



MINUTES

Ordinary Council Meeting

Tuesday, 19 April 2022

**Philip Stone
General Manager**

1. OPENING MEETING

The meeting opened at 9.07am. Mayor Cr Peta Betts acknowledged the untimely passing of Cr Peter Connell and that his presence and calm words would be greatly missed.

Present: Mayor, Cr Peta Betts; Deputy Mayor, Cr Paul Fellows; Cr Shirlee Burge, Cr Harold Clapham, Cr Linda Fawns, Cr Pat Fogarty; Cr Tarria Moore; Cr Marc Petersen

In Attendance: General Manager, Phil Stone; Interim Director Corporate Services, Alistair Cochrane; Director Infrastructure, Mark Dalzell; Manager Development Services, Marie Sutton; Executive Assistant, Belinda Perrett; Senior Governance Officer, Greg Briscoe-Hough; Management Accountant, Jacinta Liefing

GALLERY: 1

2. LIVE STREAMING STATEMENT

Edward River Council wishes to advise members of the public that Council Meetings will be recorded and will be available after each meeting on Council's website [Councils Website](#). All care will be taken to maintain the privacy of those in attendance, however As a visitor in the public gallery, your presence may be recorded. By remaining In the public gallery, it is assumed your consent is given in the event your image is broadcast. This includes any filming by television cameras if attendance is approved by the General Manager or Mayor.

3. 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.

4. STATEMENT OF PURPOSE

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

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

5. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

NIL

6. DISCLOSURES OF INTERESTS

Nil

7.1. MINUTES

RESOLUTION 2022/0419/7.1

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That the minutes of the previous Council Meeting held Tuesday 15 March 2022 be moved as a true and correct record with the inclusion of Cr Pat Fogarty as being in attendance.

CARRIED

9.1. SALEYARDS ADVISORY COMMITTEE MINUTES - 7TH APRIL 2022

RESOLUTION 2022/0419/9.1

Moved: Cr Shirlee Burge

Seconded: Cr Harold Clapham

That Council note the minutes of the Saleyards Advisory Committee held on Thursday the 7 April 2022.

CARRIED

10.1. MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS

RESOLUTION 2022/0419/10.1

Moved: Cr Pat Fogarty

Seconded: Cr Marc Petersen

That Council note the Mayor, Councillors and General Manager meetings attended on behalf of Council during the month of March 2022, undertaken either remotely, or adhering to COVID-19 distancing regulations.

Including the additional meetings attended by Cr Linda Fawns:-

10 March 2022

24 March 2022 – SW Music Board Meeting

CARRIED

10.2. RESOLUTIONS OF COUNCIL

RESOLUTION 2022/0419/10.2

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

That Council note the information in the Resolutions of Council as at 8 April 2022.

CARRIED

10.3. INVESTMENTS AND RESERVES REPORT MARCH 2022**RESOLUTION 2022/0419/10.3**

Moved: Cr Pat Fogarty

Seconded: Cr Paul Fellows

That Council:

1. Note and receive the March 2022 report on Investments totalling \$46,581,806 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of March 2022 was \$24,569
3. Note that accrued interest earned to 31 March 2022 but not yet received was \$160,518.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED

10.4. QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2022**RESOLUTION 2022/0419/10.4**

Moved: Cr Harold Clapham

Seconded: Cr Marc Petersen

That Council

- Receive the 31 March 2022 financial review of the 2021/22 Operational Plan as adopted at the Council Meeting in May 2021
- Review the budget variations as detailed in this report. If all these variations are approved Council will have a surplus of \$13,414,000, and after removing Capital Grants a deficit of \$699,000.

CARRIED

10.5. APPOINTMENT OF AUDIT RISK AND IMPROVEMENT COMMITTEE INDEPENDENT MEMBER**RESOLUTION 2022/0419/10.5**

Moved: Cr Paul Fellows

Seconded: Cr Harold Clapham

That Council:

1. Receive and note the applications submitted for consideration as independent members of the Audit Risk and Improvement Committee (ARIC);
2. Further note that all applicants bring an appropriate skill set and qualify for appointment;
3. Noting the opportunity for a period of transition with the staged retirement of existing members, establish an eligibility list and present the opportunity for all applicants to attend ARIC meetings on the invitation of the Chairman;

4. Based on general advice from the existing ARIC members for a wider spectrum of expertise, appoint Ms Justine Keech as the fourth independent Member of the ARIC.

CARRIED

10.6. INVESTMENT POLICY REVIEW 2022

RESOLUTION 2022/0419/10.6

Moved: Cr Linda Fawns

Seconded: Cr Paul Fellows

That Council approve the proposed changes to the Investment Policy and adopt the new Investment Policy as of 9th April 2022.

10.7. GENERAL MANAGER - LEAVE

RESOLUTION 2022/0419/10.7

Moved: Cr Shirlee Burge

Seconded: Cr Tarria Moore

That Council:

1. Pursuant to section 351(1)(a) of the Local Government Act 1993, approve the Director Infrastructure to act in the role of General Manager from 5 May to 9 May 2022 (inclusive);
2. Delegate the powers, authorities, duties and functions set out in the Instrument of Delegation to the General Manager to the nominated Director during the period in which they are appointed to act in the role of General Manager.

CARRIED

10.8. HEALTH SERVICES ADVISORY COMMITTEE - PRELIMINARY ESTABLISHMENT

RESOLUTION 2022/0419/10.8

Moved: Cr Harold Clapham

Seconded: Cr Linda Fawns

That Council

1. Authorise the Mayor to issue letters of invitation for membership of the Health Services Advisory Committee (HSAC) to executive members of existing local health based advocacy groups;
2. Appoint interested Councillors to the HSAC;
3. Modify, as appropriate, the draft HSAC Terms of Reference in consultation with the invitees;
4. Further consider, and adopt the revised Terms of Reference and establish the committee charter at a future meeting.

CARRIED

10.9. NEW PARTNERSHIP AGREEMENT BETWEEN SERVICE NSW AND EDWARD RIVER COUNCIL

RESOLUTION 2022/0419/10.9

Moved: Cr Pat Fogarty

Seconded: Cr Tarria Moore

That Council:

1. Delegates authority to the General Manager to enter into an agreement with Service NSW; and
2. Any necessary documents be authorised for execution under the Common Seal of Council.

CARRIED

10.10. REALLOCATE 2021 DENI UTE MUSTER EVENT CONTRIBUTION

RESOLUTION 2022/0419/10.10

Moved: Cr Pat Fogarty

Seconded: Cr Tarria Moore

That Council reallocate the 2021 Deni Ute Muster financial contribution of \$25,000 to a new event planned for December 2022.

CARRIED

10.11. DA82/21 - DOG BREEDING FACILITY

RESOLUTION 2022/0419/10.11

Moved: Cr Harold Clapham

Seconded: Cr Linda Fawns

That Council resolves to: -

1. APPROVE the development application 82/21 for a Dog Breeding Facility, on Lot A DP410469, 383 Birganbidgil Road, Warragoon as shown on plans numbered Job No:1647 Sheet 1 to Sheet 9 and described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons:
 1. The proposed development is permissible within the zone under the Conargo Local Environmental Plan 2013 and complies with the provisions of this environmental planning instrument.
 2. The proposed development, subject to the imposition of conditions, is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate effects.
2. Impose the conditions as detailed in Attachment 6

DIVISION

In accordance with section 375A of the Local Government Act 1993, it is necessary for Council to call a division when voting of any resolution relating to a relevant planning application.

For: Cr Paul Fellows; Cr Shirlee Burge; Cr Harold Clapham; Cr Linda Fawns; Cr Peta Betts

Against: Cr Pat Fogarty; Cr Tarrja Moore; Cr Marc Petersen

CARRIED

10.12. DEVELOPMENT SERVICES REPORT MARCH 2022**RESOLUTION 2022/0419/10.12**

Moved: Cr Linda Fawns

Seconded: Cr Tarrja Moore

That Council receive and note the March Development Services update.

CARRIED

10.13. MAJOR PROJECT REPORT - MARCH/APRIL 2022**RESOLUTION 2022/0419/10.13**

Moved: Cr Pat Fogarty

Seconded: Cr Tarrja Moore

That Council receive and note the Major Projects Program – Progress Report for April 2022.

CARRIED

10.15am Manager Development Services and Management Accountant left the Chambers.

10.14. OPERATIONS PROGRESS REPORT - MARCH 2022**RESOLUTION 2022/0419/10.14**

Moved: Cr Tarrja Moore

Seconded: Cr Linda Fawns

That Council receive and note the March 2022 Operations Department update.

CARRIED

10.32am Cr Linda Fawns left the Chambers and returned at 10.33am.

10.35am The member of the gallery left the Chambers

10.35am Cr Paul Fellows left the Chambers and returned at 10.37am

12. QUESTIONS WITH NOTICE

The question was posed as to the timeframe required to supply a question with notice. The General Manager responded that questions with notice should be provided nine days prior to the Council meeting, however within the code there is an opportunity to discuss urgent matters.

13. CONFIDENTIAL MATTERS**RESOLUTION 2022/0419/13**

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

That Council move into confidential to discuss the following agenda items at 10.37am

13.1. EDWARD RIVER VILLAGE NEXT STEPS

This item is to be closed to the public pursuant to Section 10A(2) of the *Local Government Act 1993*, as the information to be received, discussed or considered in relation to this agenda item is:

c. information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

13.2. CONTRACT C2021/21 - MEMORIAL PARK ACCESS ROADS AND PARKING RECONSTRUCTION

This item is to be closed to the public pursuant to Section 10A(2) of the *Local Government Act 1993*, as the information to be received, discussed or considered in relation to this agenda item is:

c. information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

14.1. MAYORAL MINUTE - GENERAL MANAGER MID TERM PERFORMANCE REVIEW 2021/22

This item is to be closed to the public pursuant to Section 10A(2) of the *Local Government Act 1993*, in that the information to be received, discussed or considered in relation to this agenda item is:

a. personnel matters concerning particular individuals (other than councillors),

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RESOLUTION 2022/0419/13.1

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

That Council:

1. Notes the views of the ARIC committee as discussed on 7 April 2022
2. Proceed with the stage 1 infrastructure work in accordance with resolution 2022/0222/15.3 and
3. Call for tenders for building by way of open tender in accordance with the Local Government Act and come back to Council

CARRIED

11.24am Cr Harold Clapham left the Chambers and did not return.

11.24am Cr Paul Fellows left the Chambers and returned at 11.26am

13.2. CONTRACT C2021/21 - MEMORIAL PARK ACCESS ROADS AND PARKING RECONSTRUCTION

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c. information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business

RESOLUTION 2022/0419/13.2

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

That Council

1. Not accept any tenders as submitted for C2021/21 – Memorial Park Access Roads and Parking Reconstruction in accordance with Clause 178(1)(b) of the *Local Government (General) Regulations*, since all submitted tender prices were greater than the funding for the project,
2. Authorise the General Manager to negotiate with Deni Civil and Construction Pty Ltd, being the preferred tenderer, in accordance with Clause 178(3)(e) of the *Local Government (General) Regulations*; up to the allocated budget,
3. Receives a further report regarding matter in May 2022.

CARRIED

14. MAYORAL MINUTE(S)

14.1. MAYORAL MINUTE - GENERAL MANAGER MID TERM PERFORMANCE REVIEW 2021/22

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a. personnel matters concerning particular individuals (other than councillors),

RESOLUTION 2022/0419/14.1

Moved: Cr Pat Fogarty

Seconded: Cr Tarria Moore

That Council adopt the priorities for the General Manager in the 2022 year as outlined in the Mayoral Minute and those priorities be built into the General Manager's Performance Agreement, and progress be reviewed at the General Manager's annual performance review in July 2022

CARRIED

RESOLUTION 2022/04/15

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Council move out of Confidential Business at 11.35am.

CARRIED

Meeting closed 11.38am.