

COUNCIL MEETING MINUTES



17 MARCH 2022

COUNCIL'S VISION

A prosperous community where residents and visitors enjoy a clean, safe environment enhanced by our unique heritage and country lifestyle

COUNCIL'S MISSION

For the whole community to grow and prosper through effective leadership, provision of sustainable services and promotion of economic development opportunities

OPEN COUNCIL – PART I

Meeting commenced at: 1:00 pm

Motion to move into Closed Council in accordance with s. 10A of the *Local Government Act 1993*;

Motion to exclude public and press from the Committee of the Whole 3:40 pm (*Cr M Duggan/Cr M Herbert*)

CLOSED SECTION – PART II

Machinery Motion (Part II) 4:38 pm (*Cr M Willis/Cr B Mattiske*)

Motion to move into Open Council: 4:39 pm (*Cr S Karaitiana/Cr A Clarke*)

OPEN COUNCIL – PART I

Machinery Motion (Part I) 4:40 pm (*Cr B Mattiske/Cr M Duggan*)

Meeting closed at: 4:45 pm

OPEN COUNCIL – PART I

PRESENT

MAYOR, Councillor Phyllis Miller OAM
Deputy Mayor, Councillor Chris Roylance
Councillor Aidan Clarke

Councillor Marg Duggan
Councillor Michele Herbert

Councillor Steve Karaitiana
Councillor Brian Mattiske
Councillor Jenny Webb
Councillor Maria Willis

IN ATTENDANCE

Mr Steve Loane, General Manager
Mr Richard Jane, Director Engineering

Mr Stefan Murru, Director Corporate Services
(Via Zoom)

Mr Mathew Teale, Acting Director Planning & Growth
Mrs. Janelle Clarke, Senior Executive Services Officer

1 PRESENTATIONS

- i). Lorraine Bennett and Judy Doulman from Central West Employment Region.
- ii). Christine Howard, Director Three Rivers Department of Rural Health, Charles Sturt University.
- iii). Introduction of new Employees:
 - Kath Garland, Council's Acting Senior Communications Officer.

Public Forum:

- i). Margaret McDonald re: DA2021-0103.
- ii). Loris Stewart re: Forbes Lawn Cemetery.

2 ELECTION OF CHAIR

Mayor Phyllis Miller OAM was present at this meeting.

3 PRAYER

Jennifer Purdie from the Lutheran Church.

4 ACKNOWLEDGEMENT OF COUNTRY

I would like to acknowledge the Traditional Custodians of the land on which we meet today and pay respect to the Elders past, present and emerging.

5 NOTICE OF LIVE STREAMING, RECORDING AND PUBLISHING OF COUNCIL MEETING

6 APOLOGIES

Nil

7 LEAVE OF ABSENCE

Nil

8 CONDOLENCES

The Mayor reported the deaths of Dennis Lewis, David Lawrence Adams, Margaret Rose Hodge, Henry Phillip Coggan, Joan Marcia Stibbard, Frances Jean Field, Mary Dawn Thomas and Brian Shea.

CONDOLENCES

68 - 2022 RESOLVED that Council observe a minute's silence for those that have passed away in the last month and that letters of condolence beforwarded to the next-of-kin.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

9 DECLARATIONS OF INTEREST

Cr Michele Herbert and Mr Steve Loane – Standing Declarations: All Aerodrome matters.

10 CONFIRMATION OF MINUTES

69 - 2022 RESOLVED

That Council adopt the minutes of the Ordinary Council Meeting held on 17 February 2022.

Cr Brian Mattiske / Cr Aidan Clarke

CARRIED

11 ADDRESS BY COUNCILLORS

- Councillors Steve Karaitiana re: Sunrise Mine Project.

12 NOTICE OF MOTION

Nil

13 RESCISSION MOTION

Nil

14 MATTERS IN PROGRESS

Nil

15 MAYOR'S REPORT

15.1 MAYORAL MINUTE - CENTRAL NSW JOINT ORGANISATION MEETING

70 - 2022 RESOLVED

That Council receive and note the Mayor's report and minutes of the Centroc NSW Joint Organisation Board meeting held in Canowindra on Thursday, 24 February 2022.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

15.2 MAYORAL MINUTE - 2022 FEDERAL ELECTION CAMPAIGN

71 - 2022 RESOLVED

That Council:

1. Supports the national funding priorities of the Australian Local Government Association (ALGA), which would contribute an estimated \$6.46 billion per year to Australia's GDP and create 43,444 jobs; and
2. Agree to support and participate in the Australia Local Government Association's advocacy for the endorsed national funding priorities by writing to the local Federal Member(s) of Parliament, all known election candidates in local Federal electorates and the President of the Australian Local Government Association to:
 - (a) Express support for ALGA's funding priorities;
 - (b) Identify priority local projects and programs that could be progressed with the additional financial assistance from the Federal Government being sought by ALGA; and
 - (c) Seek funding commitments from the members, candidates and their parties for these identified local projects and program.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

15.3 MAYORAL MINUTE - FINANCIAL ASSISTANCE GRANTS

72 - 2022 RESOLVED

That Council call on the Federal Government to increase Financial Assistance Grants payment to 1% of commonwealth tax revenue to help councils maintain essential functions and services.

Cr Chris Roylance / Cr Maria Willis

CARRIED

16 COUNCILLORS' REPORT

Nil

17 GENERAL MANAGER'S REPORT

17.1 STATE OF OUR SHIRE REPORT 2017-2021

73 - 2022 RESOLVED

That Council note the End of Term Report 2017-2021.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

17.2 DISCLOSURES BY COUNCILLORS RETURN

74 - 2022 RESOLVED

That Council receive and note the disclosures by Councillors and Designated Persons' return for the Elected Members appointed at the 2021 Local Government Election.

Cr Jenny Webb / Cr Michele Herbert

CARRIED

18 DIRECTOR CORPORATE SERVICES REPORT

18.1 INVESTMENT OF COUNCIL FUNDS REPORT

75 - 2022 RESOLVED

That Council receive and note the information within the report and the Certificate of the Responsible Officer for the reporting period to 28 February 2022.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

18.2 2021 AR BLUETT MEMORIAL AWARD

76 - 2022 RESOLVED

That Council receive and note the report on the 2021 AR Bluett Memorial Award Submission.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

18.3 CODE OF CONDUCT

77 - 2022 RESOLVED

That Council:

1. Note the review of the Code of Conduct in accordance with s. 440(7) of the Local Government Act;
2. Make no amendments to the Code of Conduct adopted at Council's 15 October 2020 meeting (Minute Number 328-2020); and
3. Adopt the Code of Conduct into strategic and operational control. Code of Conduct.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

18.4 RATES AND CHARGES COLLECTION

78 - 2022 RESOLVED

That Council receive and note the Rates and Charges Collection report as at 2 March 2022.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

MOVE IN

79 - 2022 RESOLVED That Council Move into Open Discussion in relation to Item 18.5 below.

Cr Maria Willis / Cr Chris Roylance

CARRIED

18.5 MONTHLY FINANCE REPORT

80 - 2022 RESOLVED

That Council:

1. receive and note the monthly finance report to February 2022; and
2. include a section forecasting the expected income revenue into the future.

Cr Maria Willis / Cr Chris Roylance

CARRIED

MOVE OUT

81 - 2022 RESOLVED That Council Move out of Open Discussion

Cr Michele Herbert / Cr Maria Willis

CARRIED

18.6 GRANTS REPORT

82 - 2022 RESOLVED

That Council receive and note the grants update for the period ending 28 February 2022.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

18.7 PROCUREMENT REPORT

83 - 2022 RESOLVED

That Council adopt the Procurement Report for the review period ending 28 February 2022.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

18.8 FLEET MANAGEMENT REPORT

84 - 2022 RESOLVED

That Council:

1. receive and note the Fleet Management Report for the review period;
2. plan to convert our fleet to hybrid electric vehicles;
3. authorise the Fleet Manager to actively seek out hybrid electric vehicle options;
4. receive a report on the percentage of purchased electric vehicles as time goes on, in line with Council's Energy Action Plan.

Cr Maria Willis / Cr Steve Karaitiana **CARRIED**

18.9 ADDITIONAL SPECIAL VARIATION

85 - 2022 RESOLVED

That Council:

1. apply for a permanent additional special variation under section 508(2) of the Local Government Act 1993 of 2.5% (i.e. 1.8% higher than IPART's 2022/23 0.7% rate peg) which will result in additional income of \$142,200 per annum over the 0.7% rate peg;
2. apply the revenue accrued to Council from this Additional Special Variation to ensure that Council is able to present a balanced budget per its original Long Term Financial Plan and Delivery Program both next financial year and into the future and not have to cut services provided to the community due to the extraordinary low rate peg of 0.7%;
3. recognise that as the 2.5% variation is per Council's Operational Plan, Delivery Program and Long Term Financial Plan forecasts, and is lower than inflation; and
4. recognise that Council has considered the impact on ratepayers and the community in future years if this application is approved, and considers that this variation is reasonable.

Cr Chris Roylance / Cr Aidan Clarke

CARRIED

18.10 NEW LOAN - GOLDRIDGE ESTATE

86 - 2022 RESOLVED

That Council investigate a line of credit for the amount of dollar on a needs basis from the major banks and report back to the next Council meeting.

Cr Chris Roylance / Cr Aidan Clarke

CARRIED

18.11 DELIVERY PROGRAM PROGRESS REPORT - Q1 AND Q2 2021/22

87 - 2022 RESOLVED

That Council receive and note the Delivery Program Progress Report for the period ending 31 December 2021 in accordance with s. 404(5) of the Local Government Act 1993.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

18.12 INTEGRATED PLANNING AND REPORTING OVERVIEW 2022

88 - 2022 RESOLVED

That Council:

1. review and make minor amendments, as needed, to the existing Community Strategic Plan 2018-2028; and
2. receive the draft Community Strategic Plan, Community Engagement Strategy, Delivery Program and Operational Plan at the May 2022 Ordinary Meeting.

Cr Chris Roylance / Cr Jenny Webb

CARRIED

Mayor Phyllis Miller OAM declared a non pecuniary interest in relation to item 18.13 below and left the meeting at 3:12 pm.

APPOINTMENT OF ACTING CHAIR

89 - 2022 RESOLVED In accordance with section 73(3) of the Local Government Act 1989, in the absence of the Chair, Mayor Phyllis Miller OAM, Council appointed Cr Chris Roylance as acting Chair for business item 18.13.

Cr Chris Roylance assumed the role as acting Chair at 3:12 pm.

Cr Phyllis Miller OAM / Cr Jenny Webb

CARRIED

18.13 RESIDENTIAL INCENTIVE APPLICATION

90 - 2022 RESOLVED

That Council:

1. in relation to the development of Lots 2B and 51 of DP 259653 and in accordance with Council's Economic Development Incentive for Residential Development Policy, provide to the owner of AN 2055762 financial assistance in the form of:
 - (a) deferred payment of sewer headworks charges to the value of \$53,614;
 - (b) deferred payment of private works charges to the value of \$209,013 for access, water connection and sewer main extension.
 - (c) Apply a market interest rate of 5% to the value of the deferred payment of private works charge at the time of payment.
2. impose a repayment term on the Economic Incentive for Residential Development Agreement of either:

- (a) the sale of the first lot, or
 - (b) two (2) years from the date of completion of works associated with this Agreement
3. subject to legal advice, apply either a caveat or registered mortgage over the subject land in favour of Council, in accordance with cl. 4.2.1(vii) of the Economic Development Incentive for Residential Development Policy; and
 4. undertake a review of its Economic Development Incentive for Residential Development Policy and receive the proposed amendments in a report to Council.

Cr Maria Willis / Cr Jenny Webb

CARRIED

At 3:14 pm, Cr Phyllis Miller OAM returned to the meeting and resumed the Chair.

18.14 COMMUNITY FUNDING PROGRAM ROUND TWO

91 - 2022 RESOLVED

That Council:

1. Approve the following applications for funding under Round 2 of the 2021/22 Community Funding Program:

Culture and The Arts:

Forbes Country Music Incorporated	\$5,000.00
Grazing Down the Lachlan (Committee of Forbes Arts Society)	\$5,000.00

Sport and Recreation:

Forbes Auto Sport	\$5,000.00
Forbes Diggers Harness Racing Club	\$5,000.00

Community Services:

Boys to the Bush Ltd	\$4,398.00
Forbes Handicraft Centre Inc	\$3,000.00
Havannah House Ministries Incorporated	\$1,500.00

Rural Village Enhancement:

-

2. Approve the \$2,000 request from Kalari-Lachlan River Arts Festival Inc on the condition that they first provide Council proof of current public liability insurance to the value of \$20,000,000.

Cr Steve Karaitiana / Cr Maria Willis

CARRIED

18.15 LOCAL GOVERNMENT NEW SOUTH WALES ANNUAL CONFERENCE

92 - 2022 RESOLVED

That Council be represented by Councillors Miller, Roylance, Herbert, Duggan, Willis, Clarke, Mattiske and Webb at the 2022 Local Government New South Wales Annual Conference to be held from 23-25 October 2022.

Cr Michele Herbert / Cr Chris Roylance

CARRIED

18.16 NSW STATE SMOKING LEGISLATION

93 - 2022 RESOLVED

That Council:

1. receive and note the information relating to legislation governing smoking in public places;
2. include an implementation plan.

Cr Maria Willis / Cr Chris Roylance

CARRIED

18.17 CORPORATE MEMBERSHIP OF FORBES ROTARY CLUB

94 - 2022 RESOLVED

That Council respectfully decline the offer from Forbes Rotary Club for Corporate Membership but continue to meet with Rotary and other Service Clubs on a regular basis as community partners.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

18.18 2022 FROST AND FIRE UPDATE

95 - 2022 RESOLVED

That Council receive and note the report regarding Frost and Fire for 2022.

Cr Marg Duggan / Cr Michele Herbert

CARRIED

19 DIRECTOR ENGINEERING REPORT

19.1 MAJOR PROJECTS REPORT

96 - 2022 RESOLVED

That Council receive and note the Major Projects Report for February 2022.

Cr Marg Duggan / Cr Chris Roylance

CARRIED

19.2 WORKS REPORT

97 - 2022 RESOLVED

That Council receive and note the Works Report for the review period.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

19.3 WATER AND SEWER REPORT

98 - 2022 RESOLVED

That Council receive and note the Water and Sewer Report for February 2022.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

20 ACTING DIRECTOR PLANNING AND GROWTH REPORT

20.1 DEVELOPMENT APPLICATIONS - FEBRUARY 2022

99 - 2022 RESOLVED

That Council note the lodgement of 12 Development Applications with a total value of \$2,737,612.00 during the reporting period of February 2022.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

20.2 DEVELOPMENT APPLICATION 2021-0103

100 - 2022 RESOLVED

That Council defer DA2021/103 and receive a report to the April meeting.

Cr Jenny Webb / Cr Maria Willis

CARRIED

20.3 DEVELOPMENT APPLICATION 2021-122: LOT 29 DP 1092386

101 - 2022 RESOLVED

That Council approve the development application 2021-122: Lot 29 DP 1092386 subject to the attached conditions of consent.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

20.4 HOUSEKEEPING 2021 - PLANNING PROPOSAL

102 - 2022 RESOLVED

That Council:

1. Endorse the final Planning Proposal – Housekeeping 2021;
2. Recommend that the plan be made, subject to drafting by Parliamentary Counsel; and
3. Endorse the attached Section 59 Report;

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

20.5 AGRITOURISM - NEW OPTIONAL LEP CLAUSES

103 - 2022 RESOLVED

That Council:

1. adopt the proposed clause 5.23 Farm Stay Accommodation with the following development controls:
 - (a) Gross floor area of five hundred (500) square metres,

- (b) Maximum number of three (3) moveable dwellings and
 - (c) Maximum number of twenty (20) guests.
2. adopt the proposed clause 5.24 Farm Gate Premises with the following development controls:
- (a) Gross floor area of two hundred (200) square metres and
 - (b) Maximum number of fifty (50) guests.

Cr Jenny Webb / Cr Michele Herbert

CARRIED

20.6 ALCOHOL FREE ZONES

104 - 2022 RESOLVED

That Council:

1. commence the procedures for notification of the proposal to establish alcohol-free zones in the three areas identified within the report being:
 - (a) Forbes CBD area
 - (b) Forbes District Hospital precinct
 - (c) Forbes Railway Station and the area surrounding;
2. exempt the alcohol-free zone during the approved hours of consent for any areas that have existing Development Consent and liquor licencing for footway dining/alcohol consumption;
3. receive a report for any additional areas to vary the Alcohol Free Zones due to footway dining/alcohol consumption in conjunction with a licensed premises and a development application; and
4. following public notification provide a further report to Council for ratification of the proposed alcohol free zones.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

20.7 PROPOSED SUBMISSION FOR TRANSPORT FOR NSW'S DRAFT CENTRAL WEST AND ORANA REGIONAL TRANSPORT PLAN

105 - 2022 RESOLVED

That Council:

1. receive and note the proposed submission for Transport for NSW's Draft Central West and Orana Regional Transport Plan 2056 on behalf of Forbes Shire Council to include the following amendments;
 - prioritise flood proofing of the Newell Highway between Forbes and West Wyalong; key initiatives connectivity between the Hume and Newell Highway, more stop/rest areas for heavy vehicles and consideration of the grade separation with the building of the new Iron Bridge to come out

at Daroobalgie.

Cr Jenny Webb / Cr Michele Herbert

CARRIED

20.8 ROAD GAZETTAL MARY STREET

106 - 2022 RESOLVED

That Council:

1. receive and note the report; and
2. delegate authority to the General Manager to implement relevant actions to have Mary Street Lot 1 Deposited Plan 48363 gazetted for public road purposed under Section 10 of the Roads Act 1993.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

20.9 RENAME THE DRIVE AT THE FORBES CEMETERY

107 - 2022 RESOLVED

That Council:

1. Resolve to rename Michael Hanley Memorial Drive to Michael and Brenda Hanley Memorial Drive.
2. Remove the current signpost off Bogan Gate Road and gift to the Hanley family and thereafter, install new directional signs to both Bogan Gate Road and Attlee Street.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

20.10 KEEP AUSTRALIA BEAUTIFUL 2021 SUSTAINABLE COMMUNITIES TIDY TOWNS AWARDS

108 - 2022 RESOLVED

That Council receive and note the report.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

21 COMMITTEE REPORTS TO COUNCIL

21.1 ECONOMIC FINANCE AND INFRASTRUCTURE COMMITTEE REPORTS TO COUNCIL - 7 MARCH 2022

109 - 2022 RESOLVED

That Council endorses the recommendations of the Economic Finance and Infrastructure Committee held on Monday 7 March 2022, as follows.

21.1.1 Surplus Land Disposal

That Council:

1. Resolve to sell the Lot 42 DP 248480, Lot 29 DP 247738, Lot 11 DP 702906, Lot 13 DP 35998 and Lot 12 DP 841467 for the considered price from this paper;

2. Engage a solicitor in the Forbes Local Government Area to draft contracts for sale of Lot 42 DP 248480, Lot 29 DP 247738, Lot 11 DP 702906, Lot 13 DP 35998 and Lot 12 DP 841467;
3. Advertise for expressions of interest with Agents in Forbes Local Government Area to enter into an open agency agreement to sell Lot 42 DP 248480, Lot 29 DP 247738, Lot 11 DP 702906, Lot 13 DP 35998 and Lot 12 DP 841467 with a commission rate of 2% plus GST;
4. Delegate authority to the General Manager and Mayor to accept offer to purchase Lot 42 DP 248480, Lot 29 DP 247738, Lot 11 DP 702906, Lot 13 DP 35998 and Lot 12 DP 841467 at the sale price determined by Council.
5. receive a report at the point of sale to authorise the General Manager and Mayor to affix its common seal to all associated documents relating to the sale of Lot 42 DP 248480, Lot 29 DP 247738, Lot 11 DP702906, Lot 13 DP 35988 and Lot 12 DP 841467.

CARRIED

21.1.2 Young Street Premises Subdivision and Disposal Plan

That Council:

1. Subdivide Lot 1715, DP 728811 to create a lot containing the existing Young Street residence of approximately 4,000m², when permissible; and
2. Fence the boundary of unregistered lot, as part of existing Lot 1715, DP 728811 in accordance with the draft subdivision plans provided in this report.
3. receive market rent appraisal from local Real Estate Agents to assist in setting a market rent for the Young Street residence to be rented prior to sale.

21.1.3 SWOT Analysis

That Council review the SWOT Analysis on Council for further discussion at the Binalong workshop in June.

21.1.4 2022 National General Assembly of Local Government

That Council:

1. Lodge motions to 2022 National General Assembly of Local Government, being:
 - i. That National General Assembly of Local Government makes representation to the Federal Government to implement a rebate system of 40 cents per litre for the use of S45R crumbed rubber bitumen in asphalt, construction seals and reseals.
 - ii. That National General Assembly of Local Government makes representation to the Federal Government and Insurance Council of Australia to lobby for property insurance policies to retain a compulsory nominated amount to ensure the satisfactory demolition of the structure

to better protect the public from ongoing derelict sites.

- iii. That the National General Assembly of Local Government makes representation to the Federal Government to not make changes to the methodology of the Federal Assistance Grant funding until it is valued back to 1% of commonwealth tax revenue.
2. delegate the Mayor and/or the General Manager authority to submit any further proposed motions on Council's behalf.

Cr Brian Mattiske / Cr Marg Duggan

CARRIED

22 SUPPLEMENTARY REPORTS

DIRECTOR ENGINEERING REPORT

MOVE IN

110 - 2022 RESOLVED That Council Move into Open Discussion regarding Item No: 22.1 below.

Cr Michele Herbert / Cr Chris Roylance

CARRIED

Out of Open Discussion: BM/CR

22.1 FORBES LAWN CEMETERY MONUMENT SIZE

111 - 2022 RESOLVED

That Council:

1. defer and investigate equivalent sized raised plaques of no more than 5cm at the back and 2cm at the front;
2. investigate legal implications of retrospective fitting raised plaques.

Cr Michele Herbert / Cr Maria Willis

CARRIED

MOVE OUT

112 - 2022 RESOLVED That Council Move out of Open Discussion

Cr Brian Mattiske / Cr Chris Roylance

CARRIED

23 INWARD CORRESPONDENCE - OPEN COUNCIL

23.1 LETTERS OF APPRECIATION AND CONGRATULATIONS

113 - 2022 RESOLVED

That Council receive and note the letters of appreciation and congratulations.

Cr Steve Karaitiana / Cr Chris Roylance

CARRIED

- 24 QUESTIONS WITHOUT NOTICE**
- 25 BUSINESS WITHOUT NOTICE**

Minutes of the Confidential Meeting

PRESENT

Mayor, Councillor Phyllis Miller OAM
Deputy Mayor, Councillor Chris Roylance
Councillor Aidan Clarke

Councillor Marg Duggan

Councillor Michele Herbert

Councillor Steve Karaitiana
Councillor Brian Mattiske
Councillor Jenny Webb
Councillor Maria Willis

IN ATTENDANCE

Mr Steve Loane, General Manager
Mr Richard Jane, Director Engineering
Mr Stefan Murru, Director Corporate Services
(Via Zoom)
Mr Mathew Teale, Acting Director Planning & Growth
Mrs. Janelle Clarke, Senior Executive Services Officer

APOLOGIES

Nil

26 PUBLIC ACCESS TO COUNCIL MEETINGS

114 - 2022 RESOLVED

That Council moves into closed Council.

That the press and the public be excluded on the grounds that the receipt or discussion of any of the following matters involves:

- a) personnel matters concerning particular individuals;
- b) the personal hardship of any resident of ratepayer;
- c) commercial information the disclosure of which would be likely:
 - i. to prejudice the commercial position of the person who supplied it
 - ii. to confer a commercial advantage on a competitor of the council
 - iii. to reveal a trade secret;
- d) proposals for:
 - iv. the sale or purchase of land
 - v. the rezoning lands
 - vi. entering into contracts of any kind; if prior knowledge of those proposals could confer an unfair financial advantage on any person; information that is subject to legal obligations of confidence; the receipt and consideration of legal advice concerning litigation of which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- e) the receipt and consideration of legal advice concerning litigation or which would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
- f) information the disclosure of which would prejudice the maintenance of the law;
- g) matters affecting the security of the council, councilors, council staff or council property;
- h) a motion to close the meeting to the public.

Cr Marg Duggan / Cr Michele Herbert

CARRIED

27 CONTENTS OF CONFIDENTIAL AGENDA

The public is advised that the following business, in part or in whole, is contained in the Confidential Agenda which will be dealt with at today's meeting.

RECOMMENDATION

That the meeting be closed for consideration of the listed items as they involve 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.

GENERAL MANAGER'S REPORT

27.1 TENDER 2021-42 DESIGN AND CONSTRUCTION OF GOLDRIDGE ESTATE RENTAL HOUSE (LOT 101)

115 - 2022 RESOLVED

That Council:

1. receive and note the report on Tender 2021-42 Design and Construction of Goldridge Estate Rental House (Lot 101); and
2. accept the Tender from Tenderer A, being Rawson Homes, for \$350,235 commencing on 1 April 2022.

Cr Maria Willis / Cr Brian Mattiske

CARRIED

27.2 TENDER 2021-43 DESIGN AND CONSTRUCTION OF GOLDRIDGE ESTATE RENTAL HOUSE (LOT 102)

116 - 2022 RESOLVED

That Council:

1. receive and note the report on Tender 2021-43 Design and Construction of Goldridge Estate Rental House (Lot 102); and
2. accept the Tender from Tenderer A, being Rawson Homes, for \$355,090 commencing on 1 April 2022.

Cr Maria Willis / Cr Brian Mattiske

CARRIED

MOVE IN

117 - 2022 RESOLVED That Council Move into Open Discussion in relation to Item No: 27.3 below.

Cr Michele Herbert / Cr Chris Roylance

CARRIED

27.3 LIVE FORBES AND GOLDRIDGE BRANDING AND MARKETING CAMPAIGN UPDATE

118 - 2022 RESOLVED

That Council defer this matter and view the videos at the next briefing session.

Cr Michele Herbert / Cr Maria Willis

CARRIED

MOVE OUT

119 - 2022 RESOLVED That Council Move out of Open Discussion

Cr Chris Roylance / Cr Michele Herbert

CARRIED

DIRECTOR CORPORATE SERVICES REPORT

27.4 ELECTRICITY PROCURMENT

120 - 2022 RESOLVED

That Council:

1. note the report on electricity procurement;
2. note that a reduced tender period has been considered;
3. resolve that because of the extenuating circumstances set out in this report a satisfactory result would not be achieved by inviting tenders for the aggregated procurement of electricity for large market sites and streetlighting which are due to commence on 1 January 2023;
4. note that the reasons for the decision of the Council in point 3 of this resolution are as follows:
 - (a) the services with respect to which the tender relates can only be provided by energy retailers;
 - (b) Council has received expert advice that due to the nature of the relevant market, offers from those retailers which will be made in response to the request for tender will only be open for acceptance for a period of 1-2 weeks;
 - (c) even if the tender period was shortened to 7 days as permitted under the Regulations, some if not all of the relevant tenders would expire prior to Council being able to undertake an assessment of tenders, report the matter to Council and resolved to accept or reject any tenders;
 - (d) this would result in Council either having no valid tenders which it is able to accept, or it would not be able to consider for acceptance all of the tenders lodged in response to the request for tender;
 - (e) this would not be a satisfactory result for Council;
5. delegate the authority to execute the contracts for the supply of electricity for large market sites and streetlighting to the Mayor and General Manager; and
6. advise Central NSW Joint Organisation of Council's decision.

Cr Maria Willis / Cr Brian Mattiske

CARRIED

MOVE IN

121 - 2022 RESOLVED That Council Move into Open Discussion in relation to Item 18.5 below.

Cr Michele Herbert / Cr Chris Roylance

CARRIED

Cr Roylance left the meeting at 4:16 pm

18.5 VANFEST REQUESTS

122 - 2022 RESOLVED

That Council:

1. Support the event in principle;
2. Provide in-kind support in the form of assistance with online marketing of the event;
3. Not approve the original \$300k of financial funding for the event for the reasons stated in this report; and
4. In relation to the April Mini Vanfest event:
 - a) enter into a commercial agreement for hire of grandstands and the generator at \$2,900; and
 - b) allow for the use of South Circle Oval with a make good bond of \$15k.

Cr Michele Herbert / Cr Maria Willis

CARRIED

MOVE OUT

123 - 2022 RESOLVED That Council Move out of Open Discussion

Cr Maria Willis / Cr Michele Herbert

CARRIED

DIRECTOR ENGINEERING REPORT

27.6 TENDER 2021-28 OLYMPIC POOL RELINING

124 - 2022 RESOLVED

That Council:

1. pursuant to Section 55(3)(i) of the Local Government Act 1993, resolve:
 - a. to not invite further tenders for Olympic Pool Relining due to the unavailability of reliable and competitive submissions from Request for Tender 2021-28;
 - b. note the extenuating circumstances requiring the works to be undertaken in the winter of 2022 and that only one supplier of the preferred product has been identified; and

2. accept the quotation from Fibrestyle Pool Resurfacing and enter into contract to construction the Olympic Pool Relining for \$447,954.

Cr Jenny Webb / Cr Marg Duggan

CARRIED

27.7 TENDER 2022-01 MAFEKING BRIDGE REPLACEMENT - DESIGN AND CONSTRUCTION

125 - 2022 RESOLVED

That Council:

1. receive and note the report on 2022-01 Mafeking Bridge Replacement - Design and Construction; and
2. accept the tender from Tenderer D, being Murray Construction Pty Ltd, for Contract 2022-01 Mafeking Bridge Replacement - Design and Construction, commencing 21 March 2022.

Cr Maria Willis / Cr Brian Mattiske

CARRIED

ACTING DIRECTOR PLANNING AND GROWTH REPORT

27.8 MARCH PROPERTY REPORT

126 - 2022 RESOLVED

That Council receive and note the monthly property report for March 2022.

Cr Michele Herbert / Cr Jenny Webb

CARRIED

27.9 GOLDRIDGE PROPERTY SALES REPORT FEBRUARY 2022

127 - 2022 RESOLVED

That Council

1. noted the sales of the following proposed lots at Goldridge Estate: Lot 202 for \$180,000, Lot 203 for \$179,000, Lot 204 for \$179,000, Lot 205 for \$179,000, Lot 206 for \$179,000, Lot 207 for \$179,000, Lot 208 for \$179,000, and Lot 220 for \$165,000;
2. put lot 125 on the Market for \$195,000;
3. put lot 215 on the Market for \$190,000;
4. release Stage 2 Phase 2 to the market for sale under the agreed prices; and
5. delegate the Mayor and the General Manager to execute all documents pertaining to the sale of the proposed Lots 202, 203, 204, 205, 206, 207, 208 and Lot 220 at Goldridge Estate.

Cr Maria Willis / Cr Brian Mattiske

CARRIED

27.10 LAND ACQUISITION LOT 545 DP 750158

128 - 2022 RESOLVED

That Council:

1. realign the road reserve of Lot 545 DP 750581 enabling one acre of land to be left on the lot with the remainder to be dedicated as a road reserve;
2. cover all cost for the realignment of the boundary and compensate the owner of Lot 545 DP 750581 for the realignment an amount of \$30,000 plus GST;
3. authorise the General Manager to submit a plan of subdivision to realign the road reserve boundary;
4. dedicate the subdivided portion of Lot 545 DP 750581 as public road in accordance with s. 10 of the Roads Act 1993.
5. endorse and affix its common seal to all associated documents relating to the realignment of the road reserve to the north of Lot 545 DP750581 and delegate the Mayor and General Manager to execute all required documentation pertaining to the aforementioned realignment of the road reserve boundary.

Cr Maria Willis / Cr Brian Mattiske

CARRIED

Cr Michele Herbert declared a non pecuniary interest to item 27.11. At 4:34 pm, Cr Michele Herbert left the meeting.

Mr Steve Loane declared a pecuniary interest to item 27.11. At 4:34 pm, Mr Loane left the meeting.

27.11 PURCHASE REQUEST FOR LOT 424 DP1250362

129 - 2022 RESOLVED

That Council:

1. respectfully decline the offer to acquire Lot 424 Deposited Plan 1250362 at the requested price of 16/m² plus GST;
2. authorise the Mayor and General Manager to negotiate with the proponents to purchase the site at the resolved price of \$36/m² plus GST; and
3. that a paper be presented to a future Council meeting with the outcome and resolution to sell from that negotiation.

Cr Maria Willis / Cr Steve Karaitiana

CARRIED

At 4:35 pm, Cr Michele Herbert and Mr Steve Loane returned to the meeting.

27.12 PURCHASE OF PROPOSED LOT 603, AS PART OF THE UNREGISTERED SUBDIVISION OF EXISTING LOT 60 DP 1265126

130 - 2022 RESOLVED

That Council:

1. accept the offer to purchase proposed Lot 603, part of the unregistered subdivision of existing Lot 60 Deposited Plan 1265126 for \$203,619 (+ GST),
2. authorise the new owner to fence the site and allow limited access prior to land being registered and consequent settlement, to allow the purchaser to commence construction and operation of the business; and
3. authorise the Mayor and General Manager to execute documents and affix Council's common seal where required to complete the contract of sale for proposed Lot 603, part of existing Lot 60 Deposited Plan 1265126.

Cr Maria Willis / Cr Brian Mattiske

CARRIED

27.13 NETWASTE TENDER FOR COLLECTION AND DISPOSAL OF HOUSEHOLD CHEMICALS

131 - 2022 RESOLVED

That Council confirm its acceptance of the quotation submitted by Environmental Treatment Solutions dated 22 February 2022, and to take part in the 2022 Regional Household Chemical Clean Out contract.

Cr Maria Willis / Cr Brian Mattiske

CARRIED

27.14 TENDER 2021-26 FORBES APEX RIVERSIDE TOURIST PARK

132 - 2022 RESOLVED

That Council:

1. receive and note the report on Tender 2021-26 Forbes Apex Riverside Tourist Park; and
2. accept tender from Tenderer A, Belgravia PRO Pty Ltd, with the contract commencing on 25 April 2022 for two years with an option of a further one year.

Cr Maria Willis / Cr Brian Mattiske

CARRIED

27.15 EXPRESSION OF INTEREST IN HANGER J AT THE FORBES AERODROME

133 - 2022 RESOLVED

That Council:

1. put out an Expression of Interest to lease the hangar to the general public; and
2. receive a report when the expression of interest is completed for Council's consideration.

Cr Jenny Webb / Cr Maria Willis

CARRIED

MINUTES OF THE COUNCIL MEETING OF THE SHIRE OF FORBES HELD IN THE COUNCIL CHAMBER, FORBES ON THURSDAY, 17 MARCH 2022

BUSINESS ON NOTICE

1 DOG RUN PARK

Cr Mattiske received a petition from community members requesting Council to provide a dog run park.

134 - 2022 RESOLVED

That Council provide a report regarding a dog run park at the April Council meeting.

Cr Brian Mattiske / Cr Steve Karaitiana

CARRIED

The Meeting closed at 4:45pm.

The minutes of this meeting were confirmed at the Council Meeting held on 28 April 2022.

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MAYOR PHYLLIS MILLER OAM