



**Edward  
River**  
COUNCIL

# **MINUTES**

**Ordinary Council Meeting**

**18 July 2019**

**MINUTES OF EDWARD RIVER COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIQUN  
ON THURSDAY, 18 JULY 2019 AT 9AM**

**PRESENT:** Cr Norm Brennan (Mayor), Cr Pat Fogarty (Deputy Mayor), Cr Peta Betts, Cr Marg Bull, Cr Ashley Hall, Cr Norm McAllister, Cr Peter McCrabb, Cr Nick Metcalfe, Cr Mac Wallace

**IN ATTENDANCE:** Adam McSwain (General Manager), Oliver McNulty (Director Infrastructure) Trish Kirkland (Director Corporate Services), Julie Rogers (Manager Environmental Services), Belinda Perrett (Executive Assistant).

**GALLERY:** One (from 9.05am)

### **ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge that we are here today on the land of the Wamba Wamba Perrepa Perrepa people. I would also like to acknowledge and pay my respects to past Aboriginal Elders, the present Aboriginal and Torres Strait Islander people who reside within this area, and their future generations.

### **STATEMENT OF PURPOSE**

I have come here as a Councillor freely and without bias to:

- Represent the views of the community in considering the matters before us today
- To vote in a manner I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

### **APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

#### **MOTION**

#### **RESOLUTION 2019/07/151**

Moved: Cr Norm McAllister  
Seconded: Cr Ashley Hall

That the request for a leave of absence by Councillor Wallace for the August Council meeting be accepted.

**CARRIED**

#### **CONFIRMATION OF MINUTES**

#### **RESOLUTION 2019/07/152**

Moved: Cr Norm McAllister  
Seconded: Cr Ashley Hall

That the minutes of the Ordinary Council Meeting held on 27 June 2019 be confirmed.

**CARRIED**

**DISCLOSURES OF INTERESTS**

- 12.1** – Cr Nick Metcalfe declared a pecuniary interest in the confidential report and will leave the Chambers and take no part in any debate or voting on issue.
- 12.1** – Cr Mac Wallace declared a pecuniary interest in the confidential report and will leave the Chambers and take no part in any debate or voting on issue.
- 12.1** – Cr Peter McCrabb declared a pecuniary interest in the confidential report and will leave the Chambers and take no part in any debate or voting on issue.
- 12.1** – Cr Margaret Bull declared a pecuniary interest in the confidential report and will leave the Chambers and take no part in any debate or voting on issue.

**MAYORAL MINUTE(S)**

General Manager Performance 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).

**REPORTS OF COMMITTEES****MINUTES OF THE COMMUNITY GARDEN COMMITTEE HELD ON 30 JUNE 2019****RESOLUTION 2019/07/153**

Moved: Cr Peter McCrabb

Seconded: Cr Marg Bull

That Council note the minutes of the Community Garden Committee meeting held on 30 June 2019.

**CARRIED**

**MINUTES OF THE OPEN & PUBLIC SPACE STRATEGIC WORKING GROUP MEETING HELD ON 25 JUNE 2019****RESOLUTION 2019/07/154**

Moved: Cr Pat Fogarty

Seconded: Cr Mac Wallace

That Council note the minutes from the Open and Public Space Strategic Working Group meeting held on 25 June 2019.

**CARRIED**

**REPORTS TO COUNCIL****MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS****RESOLUTION 2019/07/155**

Moved: Cr Peta Betts

Seconded: Cr Marg Bull

That Council note the Mayor, Councillor and General Manager meetings for May 2019.

**CARRIED**

**RESOLUTIONS OF COUNCIL****RESOLUTION 2019/07/156**

Moved: Cr Pat Fogarty

Seconded: Cr Nick Metcalfe

That Council note the information in the Resolutions of Council to 12 July 2019.

**CARRIED**

**COMBINED DELIVERY PROGRAM 2018-2021 AND OPERATIONAL PLAN 2018-2019  
ANNUAL PROGRESS REPORT****RESOLUTION 2019/07/157**

Moved: Cr Peter McCrabb

Seconded: Cr Ashley Hall

That Council receive and note the combined Delivery Program 2018-2021 and Operational Plan 2018-2019 Annual Progress Report, contained at Attachment 1.

**CARRIED**

**INVESTMENT REPORT AS AT 30 JUNE 2019****RESOLUTION 2019/158**

Moved: Cr Ashley Hall

Seconded: Cr Peter McCrabb

That Council:

1. Note and receive the Report on Investments totalling \$48,170,619 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of June 2019 was \$72,460.
3. Note that accrued interest earned to 30 June 2019 but not yet received was \$389,384.

**CARRIED**

**INDEPENDENT EXTERNAL MEMBER VACANCY ON THE AUDIT, RISK AND IMPROVEMENT COMMITTEE****RESOLUTION 2019/07/159**

Moved: Cr Marg Bull

Seconded: Cr Norm McAllister

That Council:

1. Note the resignation of Ms Perin Davey from Council's Audit, Risk and Improvement Committee.
2. Invite applications from suitably skilled, experienced and qualified persons for the vacant position of Independent External Member.
3. Form a selection panel comprising the Audit, Risk and Improvement Committee Chair, one of the Councillor representatives from the Audit, Risk and Improvement Committee, the General Manager and the Director Corporate Services to assess the applications received, shortlist and interview applicants, and recommend to Council a preferred applicant for appointment.
4. Receive a further report containing the selection panel's recommendation.

**CARRIED**

**RISK MANAGEMENT POLICY****RESOLUTION 2019/07/160**

Moved: Cr Pat Fogarty

Seconded: Cr Mac Wallace

That Council adopt the Enterprise Risk Management Policy contained at Attachment 1.

**CARRIED**

**COUNCILLOR EXPENSES REPORT****RESOLUTION 2019/07/161**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

That Council:

1. Receive and note the Councillor Expenses Report for the period 01 July 2018 to 30 June 2019, contained at Attachment 1.
2. Note that the Councillor Expenses Report will be published to Council's website in accordance with clause 15.2 of the Councillor Expenses and Facilities Policy.

**CARRIED**

**SCOTT'S PARK - ALCOHOL PROHIBITED AREA****RESOLUTION 2019/07/162**

Moved: Cr Pat Fogarty

Seconded: Cr Marg Bull

That Council

1. Establish an alcohol prohibited area at Scott's Park as shown in Attachment 1 in accordance with section 632A(4) of the *Local Government Act 1993* following receipt of approval from the NSW Police Local Area Commander in accordance with section 632A(8) of the Act; and
2. Advise the submission author of the outcome.

**CARRIED**

**ENVIRONMENTAL SERVICES REPORT (JUNE 2019)****RESOLUTION 2019/07/163**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council note the Environmental Services report for June 2019.

**CARRIED**

Manager Environmental Services, Julie Rogers, left the Chambers at 9.30am.

**9.10 FREE WASTE WEEKENDS - EDWARD RIVER LANDFILL****RESOLUTION 2019/07/164**

Moved: Cr Peta Betts

Seconded: Cr Pat Fogarty

That Council:

1. Approve the Free Waste Disposal weekends at the Deniliquin Landfill to take place on the following dates during the 2019/20 financial year: 26 & 27 October 2019, 4 & 5 January 2020, 5 & 6 April 2020 and 14 & 15 June 2020.
2. Note that on the Free Waste Disposal weekends the following waste is still charged for; tyres, commercial waste, construction and/or demolition waste.
3. Approve the recommendation and receive a further report outlining additional waste services that can be provided to the community.

**CARRIED**

Manager Community & Economic Development, Michelle Cobb, and Drought Support Officer, Airlie Landale entered the Chambers at 9.35am

**DROUGHT COMMUNITIES PROGRAMME**

**RESOLUTION 2019/07/165**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That Council:

1. Fund the Booroorban Truck Layby on both sides of the highway with \$200,000 funding from the Drought Communities Programme and \$50,000 from Council's reserves.
2. Fund the rural village signage program at a cost of \$15,000 from Council's Reserves.

**CARRIED**

Manager Community & Economic Development, Michelle Cobb, and Drought Support Officer, Airlie Landale left the Chambers at 10.30am

**STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COMMUNITIES PROGRAM - JULY PROGRESS REPORT**

**RESOLUTION 2019/07/166**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council note the Stronger Communities Fund- Major Projects Program and the Stronger Country Communities Program- Progress Report for July 2019

Cr Norm McAllister left the Chambers at 10.32am and returned to Chambers at 10.34am.

**CARRIED**

**NOTICES OF MOTIONS**

Nil

**QUESTIONS WITH NOTICE**

Nil

**CONFIDENTIAL MATTERS****RESOLUTION 2019/07/167**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

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 at 10.38am

**Sale of Tanker Trailer Units**

This matter is considered to be confidential under Section 10A(2) - c and d(i) 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.

**Contract C2020/03 - Wood Street Reconstruction Project**

This matter is considered to be confidential under Section 10A(2) - d(i) 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.

**Contract C2020/02 - Victoria Street Reconstruction Project**

This matter is considered to be confidential under Section 10A(2) - d(ii) 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 competitor of the council.

**Mayoral Minute - General Manager Performance 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).

**CARRIED**

Councillors McCrabb, Bull, Wallace and Metcalfe left the Chambers at 10.39am after declaring an interest in report number 12.1 Sale of Tanker Trailer Units and took no part in the discussion.



**SALE OF TANKER TRAILER UNITS****RESOLUTION 2019/07/168**

Moved: Cr Norm McAllister

Seconded: Cr Pat Fogarty

That Council accept the offers for sale in Attachment 1, submitted during the Expression of Interest process, of Council owned tanker trailer units to various landholders as stated in the report for the total value of \$21,054.54 + GST.

**CARRIED**

Councillors McCrabb, Bull, Wallace and Metcalfe returned to the Chambers at 10.40am.

**CONTRACT C2020/03 - WOOD STREET RECONSTRUCTION PROJECT****RESOLUTION 2019/07/169**

Moved: Cr Pat Fogarty

Seconded: Cr Mac Wallace

That Council:

1. Accept the tender submitted by Deni Civil and Construction Pty Ltd Pty Ltd for Contract C2020/03 – Wood Street Reconstruction Project for the lump sum tender price of \$516,680.00 + GST;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020/03 – Wood Street Reconstruction Project;
3. Delegate the Contract Superintendent to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site.

**CARRIED**

**CONTRACT C2020/02 - VICTORIA STREET RECONSTRUCTION PROJECT****RESOLUTION 2019/07/170**

Moved: Cr Pat Fogarty

Seconded: Cr Marg Bull

That Council:

1. Accept the tender submitted by Deni Civil and Construction Pty Ltd Pty Ltd for Contract C2020/02 – Victoria Street Reconstruction Project for the lump sum tender price of \$532,490.00 + GST;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020/02 – Victoria Street Reconstruction Project;
3. Delegate the Contract Superintendent to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site.

**CARRIED**

**MAYORAL MINUTE - GENERAL MANAGER PERFORMANCE REVIEW****RESOLUTION 2019/07/171**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council approve the recommendation of the General Manager Performance Review Committee Meeting held on 26<sup>th</sup> June 2019 in relation to the General Manager's Performance for 2019.

1. That the General Manager's document on the year in review presented at the meeting of the 13<sup>th</sup> July be noted, along with notation of the results of the Councillor survey conducted.
2. That the Committee assign an overall rating of C+ for the performance of the General Manager in the 12 month period to April 2019, such rating described as "outcomes sometimes above competent performance – (numerical rating of 8 out of 10)"
3. That the Committee adopt the following statement relating to the performance of the General Manager, Adam McSwain in the twelve (12) months to April 2019:  
*Adam McSwain has continued to exceed our expectations and 26 months into our term of office we continue to achieve outcomes which exceed our expectations and we again congratulate and thank Adam for his generous contribution to the Edward River organisation and community.*
4. In recognition of Adam McSwain's outstanding performance this year as General Manager the Council apply a 2.5% increase to the General Manager's Total Remuneration Package from 2019 anniversary of his commencement in the role in accordance with Clause 8.3 of his Contract of Employment:
5. That in accordance with Clause 9.8 of his Contract, Council grant one week of additional special leave per year to the General Manager in recognition of the additional time worked that is in excess of the expectation of the contract.

**CARRIED**

**RESOLUTION 2019/07/172**

Moved: Cr Peta Betts

Seconded: Cr Peter McCrabb

That Council moves out of Closed Council into Open Council.

**CARRIED**

**CLOSE OF MEETING**

**The Meeting closed at 10.48.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 August 2019.**

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**CHAIRPERSON**