

**MINUTES OF LACHLAN SHIRE  
ORDINARY COUNCIL MEETING  
HELD AT THE CONDOBOLIN COUNCIL CHAMBERS  
ON WEDNESDAY, 17 JULY 2024 AT 2:00 PM**

**PRESENT:** Mayor Paul Phillips, Deputy Mayor John Medcalf OAM, Cr Megan Mortimer, Cr Judith Bartholomew, Cr Peter Harris, Cr Melissa Blewitt, Cr Melissa Rees, Cr Dennis Brady; Cr Robyn Turner.

**IN ATTENDANCE:** Greg Tory (General Manager), Adrian Milne (Director - Infrastructure Services), Patrick Ruettjes (Director - Environment and Planning), Cherise Small (Executive Assistant).

**Meeting started at 2:01pm**

**1 WEBCASTING**

The statement regarding the webcasting was read out by the **Mayor**.

**2 ACKNOWLEDGEMENT OF COUNTRY AND ELDERS**

The Acknowledgement of Country And Elders was made by **Cr Rees**.

**3 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

**Cr Robyn Turner** requested leave of absence be granted for the August council meeting.

**4 CONFIRMATION OF MINUTES**

**RESOLUTION 2024/146**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That the minutes of the Ordinary Meeting held on 19 June 2024 be confirmed.

**CARRIED**

**5 MAYORAL MINUTE**

**5.1 MAYORAL MINUTE - MEETINGS AND FUNCTIONS**

**RESOLUTION 2024/147**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Mayoral Minute No. R24/201 be received and noted.

**CARRIED**

**6 PUBLIC FORUM**

Kristine Beattie and Susanne Baker.

**7 DISCLOSURE OF INTEREST**

Nil.

**8 READ AND NOTE**

**RESOLUTION 2024/148**

Moved: Cr Peter Harris

Seconded: Cr Melissa Blewitt

That:

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

- 8.1 Building Projects Monthly Update for June/July;
- 8.2 Development Data June 2024;
- 8.3 Investments as at 30 June 2024;
- 8.4 Active Resolutions;
- 8.5 FY23/24 Utilities Monthly Update for June.

**CARRIED**

**8.6 FY23/24 URBAN WORKS MONTHLY UPDATE FOR JUNE**

**RESOLUTION 2024/149**

Moved: Cr Dennis Brady

Seconded: Cr Robyn Turner

That:

- 1. The Director Infrastructure Services Report No. R24/208 be received and noted.

**CARRIED**

**8.7 TOURISM AND PROMOTIONS UPDATE - JUNE 2024**

**RESOLUTION 2024/150**

Moved: Cr Melissa Rees

Seconded: Cr Peter Harris

That:

- 1. The General Manager’s Report R24/207 be received and noted.

**CARRIED**

**8.8 CWNSW JO REPORT ON MODERN SALVERY**

**RESOLUTION 2024/151**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Dennis Brady

That:

1. The Director Corporate and Community Services Report R24/192 be received and noted.

**CARRIED**

**8.9 FY23/24 ROADWORKS MONTHLY UPDATE JUNE**

**RESOLUTION 2024/152**

Moved: Cr Melissa Blewitt

Seconded: Cr Peter Harris

That:

1. The Director Infrastructure Services report No R24/202 be received and noted.

**CARRIED**

**9 DECISION REPORTS**

**9.1 GENERAL MANAGER**

Nil.

**9.2 CORPORATE AND COMMUNITY SERVICES**

**9.2.1 COMMUNITY DONATION AND EVENT SUPPORT PROGRAM**

**RESOLUTION 2024/153**

Moved: Cr Melissa Rees

Seconded: Cr Peter Harris

That:

1. That the Director of Corporate and Community Services Report R24/173 be received and noted.
2. The request from Condobolin Auto Sports Club for in-kind support estimated to be worth \$3,400 for the Yellow Mountain Cross Country 2024 event be approved.

**CARRIED**

**9.2.2 FRAUD & CORRUPTION CONTROL POLICY V1****RESOLUTION 2024/154**

Moved: Cr Peter Harris

Seconded: Cr Robyn Turner

That:

1. The Director Corporate and Community Services Report R24/56 be received and noted;
2. The draft Fraud and Corruption Control Policy v1 be adopted as presented.
3. Rescind the Fraud & Corruption Policy adopted in June 2020, and all earlier versions of the policy that may exist.

**CARRIED**

**9.2.3 GIFTS, BENEFITS & BRIBES POLICY****RESOLUTION 2024/155**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The Director Corporate and Community Services Report R24/57 be received and noted.
2. The draft Gifts, Benefits and Bribes Policy v5 be adopted as presented.
3. Council rescind the Gifts, Benefits and Bribes Policy adopted in April 2020 and all other policies that may exist.

**CARRIED**

**9.2.4 PROCUREMENT POLICY, LOCAL PREFERENCE POLICY & DISPOSAL OF ASSETS POLICY****RESOLUTION 2024/156**

Moved: Cr Peter Harris

Seconded: Cr Dennis Brady

That:

1. The Director Corporate and Community Services Report R24/126 be received and noted.
2. The Draft Procurement Policy v2 be placed on public exhibition for 28 days, and adopt subject to no significant responses being received.
3. The Draft Disposal of Assets Policy v2 be placed on public exhibition for 28 days, and adopt subject to no significant responses being received.
4. The Draft Local Preference Purchasing Policy v3 be placed on public exhibition for 28 days, and adopt subject to no significant responses being received.

**CARRIED**

### 9.2.5 DATA BREACH POLICY AND PROCEDURES

**RESOLUTION 2024/157**

Moved: Cr Robyn Turner

Seconded: Cr Melissa Rees

That:

1. The Director Corporate & Community Services Report R24/155 be received and noted.
2. The Data Breach Policy be placed on public exhibition for 28 days, and if no significant amendments are required, will be adopted.

**CARRIED**

### 9.2.6 ARIC WORK PLAN 2024-2025

**RESOLUTION 2024/158**

Moved: Cr Peter Harris

Seconded: Deputy Mayor John Medcalf

That:

1. The Director Corporate and Community Services Report R24/185 be received and noted;
2. The Draft ARIC Work Plan 2024-2025 be adopted as presented.

**CARRIED**

### 9.3 ENVIRONMENT AND PLANNING

Nil

### 9.4 INFRASTRUCTURE SERVICES

#### 9.4.1 CROWN RESERVE 96552 AND 96536 LAKE CARGELLIGO

**RESOLUTION 2024/159**

Moved: Cr Dennis Brady

Seconded: Cr Peter Harris

That:

1. The Director Infrastructure Services Report No. R24/184 be received and noted.
2. Council formally request to be nominated as the Crown Land Manager for Crown Reserve 96552 (the golf course and cricket grounds).
3. Council formally request to be nominated as the Crown Land Manager for Crown Reserve 96536 (the clubhouse) on the condition that there are no lease payment requirements.

**CARRIED**

**Meeting paused at 3:02pm**  
**Meeting returned at 3:20pm**

**9.4.2 REQUEST FOR COUNCIL TO RECONSIDER PREVIOUS RESOLUTION REGARDING ACCESS TO "HOPBUSH VALLEY"**

**RESOLUTION 2024/160**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Megan Mortimer

That:

1. The Director Infrastructure Services Report R24/194 be received and noted
2. Council’s previous resolution 2021/65 to decline the request to become the responsible Road Authority for the Crown Road access to lots 12 and 13 DP 752866 and lot 25 DP 752901 be confirmed.

**CARRIED**

**10 DEPUTATIONS**

Nil.

**11 NOTICES OF MOTION**

Nil

**12 NOTICES OF RESCISSION**

Nil

**13 DELEGATES REPORT**

**13.1 DELEGATES REPORT**

**RESOLUTION 2024/161**

Moved: Cr Dennis Brady

Seconded: Cr Robyn Turner

That:

1. The Delegate’s Report No. R24/200 be received and noted.

**CARRIED**

**14 CORRESPONDENCE**

**14.1 CORRESPONDENCE**

**RESOLUTION 2024/162**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Peter Harris

That:

1. The Correspondence Report No. R24/198 be received and noted.

**CARRIED**

**15 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Nil

**16 PETITIONS**

Nil

**17 CLOSED SESSION**



**RESOLUTION 2024/163**

Moved: Cr Judith Bartholomew

Seconded: Cr Melissa Rees

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 Confirmed ARIC Minutes - February 2024 meeting**

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.

**17.2 Internal Audit - Fraud and Corruption Action Plan and progress to 300524**

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 Confirmed ARIC Minutes - September 2023 and November 2023 meetings**

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.

**17.4 Condobolin Borefields II Scheme - Contract No.5: Transfer Pump Station - modification**

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 Interim Audit Management Letter 2024**

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.

**17.6 Outcome of the review of ARIC effectiveness**

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.

**17.7 Outcome of the Internal Audit Effectiveness Review**

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).

**17.8 CNSWJO Tender Assessment for the supply and delivery of Bitumen Emulsion**

This matter is considered to be confidential under Section 10A(2)c and 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, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and information that would, if disclosed, reveal a trade secret.

**17.9 Offer to purchase Council property - Bathurst Street, Condobolin**

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.

**17.10 Tender Negotiations - T2023/16 Condobolin Borefields II Scheme - Contract No.3: Condobolin WTP Modifications**

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.

**17.11 Tender Assessment - Dandaloo Road Flood Restoration Work**

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.

**17.12 General Manager Annual Performance Review - period ending 30 June 2024**

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).

**CARRIED****RESOLUTION 2024/164**

Moved: Cr Judith Bartholomew

Seconded: Cr Robyn Turner

That Council moves out of Closed Council into Open Council.

**CARRIED**

**17.1 CONFIRMED ARIC MINUTES - FEBRUARY 2024 MEETING****RESOLUTION 2024/165**

Moved: Cr Peter Harris

Seconded: Deputy Mayor John Medcalf

That:

1. The Director Corporate & Community Services Report R24/170 be received and noted.
2. The confirmed minutes of the Audit, Risk & Improvement Committee (ARIC) meeting held in February 2024 be received and noted.

**CARRIED**

**17.2 INTERNAL AUDIT - FRAUD AND CORRUPTION ACTION PLAN AND PROGRESS TO 300524****RESOLUTION 2024/166**

Moved: Cr Dennis Brady

Seconded: Cr Robyn Turner

That:

1. The Director Corporate & Community Services Report No. R24/162 be received and noted.
2. The Fraud and Corruption Internal Audit Action Plan update be noted.

**CARRIED**

**17.3 CONFIRMED ARIC MINUTES - SEPTEMBER 2023 AND NOVEMBER 2023 MEETINGS****RESOLUTION 2024/167**

Moved: Cr Dennis Brady

Seconded: Cr Melissa Rees

That:

1. The Director Corporate & Community Services Report R24/169 be received and noted.
2. The confirmed minutes of the Audit, Risk & Improvement Committee (ARIC) meetings held in September 2023 and November 2023 be received and noted.

**CARRIED**

**17.4 CONDOBOLIN BOREFIELDS II SCHEME - CONTRACT NO.5: TRANSFER PUMP STATION - MODIFICATION****RESOLUTION 2024/168**

Moved: Cr Peter Harris

Seconded: Deputy Mayor John Medcalf

That:

1. The Director Infrastructure Services Report No. R24/179 be received and noted.
2. The proposal from Alliance Automation Pty Ltd to undertake additional electrical and telemetry works to accommodate the installation of the venturi aeration system at the Condobolin Borefields II Transfer Pump Station as a lump sum of \$272,537 excl. GST be accepted.
3. The Mayor and General Manager be authorised to execute the necessary contract documents and affix the Council seal.

**CARRIED**

**17.5 INTERIM AUDIT MANAGEMENT LETTER 2024****RESOLUTION 2024/169**

Moved: Cr Peter Harris

Seconded: Deputy Mayor John Medcalf

That:

1. The Director Corporate & Community Services Report No. R24/188 be received and noted.
2. The Interim Audit Management letter and associated comments for the financial year ended 30 June 2024 be noted.

**CARRIED**

**17.6 OUTCOME OF THE REVIEW OF ARIC EFFECTIVENESS****RESOLUTION 2024/170**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Robyn Turner

That:

1. The Director Corporate & Community Services Report R24/189 be received and noted.

**CARRIED**

**17.7 OUTCOME OF THE INTERNAL AUDIT EFFECTIVENESS REVIEW****RESOLUTION 2024/171**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Peter Harris

That:

1. The Director Corporate & Community Services Report R24/190 be received and noted.

**CARRIED**

**17.8 CNSWJO TENDER ASSESSMENT FOR THE SUPPLY AND DELIVERY OF BITUMEN EMULSION****RESOLUTION 2024/172**

Moved: Cr Peter Harris

Seconded: Cr Robyn Turner

That:

1. The Director Infrastructure Services Report R24/193 be received and noted.
2. The tender of Bitupave Ltd for the supply and delivery of bitumen emulsion bet accepted.
3. The General Manager be authorised to sign the contract documents and affix the Council Seal if required.
4. The Central NSW Joint Organisation be advised of Council's decision

**CARRIED**

**17.9 OFFER TO PURCHASE COUNCIL PROPERTY - BATHURST STREET, CONDOBOLIN****RESOLUTION 2024/173**

Moved: Cr Dennis Brady

Seconded: Cr Brady Turner

That:

1. The General Manager's Report No. R24/195 be received and noted.
2. Council adopt option 2 of the report and sell the property at the price offered.
3. The General Manager be authorised to engage Council's legal representative to prepare the contract of sale.
4. The Mayor and General Manager be authorised to sign the contract and other sale documents to complete the sale.

**CARRIED**

**17.10 TENDER NEGOTIATIONS - T2023/16 CONDOBOLIN BOREFIELDS II SCHEME - CONTRACT NO.3: CONDOBOLIN WTP MODIFICATIONS****RESOLUTION 2024/174**

Moved: Cr Dennis Brady

Seconded: Cr Judith Bartholomew

That:

1. The Director Infrastructure Services Report No. R24/197 be received and noted.
2. The revised submission from Trazlbat Pty Ltd for a lump sum amount of \$314,956.96 (incl. GST) be accepted.
3. The Mayor and General Manager be authorised to execute the contract documents and affix the Council seal.

**CARRIED**

**17.11 TENDER ASSESSMENT - DANDALOO ROAD FLOOD RESTORATION WORK****RESOLUTION 2024/175**

Moved: Cr Peter Harris

Seconded: Deputy Mayor John Medcalf

That

1. The Director Infrastructure Services Report No R24/205 be received and noted.
2. Council accept the tender of and award a contract to, Country Wide Asphalt Pty Ltd for T2024/08 – Flood Restoration Work – Dandaloo Road (MR 347).
3. The Mayor and General Manager be authorised to sign the contract documents and affix the Council seal if required.

**CARRIED**

**17.12 GENERAL MANAGER ANNUAL PERFORMANCE REVIEW - PERIOD ENDING 30 JUNE 2024****RESOLUTION 2024/176**

Moved: Deputy Mayor John Medcalf

Seconded: Cr Judith Bartholomew

That:

1. The Performance Review Panel Report No. R23/239 be received and noted.
2. Council note the report of the Performance Review Panel and extend congratulations to Mr Tory and his staff for continuing to achieve the excellent achievements of Council.

- 3. In accordance with Clause 8.3 of the General Manager’s Contract of Employment the Total Remuneration Package be increased by 4.5% to ensure parity is maintained with other Council staff. This increase to be incorporated into the new Contract of Employment.
  - 4. Council offer to enter into a new 5-year contract with Mr Tory with a commencement date of 19/07/2024.
  - 5. The Mayor be authorised to sign the General Manager’s new Contract of Employment.
- CARRIED**

**18. LAKE CARGELLIGO RSL SUB-BRANCH – RESTORATION OF WAR MEMORIAL/CENOTAPH**

**RESOLUTION 2024/177**

Moved: Cr Dennis Brady  
 Seconded: Cr Melissa Blewitt

That:

- 1. The General Manager’s Report No. R24/212 be received and noted.
- 2. Council provide \$2,000 to the Lake Cargelligo RSL Sub-branch for their project to restore the Lake Cargelligo War Memorial/Cenotaph.
- 3. The funds be allocated from the FY24.25 Matching Grants budget.

**CARRIED**

**The Meeting closed at 4:34pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 7 August 2024.**

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**CHAIRPERSON**