develops management plans, operational plans, contracts and similar guiding documents for the operation and management of waste facilities.

CARRIED**10.5 CONTRACT FOR THE STATE CENTRE CARAVAN PARK****RESOLUTION 2016/311**

Moved: Cr Mark Hall
Seconded: Cr Paul Phillips

That Council:

1. Receive Acting Director Environment & Planning Report No. R16/91
2. Delegate authority to the Mayor and General Manager to sign and affix the Council Seal to the Contract Agreement for the Management of the State Centre Caravan Park Tottenham

CARRIED**10.6 DA 2016/34 COMMERCIAL BUILDING (SHIPPING CONTAINER) AT LOT 1 DP 948178, 114 BATHURST STREET CONDOBOLIN NSW 2877****RESOLUTION 2016/312**

Moved: Cr Melissa Rees
Seconded: Cr Max Frankel

That Council,

1. Pursuant to the provisions of section 80 (1)(b) of the Environmental Planning and Assessment Act 1979, conditionally approve Development Application DA 2016/34, Commercial Building (shipping container), at Lot 1 DP 948178, 114 Bathurst Street Condobolin NSW 2877 in accordance with the schedule of conditions contained in attachment G.

CARRIED**11 INFRASTRUCTURE SERVICES****11.1 TOWN WATER SUPPLY REPORT - AUGUST****RESOLUTION 2016/313**

Moved: Cr Brian Nelson
Seconded: Cr Melissa Blewitt

That:

1. Council receive and note Infrastructure Services Report R16/56, Town Water Supply Consumption to 31 August 2016.

CARRIED**11.2 APPROVAL OF PURCHASE OF EXCAVATORS AND TIP TRUCK****RESOLUTION 2016/314**

Moved: Cr Brian Nelson
Seconded: Cr Melissa Blewitt

That Council approve tenders being invited for the purchase of two mini excavators with trailers and one 4 tonne excavator with trailer and tip truck.

Councillor Rees declared an interest and abstained from voting.

CARRIED

11.3 MAJOR PROJECT - ISLAND CREEK BRIDGE REPLACEMENT

RESOLUTION 2016/315

Moved: Cr Mark Hall
Seconded: Cr Max Frankel

That Council progress design and construction of the modular steel bridge with cast in-situ reinforced concrete abutments and road approaches and that:

1. Detailed design is done for the modular steel bridge, reinforced concrete abutments and road approaches
2. A temporary project co-ordinator is engaged to procure and co-ordinate the detailed design stage and prepare invitations to tender for demolition and construction packages of work
3. A detailed cost estimate is done for adequate budgeting of the construction stage.

CARRIED

11.4 LAKE CARGELLIGO CBD IMPROVEMENTS, INCLUDING FOSTER STREET BEAUTIFICATION

RESOLUTION 2016/316

Moved: Cr Mark Hall
Seconded: Cr Paul Phillips

1. That the following projects from the Master Plan be continued in FY1617 without survey or design:
 - a. Improvement No.6 – construct BBQs with shelters at Liberty Park
 - b. Improvement No.9 – continue consultation with Lake Foreshore Committee and Lakes Alive
 - c. Improvement No.10 – planting screen buffer on vacant lots along Foster Street with owners' permission
 - d. Improvement No.14 – install two seat benching that has already been purchased
2. That the following project from the Master Plan be surveyed and designed in FY1617 for construction in FY1718 (subject to funding from Council's reserve funds):
 - e. Improvement No.1 – intersection of Canada & Foster Streets reconstruction with drainage improvements
 - f. Improvement No.2 – intersection of Lake & Foster Streets reconstruction with completion of Foster Street segmental paver footpath
 - g. Improvement No.4 – develop more street garden planters in Foster Street (with Improvement 1)

- h. Improvement No. 7 - new fence at Lake Cargelligo s sports oval (to be funded separately from the CBD Improvements)
 - i. Improvement No.8 – four new kerb ramps in Foster Street
 - j. NOTE 1 – rehabilitation of Foster Street pavement, including planters, seal, line marking and pedestrian crossings.
3. That the following projects from the Master Plan be investigated for grant funding:
- k. Improvement No.3 – public square, water themed fun park and open air theatre at Liberty Park together with lighting
 - l. Improvement No.12 – new path linkages through Liberty Park
 - m. Improvement No.13 – outdoor public art at Liberty Park.

CARRIED

11.5 TOTTENHAM POOL

RESOLUTION 2016/317

Moved: Cr Mark Hall

Seconded: Cr Melissa Rees

That

1. Council receive and note Manager Recreation and Assets Report R16/83.

CARRIED

11.6 TULLIBIGEAL DRAINAGE STUDY

RESOLUTION 2016/318

Moved: Cr Paul Phillips

Seconded: Cr Melissa Blewitt

That;

- a) Director Infrastructure Services Report No. R16/84 be received.
- b) Quotations be invited for the stormwater analysis and design based on the recent field survey of Tullibigeal and surrounds and be compared with the option of using the services of Penrith City Council.

CARRIED

11.7 FY1617 ROADS PROGRAM - FLOOD DAMAGE & NATURAL DISASTER RELIEF AND RECOVERY ARRANGEMENTS

RESOLUTION 2016/319

Moved: Cr Paul Phillips

Seconded: Cr Mark Hall

That:

- a) Director Infrastructure Services Report No. R16/85 be received.
- b) Council engage a fixed term temporary contract manager for up to twelve months to manage its upcoming flood damage claim and repair works program.

CARRIED

11.8 PROPOSED ROAD CLOSURES IN TOTTENHAM LOCALITY

RESOLUTION 2016/320

Moved: Cr Mark Hall

Seconded: Cr Max Frankel

That:

- a) Infrastructure Services Report No. R16/88 be received.
- b) Council has no objection to the Crown Road closure through Lots 23 and 25 DP753978.
- c) Council has no objection to the Crown Road closure through Lot 40 DP753978 with Right of Carriageway or Right of Access to benefit Lot 39 DP753978.
- d) Council has no objection to the closure of the shared Council/Crown road SR 253 Strudwicks Road, east of Lot 40 DP753978, and south of the crown road through Lot 40 DP753978.
- e) Council has no objection to the closure of the shared Council/Crown road SR 253 Strudwicks Road, east of Lot 40 DP753978, and north of the crown road through Lot 40 DP753978 with Right of Carriageway or Right of Access to benefit Lot 39 DP753978.
- f) Council has no objection to the closure of the shared Council/Crown road SR 253 Strudwicks Road, east of Lot 1 DP753978, with Right of Carriageway or Right of Access to benefit Lots 23, 25, 28, 35, 39 and 40 DP753978.
- g) Council has objection to the closure of the Council road SR 253 Strudwicks Road, east of Lot 1 DP753978.
- h) Council would withdraw its objection to the closure of the Council road SR 253 Strudwicks Road, east of Lot 1 DP753978, if Right of Carriageway or Right of Access were agreed to be created to benefit Lots 23, 25, 28, 35, 39 and 40 DP753978.
2. i) Council acknowledges that any Council or shared Council/Crown roads will vest

in the Crown if they are closed.

CARRIED

12 DEPUTATIONS

13 MEETINGS AND FUNCTIONS ATTENDED BY THE MAYOR AND DEPUTY MAYOR

14 NOTICES OF MOTION

Nil

15 NOTICES OF RESCISSION

Nil

16 DELEGATES REPORT

16.1 CONDOBOLIN CHAMBER OF COMMERCE - AUGUST MEETING MINUTES

RESOLUTION 2016/321

Moved: Cr Mark Hall

Seconded: Cr Melissa Blewitt

That

- a) Council receive and note the report R16/76.

CARRIED

16.2 CENTROC BOARD MEETING - AUGUST

RESOLUTION 2016/322

Moved: Cr Mark Hall

Seconded: Cr Dave Carter

That the Mayoral Report from the Centroc Board Meeting 25 August 2016 at Cowra be noted and Council:

1. Request Centroc include in its annual presentation to Council advice on the changing regional context and its opportunities and challenges for Council;
2. Receive a report highlighting the changes with respect to operation of and contributions to RFS at both the zone and local level (ie approach to apportionment within the zone);
3. Write to the relevant Ministers and the RFS requesting that:
 - a) future rises be limited to the rate cap and the cost of emergency services be included in

- the IPART consideration of the rate rises for Local Government;
- b) clarification be provided on the standard to which the RFS is heading with respect to facilities, equipment and training and how this compares to the previous standard of fire cover.
 - c) the implementation of this year's higher costs be deferred 1 year to effectively take the increases through the IP&R process given that Council budgets are already in place;
 - d) feedback on concerns that Councils from those zones which have been historically proactive in lifting facilities, equipment and training will be financially penalised for their efforts with a risk of subsidising less proactive zones given the new formula for apportioning Council contributions within the change;
4. Write to LGNSW expressing concerns regarding the above and inquiring whether protections for significant rises were provided for in negotiations between RFS and LGNSW. A copy of advice from RFS to be attached to such letters;
 5. Advocacy in this regard is to include reference to the Emergency Services Levy changes, particularly that:
 - a) Council not be out of pocket regarding the administration of these monies including debt collection; and
 - b) Rate payers do not have to pay twice and the existing 11% costs to Councils be removed; and
 - c) There are concerns the volunteer base will be reduced as has been the case in Victoria.

CARRIED

16.3 MINUTES OF AUDIT AND RISK COMMITTEE MEETING - 21 JULY 2016

RESOLUTION 2016/323

Moved: Cr Paul Phillips

Seconded: Cr Mark Hall

1. That the Minutes of the Audit and Risk Committee held on Thursday 21 July 2016 be received and noted.

CARRIED

16.4 COWAL ENVIRONMENTAL MANAGEMENT CONSULTATIVE COMMITTEE

RESOLUTION 2016/324

Moved: Cr Dave Carter

Seconded: Cr John Ridley

That Council receive and note the Delegates Report R16/95.

CARRIED

17 CORRESPONDENCE**17.1 CORRESPONDENCE****RESOLUTION 2016/325**

Moved: Cr Melissa Blewitt

Seconded: Cr Melissa Rees

That:

1. Council receive and note Attachments A, B and D in Correspondence Report R16/66.
2. Council consider further investigation into Attachment C and receive and note attachment E.

CARRIED

18 COMMON SEAL

Nil

19 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

20 PETITIONS**21 CLOSED SESSION****RESOLUTION**

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:

21.1 Water account adjustment for 12 Wooyeo Street, Tullibigeal

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).

RECOMMENDATION

That Council moves out of Closed Council into Open Council.

21.1 WATER ACCOUNT ADJUSTMENT FOR 12 WOYEO STREET, TULLIBIGEAL

RESOLUTION 2016/326

Moved: Cr Brian Nelson

Seconded: Cr Paul Phillips

That

- (a) **Revenue Accountant Report No R16/61 be received.**
- (b) **Council accede to the request from C.W. Loftus to reduce water consumption charges for the quarter ended 30th June 2016 totalling \$6,287.00.**

CARRIED

The Meeting closed at 3.40pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 26 October 2016.

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MAYOR

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GENERAL MANAGER