

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 26 FEBRUARY 2020 AT 2:06PM**

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

IN ATTENDANCE: Jon Shillito (Acting General Manager and Director - Environment, Tourism and Economic Development), Karen Pegler (Director - Corporate and Community Services), Tekohi Rivera (Director - Infrastructure Services Development), Guy Marchant (Manager Building and Projects), Paula Ewing (Executive Assistant)

1 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

Was read out by Councillor Melissa Rees

2 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

3 CONFIRMATION OF MINUTES

RESOLUTION 2020/6

Moved: Cr Melissa Rees

Seconded: Cr Dennis Brady

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

CARRIED

RESOLUTION 2020/7

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That the minutes of the Ordinary Meeting held on 11 December 2019 be confirmed.

CARRIED

4 MAYORAL MINUTE

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

RESOLUTION 2020/8

Moved: Cr Peter Harris
 Seconded: Cr Dennis Brady
 That Council

- (i) Read and Note Mayoral Report No R20/37.

CARRIED

5 PUBLIC FORUM

Ian Kemp – Lkae Cargelligo Wetlands and Lakes Council

Steven Johnston – Lake Aerodrome Lease

Councillor Mark Hall joined the meeting at 2:30p.m

6 DISCLOSURE OF INTEREST

Councillor Blewitt declared a significant pecuniary interest in Item 9.3 as it includes her property.

Councillor Brady declared a non-pecuniary non-significant interest in Item 8.8 Youth Services Report as he is the chairperson of Western Plains Regional Development.

Councillor Phillips declared a significant pecuniary interest in Item 18.4 as the estate is his fathers.

Councillor Phillips declared a significant pecuniary interest in Item 18.9 as his son is a tenderer.

7 GENERAL MANAGER

7.1 ACTIVE RESOLUTIONS - FEBRUARY

RESOLUTION 2020/9

Moved: Cr Elaine Bendall
 Seconded: Cr Peter Harris
 That Council

- (i) Read and Note General Manager's report No R20/33.

CARRIED

7.2 DELIVERY PROGRAM AND OPERATIONAL PLAN STATUS UPDATE

RESOLUTION 2020/10

Moved: Cr Peter Harris
 Seconded: Deputy Mayor Paul Phillips
 That Council

- (i) Receive and Note the General Manager's Report No R20/38
- (ii) Note the status of the Delivery Program and Operational Plan as at 31 December 2019.

CARRIED

8 CORPORATE AND COMMUNITY SERVICES

8.1 SUSTAINABILITY FUNDING - LIBRARIES

RESOLUTION 2020/11

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That Council resolves to:

1. Receive and note the Director Corporate & Community Services report no.19/336.
2. Endorse the NSW Public Libraries Association's Renew Our Libraries Phase Two campaign.

CARRIED

8.2 DONATION REQUESTS

RESOLUTION 2020/12

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director Corporate & Community Services Report No. R20/7 be received.
2. Council donate to each organisation:
 - i. \$450 to NADIOC week initiatives
 - ii. \$1000 to Condobolin Clay Target Club
 - iii. \$1000 to Lake Cargelligo Arts and Crafts Society Inc.
 - iv. \$300 to Catholic Care Wilcannia-Forbes
 - v. \$300 to Country Women's Association Oxley

CARRIED

RESOLUTION 2020/13

Moved: Cr Melissa Blewitt

Seconded: Cr Peter Harris

That Council

Contact Damian Noll and advise him that Council will underwrite the Anzac Day event to a maximum of \$25,000.

CARRIED

8.3 LACHLAN SHIRE COUNCIL ABORIGINAL ADVISORY COMMITTEE

RESOLUTION 2020/14

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That

1. Council receive and notes Director Corporate and Community Services report R20/9.
2. Council resolve to:
 - a) dissolve the current Lachlan Shire Council Aboriginal Advisory Committee as it has not been effective in achieving its Terms of Reference stated purpose
 - b) discuss options for engaging with the various Aboriginal communities following the Council election in September 2020.
 - c) Build and strengthen a relationship with the Murrin Bridge Local Aboriginal Land Council between now and the Council election in September 2020.

CARRIED

8.4 REVIEW OF COUNCIL'S INFORMATION SERVICES POLICIES

RESOLUTION 2020/15

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director of Corporate and Community Services Report No R20/12 be received and noted.
2. Council adopt the following operational policies:
 - Data Storage Policy
 - Desktop PC, Notebook and Mobile Device Replacement Policy
 - Internet Usage Policy
 - Information Services Security Policy
 - Network Passwords Policy
 - Remote Access Policy
 - Reporting Lost or stolen IT Assets
3. Resolve to extinguish the following policies as they are now obsolete or have been incorporated into the updated policies:
 - Ipad Policy
 - Virus Protection Policy

- Server Room Access Policy
- Wireless Networking Policy
- Purchase and use of computing and communications equipment Policy.

CARRIED

8.5 AUDIT MANAGEMENT LETTER FOR YEAR ENDED 30 JUNE 2019

RESOLUTION 2020/16

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Director Corporate and Community Services report R20/15 be received and noted.

CARRIED

8.6 BUSINESS CONTINUITY PLAN

RESOLUTION 2020/17

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That:

1. The Director Corporate and Community Services Report R20/17 be received and noted.
2. The revised Business Continuity Plan be adopted.

CARRIED

8.7 INVESTMENTS AT 31 DECEMBER 2019 AND 31 JANUARY 2020

RESOLUTION 2020/18

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director of Corporate and Community Services Report No. R20/22 be received and noted.

CARRIED

8.8 YOUTH SERVICES REPORTS - QUARTERLY REPORT OCTOBER TO DECEMBER 2019 AND FINAL REPORT 2015 TO 2019**RESOLUTION 2020/19**

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

1. The Director Corporate & Community Services Report No. R20/24 be received and noted.
2. Council provide feedback on the contents of the report for the Western Plains Regional Development Committee.

CARRIED**8.9 QUARTERLY BUDGET REVIEW 2 2020FY****RESOLUTION 2020/20**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dennis Brady

That Council

1. Receive and note the Director Corporate and Community Services Report No. R20/28.
2. Adopt the transfers from Reserves as noted in the "Revotes" as presented.
3. Adopt the revised Operating Plan Budget including transfers from the reserves as presented.
4. Adopt the reserve balances as presented.

CARRIED**9 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT****9.1 DA 2011/18.3 - MODIFICATION 3 - ALTERATIONS TO MINING INCLUDING REPROCESSING OF TAILINGS****RESOLUTION 2020/21**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Dennis Brady

That:

1. The Director Environment, Tourism and Economic Development Report No. R20/3 be received and noted.
2. Council approve the Section 4.55(2) Application subject to conditions, as set out in **Attachment 2**

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

Against: Cr Mark Hall

CARRIED

9.2 ABORIGINAL PROTOCOL / GUIDELINE

RESOLUTION 2020/22

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That

1. The Director of Environment, Tourism and Economic Development Report No. R20/1 be received and noted.
2. Council endorse the preparation of an Aboriginal Protocol/guideline and that, once prepared, a draft Aboriginal Protocol/guideline be presented to Council for further consideration.

CARRIED

Councillors Phillips declared a significant pecuniary interest in Item 9.3 and left the meeting at 3:41pm.

Councillor Blewitt declared a significant pecuniary interest in Item 9.3 as the report mentions her property and left the meeting at 3:41pm.

9.3 DEVELOPMENT DATA - DECEMBER 2019 AND JANUARY 2020

RESOLUTION 2020/23

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That Council:

1. The Director Environment, Tourism and Economic Development Report No. R20/5 be received and noted.

CARRIED

Councillor Blewitt and Councillor Phillips returned to the room at 3:42pm

9.4 LACHLAN RIVER FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

RESOLUTION 2020/24

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Environment, Tourism and Economic Development Report No. R20/2 received and noted

2. Council adopt the Lachlan River (Condobolin) Floodplain Risk Management Study and Plan (including modifications recommended by Geoff Craig & Associates in their independent review) and begin the investigations on how to implement the recommendations.

CARRIED

At 3:43pm Clr Phillips left the room

At 3:44pm Clr Rees left the room

At 3:45pm Clr Rees and Phillips returned to the meeting.

At 3:53pm Council ceased for a break.

At 4:06pm Council resumed.

10 INFRASTRUCTURE SERVICES

10.1 FY1920 ROADWORKS MONTHLY UPDATE FOR DECEMBER/JANUARY

RESOLUTION 2020/25

Moved: Cr Mark Hall

Seconded: Cr Peter Harris

That:

1. The Director Infrastructure Services Report No. R19/335 be received and noted.

CARRIED

At 4:09pm Councillor Phillips left the meeting.

At 4:11pm Councillor Phillips returned to the meeting.

10.2 LAKE CARGELLIGO AERODROME GRAZING LICENCE

RESOLUTION 2020/26

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. 20/6 be received and noted.
2. Council rescind resolution 2017/200
3. Expressions of Interest be publicly advertised for a short term grazing licence over the vacant land at the Lake Cargelligo Aerodrome.
4. Council delegate authority to the General Manager to enter into a short term grazing licence (12 months) with the preferred party.
5. Council enter a month by month lease with Steve and Jan Johnston in the interim whilst we publicly advertise for tenders for a short term grazing licence if the relevant legislation allows this to occur.

CARRIED

10.3 ROAD CLOSURES

RESOLUTION 2020/27

Moved: Cr Mark Hall

Seconded: Cr Dave Carter

That:

1. The Director Infrastructure Services Report No. R20/11 be received and noted.
2. Council resolves to seek public submissions on the closure of part of SR 269 Yarrangrove Road subject to the applicant agreeing in writing to meet all costs associated with the road closure.
3. The applicant be advised that the unnamed road off SR 257 Racecourse Road is a Crown road and application for closure should be made to the NSW Department of Planning, Industry & Environment – Crown Lands.

CARRIED

10.4 FY1920 UTILITIES MONTHLY UPDATE FOR DECEMBER/JANUARY

RESOLUTION 2020/28

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No. R20/16 be received and noted.

CARRIED

10.5 FIFIELD, ALBERT & TOTTENHAM WATER CARTING - NSW GOVERNMENT DROUGHT EMERGENCY RELIEF FUNDING

RESOLUTION 2020/29

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services report No. R20/25 be received and noted.
2. Council re-apply for financial assistance to the NSW Government Department of Industry for the cost of water cartage to maintain essential supplies of water to Fifield, Albert and Tottenham in FY1920.

CARRIED

10.6 FY1920 RECREATION MONTHLY UPDATE FOR DECEMBER/JANUARY**RESOLUTION 2020/30**

Moved: Cr Peter Harris

Seconded: Cr Mark Hall

That:

1. Council receive and note Director Infrastructure Service's report R20/29;
2. A report be brought back to Council in relation to the cricket nets and various options including a diagram and a list of affected parties and their concerns with each option.

CARRIED**11 DEPUTATIONS**

Nil

12 NOTICES OF MOTION

Nil

13 NOTICES OF RESCISSION

Nil

14 DELEGATES REPORT

Nil

15 CORRESPONDENCE**15.1 CORRESPONDENCE - FEBRUARY****RESOLUTION 2020/31**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

That

-
- (i) Receive and Note Correspondence Report 20/36.
 - (ii) Consider Notices of Motions to submit to the National General Assembly 2020.

CARRIED

16 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

17 PETITIONS

Nil

18 CLOSED SESSION**RESOLUTION 2020/32**

Moved: Cr Peter Harris

Seconded: Cr Dave Carter

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 Willow Bend Sports Centre - Licence Agreement

This matter is considered to be confidential under Section 10A(2)a 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 personnel matters concerning particular individuals (other than councillors) and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

18.2 6 Townsend Street and 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.

18.3 Update on confidential staff matter

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).

18.4 Water Account Adjustment - Assessment 1017926

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.

18.5 Undetected Water Leak - Assessment 1017845

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).

18.6 Update on Air Conditioning Replacement - Council Administration Building

This matter is considered to be confidential under Section 10A(2)c 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 and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

18.7 Undetected Water Leak - Assessment 1045026

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).

18.8 Request to Write Off Rates and Water Charges - Assessment 1008561

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).

18.9 Quotation Assessment - Lake Cargelligo showground amenities and stables

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.

CARRIED

18.1 WILLOW BEND SPORTS CENTRE - LICENCE AGREEMENT**RESOLUTION 2020/33**

Moved: Cr Melissa Rees

Seconded: Cr Mark Hall

That

1. Director of Environment, Tourism and Economic Development Report No. R20/8 be received and noted.
2. Council delegate authority to General Manager to approve amendments to the current Licence Agreement in consultation with Council's Legal Representative, ensuring that consultation takes place with representatives from the Department of Education.
3. Council invite "Expressions of Interest" for the operation and management of the Willow Bend Sports Centre.
4. A further report be presented to Council with the outcomes of the expressions of interest and for Council to determine the future management arrangement of the Willow Bend Sports Centre.

CARRIED

18.2 6 TOWNSEND STREET AND 81 LOUGHNAN STREET, LAKE CARGELLIGO**RESOLUTION 2020/34**

Moved: Cr Mark Hall

Seconded: Cr Dave Carter

That

1. The Director Environment, Tourism and Economic Development Report No. R20/13 be received and noted.
2. A further report be brought back to Council.

CARRIED

18.3 UPDATE ON CONFIDENTIAL STAFF MATTER

RESOLUTION 2020/35

Moved: Cr Dennis Brady

Seconded: Cr Melissa Blewitt

That Council:

1. Receive Director Corporate & Community Services Report R20/21.
2. Council obtain legal advice, that if we don't refer the matter to the NSW Police, is there a potential for litigation.

CARRIED

MOTION

Moved: Cr Dave Carter

Seconded: Dennis Brady

That the General Manager refer the matter to the NSW police.

Upon voting the motion is lost.

Councillor Phillips left the room at 4:45pm

Councillor Phillips returned to the room at 5:52pm

Clr Phillips declared a significant pecuniary interest in Item 18.4 as the property owner is his father and left the room at 5:55pm

18.4 WATER ACCOUNT ADJUSTMENT - ASSESSMENT 1017926

RESOLUTION 2020/36

Moved: Cr Dave Carter

Seconded: Cr Brian Nelson

That:

1. The Director of Corporate and Community Services Report No. R20/23 be received and noted.
2. Council approve the request to reduce the water consumption charges by \$5,282.61, including interest of \$1,258.12.

3. Council accept the property owner's offer of payment in the amount of \$5,250.00 as full and final settlement of this matter.

CARRIED

At 6:00pm Councillor Phillips returned to the room

18.5 UNDETECTED WATER LEAK - ASSESSMENT 1017845

RESOLUTION 2020/37

Moved: Cr Mark Hall

Seconded: Cr Dave Carter

That Council:

1. Receive and note the Director of Corporate and Community Services Report No. R20/26.
2. Approve the request to reduce water consumption charges for the period 10 October 2018 to 9 April 2019 by \$5,142.01, including interest of \$642.34 in accordance with Council's undetected water leak policy.

CARRIED

18.6 UPDATE ON AIR CONDITIONING REPLACEMENT - COUNCIL ADMINISTRATION BUILDING

RESOLUTION 2020/38

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director of Environment, Tourism and Economic Development Report No. R20/27 be received and noted.
2. Council resolve, pursuant to Section 55(3)(i), that due to the unavailability of competitive tenderers, Council award both the replacement of the air conditioning for \$209,000 and the removal and replacement of the ceiling, including the provision of new compliant lighting for \$162,640.76, to Chill-rite Refrigeration and Air Conditioning for the total amount of \$371,640.76.
3. The General Manager be delegated authority to obtain and consider quotations for the minor works to the roof that will be required, as a result of the Air Conditioning replacement, up to a total value of \$180,359.54, noting that this is a variation to Council's Procurement and Disposal Policy.

CARRIED

18.7 UNDETECTED WATER LEAK - ASSESSMENT 1045026

RESOLUTION 2020/39

Moved: Cr Mark Hall

Seconded: Cr Dave Carter

That Council

1. Receive and note the Director of Corporate and Community Services Report No. R20/26.
2. Approve the request to reduce water consumption charges for the period 25 June 2019 to 25 November 2019 by \$7,285.74 including interest of \$111.43 in accordance with Council's Undetected Water Leak Policy, subject to the payment of all outstanding water consumption charges by 30 June 2020.

CARRIED

18.8 REQUEST TO WRITE OFF RATES AND WATER CHARGES - ASSESSMENT 1008561

RESOLUTION 2020/40

Moved: Cr Dave Carter

Seconded: Cr Peter Harris

That Council:

1. Receive the Director of Corporate and Community Services Report No. R20/32.
2. Approve the request to write off outstanding rates and water charges prior to 1 September 2019:

CARRIED

At 6:07pm Councillor Phillips declared a significant pecuniary interest in Item 18.9 as his son is a tenderer and left the room.

18.9 QUOTATION ASSESSMENT - LAKE CARGELLIGO SHOWGROUND AMENITIES AND STABLES

RESOLUTION 2020/41

Moved: Cr Mark Hall

Seconded: Cr Dave Carter

That

1. The Director of Environment, Tourism and Economic Development Report No R20/35 be received and noted.
2. Council negotiate with the companies that provided quotations to obtain a more competitive quotation price.
3. Council allocate any shortfall in funding from the Building Capital Works – SRV Component of the 2019/20 budget (or any grant funding which may become available) towards the erection of the amenities building only.
4. The General Manager be given delegated authority to sign a purchase order for a project to a total of \$249,999.

CARRIED

At 6:12pm Councillor Phillips returned to the meeting,

At 6:23pm Councillor Bendall left the meeting.

RESOLUTION 2020/42

Moved: Cr Dennis Brady

Seconded: Deputy Mayor Paul Phillips

That Council moves out of Closed Council into Open Council.

CARRIED

The Meeting closed at 6:40pm.

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


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CHAIRPERSON