



# **MINUTES**

**Ordinary Council Meeting**

**Tuesday, 17 May 2022**

**Philip Stone  
General Manager**

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## 1. OPENING MEETING

Meeting opened at 9.05am

## 2. ATTENDANCE

**PRESENT:** Cr Peta Betts (Mayor); Cr Paul Fellows (Deputy Mayor) via zoom; Cr Shirlee Burge; Cr Linda Fawns Cr Pat Fogarty; Cr Tarria Moore; Cr Marc Petersen

**IN ATTENDANCE:** Philip Stone, General Manager; Alistair Cochrane, Interim Director Corporate Services; Mark Dalzell, Director Infrastructure; Belinda Perrett, Executive Assistant; Libby Braybon, Executive Assistant; Greg Brisco-Hough, Senior Governance Advisor

**GALLERY: 0**

## 3. 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.

## 4. 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.

## 5. 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 matter 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.

## 6. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

### RESOLUTION 2022/0517/6

**Moved:** Cr Marc Petersen

**Seconded:** Cr Pat Fogarty

That the leave of absence requested by Cr Harold Clapham be accepted.

**CARRIED**

**7. CONFIRMATION OF MINUTES****7.1. DRAFT MINUTES OF EXTRAORDINARY COUNCIL MEETING HELD 26 APRIL 2022  
RESOLUTION 2022/0517/7.1**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Council approve the draft minutes of the Extraordinary Council Meeting held 26 April 2022

**CARRIED**

**7.2. DRAFT MINUTES ORDINARY COUNCIL MEETING 19 APRIL 2022  
RESOLUTION 2022/0517/7.2**

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

That Council approve the draft minutes of the Ordinary Council Meeting held 19 April 2022.

**CARRIED**

**8. DISCLOSURES OF INTERESTS**

Nil

**9. MAYORAL MINUTE(S)****9.1. MAYORAL MINUTE - SUPPORT FOR UKRAINIAN REFUGEES  
RESOLUTION 2022/0517/9.1**

Moved: Cr Peta Betts

Seconded: Cr Linda Fawns

That Council seek informal expressions of interest from Edward River residents, industry groups and peak bodies via usual media channels to support Ukrainian refugees with job opportunities and accommodation and potentially instigate both a humanitarian and economic opportunity for our region

**CARRIED**

**10. REPORTS OF COMMITTEES****10.1. DRAFT MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE -  
DECEMBER AND APRIL  
RESOLUTION 2022/0517/10.1**

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That the minutes of the December 2021 and April 2022 Audit, Risk and Improvement Committee (ARIC) be moved as a true and correct record.

**CARRIED**

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**11. REPORTS TO COUNCIL****11.1. MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS****RESOLUTION 2022/0517/11.1**

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

That Council note the Mayor, Councillors and General Manager meetings attended on behalf of Council during the month of April 2022, undertaken either remotely, or adhering to COVID-19 regulations including additional attendances by Cr Linda Fawns at the dog breeding facility and Crs Shirlee Burge and Tarria Moore at the 11am ANZAC Day Service.

**CARRIED**

**11.2. RESOLUTIONS OF COUNCIL****RESOLUTION 2022/0517/11.2**

Moved: Cr Pat Fogarty

Seconded: Cr Shirlee Burge

That Council note the information in the Resolutions of Council as at 10 May 2022.

**CARRIED**

**11.3. INVESTMENTS AND RESERVES REPORT APRIL 2022****RESOLUTION 2022/0517/11.3**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Council:

1. Note and receive the April 2022 report on Investments totalling \$48,780,473 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of April 2022 was \$19,969.
3. Note that accrued interest earned to 30 April 2022 but not yet received was \$178,719.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

**CARRIED**

**11.4. IPART ADDITIONAL SPECIAL VARIATION (ASV) IN 2022-23****RESOLUTION 2022/0517/11.4**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Council:

1. Approves an application for a permanent 2022-23 Special Rate Variation (ASV) to general income to be made to IPART under section 508(2) of the Local Government Act 1993, seeking an increase of the rate peg from 0.7% to 2.5%.
2. Notes it will receive an additional \$140,000 in general income for the 2022/23 financial year if the ASV application is approved

3. Note that the funds generated by the ASV application are to contribute to Net Operating Deficit results from continuing operations.
4. Has considered the impact on ratepayers and the community in 2022-23 and in future years, and considers that the application of the ASV is both reasonable and necessary to prevent further budget decline.
5. Publicly exhibit the permanent ASV rate increase in its 2022/2023 Operational Plan, Budget, Statement of Revenue Policy and Fees & Charges suite of documents to be placed on public exhibition for the minimum period of 28 days.
6. Be advised of IPART's response for subsequent consideration as part of the wider community consultation process.

**CARRIED**

### **11.5. DOCUMENTS FOR PUBLIC EXHIBITION**

#### **RESOLUTION 2022/0517/11.5**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That the following documents be placed on public exhibition for 28 days according to statute as required by the Integrated Planning and Reporting (IP&R) process:

1. Council's draft *Community Strategic Plan* and the associated *Delivery Program* objectives;
2. Council's Draft *2022/2023 Operational Plan, Long Term Financial Plan, Statement of Revenue Policy and Fees and Charges*;

and that the following policy documents, as amended, also be placed on public exhibition:

1. Council's *Code of Conduct*; (incorporating a new section 4A to cover Related Party declarations)
2. Council's *Councillors Expenses and Facilities Policy* (to include superannuation payments)

**CARRIED**

### **11.6. DELIVERY PROGRAM 2018-2022 AND OPERATIONAL PROGRAM 2021-2022 PROGRESS REPORT MARCH 2022 MARCH 2022**

#### **RESOLUTION 2022/0517/11.6**

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

That Council receive and note the quarterly Delivery Program 2018-2022 and Operational Program 2021-2022 Progress Report for the period ended 31 March 2022.

**CARRIED**

### **11.7. AUSTRALIA LOCAL GOVERNMENT ASSOCIATION 2022 NATIONAL GENERAL ASSEMBLY 19 - 22 JUNE 2022**

#### **RESOLUTION 2022/0517/11.7**

Moved: Cr Linda Fawns

Seconded: Cr Shirlee Burge

That Council

1. Resolves to approve the attendance of the Mayor and the General Manager at the Australian Local Government Association 2022 National General Assembly 19 - 22 June 2022 at the National Convention Centre in Canberra.
2. Approves the attendance of Councillor Harold Clapham, if available, in line with the Councillor Expenses and Facilities Policy.

**CARRIED**

### **11.8. LGNSW CONFERENCE MOTION - BAN ON DEVELOPERS AND REAL ESTATE AGENTS SERVING AS COUNCILLORS**

#### RECOMMENDATION

That Council:

1. Support the position of Broken Hill City Council with regards to the banning of real estate agents from serving as Councillors.
2. Forward a motion for the next LGNSW Conference on 23-25 October 2022 to rescind resolution number 16, passed at the LGNSW Special Conference on 28 February 2022 - 1 March 2022, to adopt a policy that seeks to preclude real estate agents and their families and close contacts from serving as Councillors.
3. That the motion be resubmitted as follows: That Local Government NSW calls on the Premier of NSW and the Minister for Local Government to ban Developers only from serving as Councillors.
4. Supports the rights of all to represent Local Government if they meet the current Legislative requirements.
5. Writes to LGNSW in support of this new motion due to the fact that
  - a. Real Estate Agents are an integral part of all Regional/Country Councils and Shires and
  - b. Regional Councils would be dramatically affected if the current motion was passed to Legislation and that if passed it highlights the divide between Regional and City members of the LGNSW.
6. Write to the Real Estate Institute of NSW and the Australian Property Institute NSW requesting their support in the form of representation to the Premier and Minister for Local Government to not allow the original motion to pass to Legislation.

#### **RESOLUTION 2022/0517/11.8**

Moved: Cr Shirlee Burge

Seconded: Cr Tarria Moore

That this matter be deferred to the next Ordinary Council Meeting until further information is obtained in relation to the definition of a developer.

**CARRIED**

### **11.9. RURAL DOCTORS NETWORK BUSH BURSARY PROGRAM**

#### **RESOLUTION 2022/0517/11.9**

Moved: Cr Linda Fawns

Seconded: Cr Pat Fogarty



That Council:

1. Reviews the supporting information from the NSW Rural Doctors Network.
2. Participates in the Rural Doctors Network Bush Bursary Program in 2022/23 providing a scholarship of \$3,000.00 for two student placements.

**CARRIED**

### **11.10. DEVELOPMENT SERVICES REPORT APRIL 2022**

#### **RESOLUTION 2022/0517/11.10**

Moved: Cr Shirlee Burge

Seconded: Cr Linda Fawns

That Council receive and note the April Development Services update.

**CARRIED**

### **11.11. OPERATIONS REPORT APRIL 2022**

#### **RESOLUTION 2022/0517/11.11**

Moved: Cr Tarria Moore

Seconded: Cr Shirlee Burge

That Council receive and note the April 2022 Operations update.

**CARRIED**

### **11.12. LOCAL ROAD COMMUNITY INFRASTRUCTURE PROGRAM - ROUND 3**

#### **RESOLUTION 2022/0517/11.12**

Moved: Cr Linda Fawns

Seconded: Cr Shirlee Burge

That Council endorses submitting an application for the following projects under the Local Roads Community Infrastructure Program - Round 3:

1. Deniliquin Saleyards Refurbishment Project - Stage 1, and
2. Deniliquin Regional Airport Runway Reconstruction Project.

**CARRIED**

### **11.13. CIVIC PRECINCT PROJECT UPDATE**

#### **RESOLUTION 2022/0517/11.13**

Moved: Cr Tarria Moore

Seconded: Cr Paul Fellows

That Council allocates \$300,000 from the Infrastructure Replacement reserve to the Civic Precinct Project for variations not included in the current project budget.

**CARRIED**

Against Cr Shirlee Burge

### **11.14. MAJOR PROJECT REPORT - APRIL/MAY 2022**

#### **RESOLUTION 2022/0517/11.14**

Moved: Cr Linda Fawns

Seconded: Cr Pat Fogarty

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

**CARRIED**

Cr Marc Petersen left the Chambers at 10.41am returned 10.43am

## **12. NOTICES OF MOTIONS**

Nil

## **13. QUESTIONS WITH NOTICE**

Nil

## **14. QUESTIONS WITHOUT NOTICE**

- Cr Pat Fogarty: Would like to see the distribution business papers placed back on the agenda. Will be taken to the next briefing for discussion.
- Cr Shirlee Burge: Meetings in teams folder for GM/Mayor/Deputy Mayor? Any notes taken will be placed in the teams folder.
- Cr Marc Petersen: General Manager appraisal - do we have a date yet? Taken on notice.

## **15. CONFIDENTIAL MATTERS**

### **RESOLUTION 2022/0517/15**

Moved: Cr Linda Fawns

Seconded: Cr Peta Betts

That Council move into Confidential Business at 10.54am.

**CARRIED**

### **15.1. CONTRACT C2021/21 - MEMORIAL PARK ACCESS ROADS AND PARKING RECONSTRUCTION**

#### **RESOLUTION 2022/0517/15.1**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Council 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.

**CARRIED**

### **15.2. CONTRACT C2021/09 - SENIORS LIVING PRECINCT (SLP) CIVIL WORKS 2021/22 - SEPARABLE PORTION 1**

#### **RESOLUTION 2022/0517/15.2**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Council:

1. Proceeds with the civil construction works as detailed in Contract C2021/09 - Seniors Living Precinct (SLP) Civil Works 2021/22 - Separable Portion 1,
2. Authorises the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the Contract documents for Contract C2021/09 - Seniors Living Precinct (SLP) Civil Works 2021/22 - Separable Portion 1,
3. Delegates 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**

## **16. CLOSE OF MEETING**

### **RESOLUTION 2022/0517/16**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That Council move out of Confidential Business at 11.21am and that the Mayor read the resolutions.

**CARRIED**

**The Meeting closed at 11.25am**

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Edward River Council held on 21 June 2022.**