

**MINUTES OF LACHLAN SHIRE
ORDINARY COUNCIL MEETING
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS
ON WEDNESDAY, 26 OCTOBER 2022 AT 2:00PM**

PRESENT: Mayor John Medcalf (OAM), Deputy Mayor Paul Phillips, Cr Melissa Blewitt, Cr Dennis Brady, Cr Megan Mortimer, Cr Melissa Rees, Cr Peter Harris (via Zoom), Cr Judith Bartholomew (via Zoom), Cr Elaine Bendall (via Zoom)

IN ATTENDANCE: Greg Tory (General Manager), Karen Pegler (Director - Corporate and Community Services), Jon Shillito (Director - Environment, Tourism and Economic Development), Adrian Milne (Director - Infrastructure Services) and Carolyne Marchant (Minute Taker)

The Chair welcomed those present and declared the meeting open at 2.14pm.

1 WEBCASTING

Statement regarding webcasting was ready by Cr Medcalf.

2 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS

The acknowledgement of Country and Elders was made by Cr Phillips.

3 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2022/272

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That the apology received from Cr Carter be accepted and leave of absence granted.

CARRIED

4 CONFIRMATION OF MINUTES

RESOLUTION 2022/273

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That the minutes of the Ordinary Meeting held on 28 September 2022 be confirmed.

CARRIED

5 MAYORAL MINUTE**5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS - OCTOBER****RESOLUTION 2022/274**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. Mayoral Minute Report No. R22/350 be received and noted.

CARRIED**5.2 MAYORAL MINUTE - FLOODING ACROSS THE SHIRE****RESOLUTION 2022/275**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. Mayoral Minute Report No. R22/353 be received and noted.

CARRIED**5.3 MAYORAL MINUTE - COUNTRY WOMAN'S ASSOCIATION****RESOLUTION 2022/276**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. Mayoral Minute Report No. R22/354 be received and noted.
2. That Council place a plaque recognising the 100 years of the Condobolin and District CWA organisation in front of the Lachlan Shire Council Chambers.
3. That the cost of installing the plaque, estimated to be \$1,000, be charge to Council's special events donations budget which has a balance of \$22,355.

CARRIED**6 PUBLIC FORUM**

Nil

7 DISCLOSURE OF INTEREST

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 9.3.1 Building Project Monthly Update for October/November as her brother-in-law manages Willow Bend Sports Centre.

8 READ AND NOTE**8.1 INVESTMENTS AS AT 30 SEPTEMBER 2022****RESOLUTION 2022/277**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director Corporate and Community Services Report No. R22/322 be received and noted.

CARRIED

8.2 ACTIVE RESOLUTIONS - OCTOBER**RESOLUTION 2022/278**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The General Manager's report no. R22/328 be received and noted.

CARRIED

8.3 ANNUAL REPORT FROM ARTS OUTWEST**RESOLUTION 2022/279**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That

1. The Director of Environment, Tourism and Economic Development Report No. R22/333 be received and noted.

CARRIED

8.4 ELECTRICAL ASSET DEFECTS**RESOLUTION 2022/280**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That

1. The Director Infrastructure Services Report R22/337 be received and noted

CARRIED

Council requested that a letter be sent to local members, Minister for Local Government, Office of Local Government etc advising of the electrical defect notices being issued by Essential Energy to Council and the increasing costs.

RESOLUTION 2022/281

Moved: Cr Megan Mortimer

Seconded: Deputy Mayor Paul Phillips

That the recommendations included in the business paper to receive and note the following items be adopted:

- 8.5 Disclosure of Interest Returns – 2021/2022
- 8.6 FY22/23 Urban Works Monthly Update for September
- 8.7 Central West Councils Environment and Waterways Alliance
- 8.8 FY22/23 Utilities Monthly Update for September
- 8.9 2022 WHS Self-Audit Results

CARRIED

Cr Rees joined the meeting at 2.44pm.

8.10 FY22/23 ROADWORKS MONTHLY UPDATE FOR SEPTEMBER**RESOLUTION 2022/282**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Infrastructure Services Report No R22/345 be received and noted.

CARRIED**8.11 DELIVERY PROGRAM AND OPERATIONAL PLAN PROGRESS REPORT AS AT 30 JUNE 2022****RESOLUTION 2022/283**

Moved: Cr Peter Harris

Seconded: Cr Judith Bartholomew

That:

1. The General Manager's Report no R22/352 be received and noted.

CARRIED

9 DECISION REPORTS**9.1 GENERAL MANAGER**

Nil

9.2 CORPORATE AND COMMUNITY SERVICES**9.2.1 DONATIONS****RESOLUTION 2022/284**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The Director of Corporate and Community Services Report No. R22/321 be received and noted.
2. Council provide a donation of \$500 to Tottenham Christmas Tree Committee for their annual Christmas event.
3. Read and note Lake Cargelligo Fitness Centre - September 2022 monthly report.
4. Read and note: Tottenham Welfare Council income and expenses statement.

CARRIED**9.2.2 UPDATES TO BUDGET 2022-2023: REVOTES AND ADDITIONAL GRANT FUNDED PROJECTS****RESOLUTION 2022/285**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director Corporate & Community Services Report No. R22/323 be received and noted.
2. The transfers from Reserves as noted in the "Revotes" as presented, be adopted.
3. The 2022-2023 Amended Budget be adopted to include revotes, carry forwards and additional grant funded projects not included in the original Annual 2022-2023 Budget.

CARRIED**9.3 ENVIRONMENT, TOURISM AND ECONOMIC DEVELOPMENT**

Cr Blewitt declared a Non-Pecuniary Less Than Significant interest in Item 9.3.1 Building Project Monthly Update for October/November as her brother-in-law manages Willow Bend Sports Centre.

9.3.1 BUILDING PROJECT MONTHLY UPDATE FOR OCTOBER/NOVEMBER**RESOLUTION 2022/286**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Peter Harris

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/325 be received and noted.

CARRIED

9.3.2 DEVELOPMENT DATA SEPTEMBER 2022**RESOLUTION 2022/287**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That

1. The Director Environment, Tourism and Economic Development Report No. R22/334 be received and noted.

CARRIED

9.3.3 DRAFT MID-LACHLAN REGIONAL ECONOMIC DEVELOPMENT STRATEGY**RESOLUTION 2022/288**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Environment, Tourism and Economic Development Report No. R22/348 be received and noted.
2. The Director of Environment, Tourism and Economic Development prepare and lodge a submission to the Draft Mid-Lachlan Regional Economic Development Strategy, which includes the matters outlined within this report.

CARRIED

9.4 INFRASTRUCTURE SERVICES

9.4.1 SIGNS AS REMOTE SUPERVISION POLICY UPDATE

RESOLUTION 2022/289

Moved: Cr Peter Harris
 Seconded: Cr Dennis Brady

That

1. The Director Infrastructure Services Report R22/311 be received and noted.
2. The Signs as Remote Supervision Policy be adopted as presented.

CARRIED

10 DEPUTATIONS

Nil

11 NOTICES OF MOTION

Nil

12 NOTICES OF RESCISSION

Nil

13 DELEGATES REPORT

13.1 CENTRAL NSW JOINT ORGANISATION BOARD MEETING - OCTOBER 2022

RESOLUTION 2022/290

Moved: Cr Peter Harris
 Seconded: Cr Melissa Rees

That:

1. The Mayor’s report No. R22/356 on the Central NSW Joint Organisation Board meeting held on 12 October 2022 and 13 October 2022 be received and noted.
2. Council provide feedback to the Joint Organisation on its draft Statement of Strategic Regional Priority.

CARRIED

14 CORRESPONDENCE

14.1 CORRESPONDENCE

RESOLUTION 2022/291

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That:

1. The correspondence report no. R22/355 be received and noted.

CARRIED

RESOLUTION 2022/292

Moved: Cr Melissa Rees

Seconded: Cr Megan Mortimer

That council send a letter and flowers to Mrs Agnes Burns in celebration of her 100th birthday.

CARRIED

15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

16 PETITIONS

Nil

17 CLOSED SESSION

18 CLOSED SESSION**RESOLUTION 2022/293**

Moved: Cr Melissa Blewitt

Seconded: Cr Megan Mortimer

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:

17.1 Operation of Cafe in the New Lachlan Visitor Information Centre

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.

17.2 Cyber Security Action Plan update to Council

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.

17.3 Replacement of Articulated Motor Grader Q2022-15

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.

17.4 COMMUNITY RECYCLIING CENTRE PROGRAM EDUCATION FUNDING DEED

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.

17.5 Collection and Disposal of Used Motor Oil - Netwaste Regional Contract

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.

17.6 Tender 2022/9 - Management Contract for Riverview Caravan Park - Negotiations Outcome

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.

17.7 Tender 2022/7 - Management Contract for Tottenham Caravan Park - Negotiations

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.

17.8 Tender Assessment - Scott Street 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.

17.9 Road Betterment Culvert Installation - Contract variation

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**RESOLUTION 2022/294**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Megan Mortimer

That Council moves out of Closed Council into Open Council.

CARRIED

17.1 OPERATION OF CAFE IN THE NEW LACHLAN VISITOR INFORMATION CENTRE**RESOLUTION 2022/295**

Moved: Cr Peter Harris

Seconded: Cr Elaine Bendall

That:

1. The Director of Environment, Tourism and Economic Development Report No. R22/261 be received and noted.
2. Council invite expressions of interest from local café proprietors to lease the café within the new Visitor Information Centre
3. If no expressions of interest are received, further expressions of interest be invited from other interested parties
4. A further report be presented to Council outlining the expressions of interest received and recommending a preferred lessee of the café in the new Lachlan Visitor Information Centre.

CARRIED

17.2 CYBER SECURITY ACTION PLAN UPDATE TO COUNCIL**RESOLUTION 2022/296**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The Director of Corporate and Community Services Report No. R22/326 be received and noted.

CARRIED

17.3 REPLACEMENT OF ARTICULATED MOTOR GRADER Q2022-15**RESOLUTION 2022/297**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/327 be received and noted.
2. Council purchase 1 new Caterpillar 150 grader from Westrac Pty Ltd for \$562,358.71, trade fleet no 6004 for \$181,500.00 with changeover of \$380,858.71.

CARRIED

17.4 COMMUNITY RECYCLING CENTRE PROGRAM EDUCATION FUNDING DEED**RESOLUTION 2022/298**

Moved: Deputy Mayor Paul Phillips

Seconded: Cr Judith Bartholomew

That

1. The Director Environment Tourism and Economic Development Report No. R22/341 be received and noted.
2. The Mayor and General Manager be authorised to sign the Community Recycling Centre Education Funding Deed and affix the Council Seal.

CARRIED

17.5 COLLECTION AND DISPOSAL OF USED MOTOR OIL - NETWASTE REGIONAL CONTRACT**RESOLUTION 2022/299**

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Environment Tourism and Economic Development Report No. R22/342 be received and noted.
2. Council accept the option to extend the Contract with Cleanaway dated 28 July 2020 for twelve (12) months, ending 23 September 2023.
3. The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal.

CARRIED

17.6 TENDER 2022/9 - MANAGEMENT CONTRACT FOR RIVERVIEW CARAVAN PARK - NEGOTIATIONS OUTCOME**RESOLUTION 2022/300**

Moved: Cr Peter Harris

Seconded: Cr Megan Mortimer

That

1. The Director Environment, Tourism and Economic Development Report No. R22/343 be received and noted.
2. Council accepts the tender from Bevis & Martin and enter into a three (3) year contract, based on the advertised contract terms other than the right for the contractor to have the first option for a future twenty-one year lease.

CARRIED

17.7 TENDER 2022/7 - MANAGEMENT CONTRACT FOR TOTTENHAM CARAVAN PARK - NEGOTIATIONS**RESOLUTION 2022/301**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director Environment, Tourism and Economic Development Report No. R22/344 be received and noted.
2. Council accept the offer from Kristy Ivory to manage the Tottenham Caravan Park subject to agreement of the conditions detailed in Table 1 of the report.
3. A sliding scale income percentage payment be offered as an incentive to the Manager to increase promotion and improvement of the Caravan Park, as suggested in Table 4 of the report.
4. The General Manager and Mayor be authorised to sign the contract documents and affix the Council seal.

CARRIED

17.8 TENDER ASSESSMENT - SCOTT STREET UPGRADE**RESOLUTION 2022/302**

Moved: Cr Peter Harris

Seconded: Cr Melissa Rees

That:

1. The Director Infrastructure Services Report No. R22/347 be received and noted.
2. Council decline all tender offers submitted in response to IFT2022/13 Scott Street Upgrade;
3. The General Manager or their delegate be authorised to enter into direct negotiations with any person with a view to entering a contract in relation to the subject matter of the IFT;
4. The reason for entering into direct negotiations is that it is not expected that further market testing will provide a more satisfactory result;
5. Following the completion of direct negotiations the Director of Infrastructure Services prepare a further report for Council's consideration.

CARRIED

17.9 ROAD BETTERMENT CULVERT INSTALLATION - CONTRACT VARIATION

RESOLUTION 2022/303

Moved: Cr Peter Harris

Seconded: Deputy Mayor Paul Phillips

That

1. The Director Infrastructure Services Report No R22/349 be received and noted.
2. Council delegate authority to the General Manager to execute the Deed of Settlement and Release.

CARRIED

The Meeting closed at 4.10pm.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 23 November 2022.

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CHAIRPERSON

DRAFT