

**MINUTES**

**Ordinary Council Meeting**

**Tuesday, 15 November 2022**

**Philip Stone**

**Chief Executive Officer**

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# 1. OPENING MEETING

The meeting opened at 10.05am

# 2. ATTENDANCE

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

In Attendance: Chief Executive Officer, Director Infrastructure, Director Corporate Services, Manager Assets and Engineering, Senior Governance Officer, Acting Chief Financial Officer, Management Accountant, Executive Assistant

# 3. LIVE STREAMING STATEMENT

# 4. ACKNOWLEDGEMENT OF COUNTRY

Edward River Council acknowledges and embraces the First Nations Peoples - the Wamba Wamba Perrepa Perrepa peoples as the Traditional Owners of the Lands within the Edward River Council area and also recognises the diversity of different cultures within our community and their contribution.

# 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

Nil

# 7. CONFIRMATION OF MINUTES

## 7.1. Draft Minutes Ordinary Council Meeting 18 October 2022

**RESOLUTION 2022/1115/7.1**

Moved: Cr Harold Clapham

Seconded: Cr Linda Fawns

That the draft minutes of the Ordinary Council Meeting held 18 October 2022 be moved as a true and correct record.

**CARRIED UNANIMOUSLY**

# 8. DISCLOSURES OF INTERESTS

The following Disclosure of Conflicts of Interest was registered.

11.1 Cr Marc Petersen registered a non-pecuniary, less than significant interest in item 11.1 and will remain in the Chambers whilst the item is discussed.

# 9. MAYORAL MINUTE(S)

Mayoral Minute

Edward River Council was sad to hear of the passing of former Deniliquin Council Emeritus Mayor Mr Kevin Renwick.

Some may not know what Emeritus Mayor defines – The Emeritus Mayor award acknowledges the particular service to their council and community.

Mr Renwick was Mayor of Deniliquin from 1971 through to 1980 and the work he did on behalf of the Deniliquin community continues to be referenced to this day.

Edward River Council sends condolences to friends and family of the late Kevin Renwick, in particular former Deniliquin Mayor, Mr Lindsay Renwick and wife Jan.

We were also sad to hear of the passing of Dorothy Hall. Dorothy was the grandmother of former Councillor, Ashley Hall and aunt to current Councillor, Marc Petersen. We send

our condolences to friends and family of the late Dorothy Hall.

# 10. URGENT ITEMS OF BUSINESS

Nil

# 11. REPORTS OF COMMITTEES

## 11.1. Health Services Advisory Committee - Appointment of Chair, Terms of Reference, Minutes and Clinical Services Plan

**RESOLUTION 2022/1115/11.1**

Moved: Cr Pat Fogarty

Seconded: Cr Paul Fellows

That Council:

1. Formally adopt the Terms of Reference for the the Health Services Advocacy Committee;
2. Appoint Deborah Stockton as the independent chair of the Health Services Advocacy Committee;
3. Receive and note the minutes from the Health Services Advocacy Committee meetings held in August 2022, October 2022 meetings and the draft minutes of the November 2022 meetings; and
4. Prepare a submission in response to the Clinical Services Plan prepared on behalf of the Murrumbidgee Local Health District, highlighting issues raised by Committee members and also specifically addressing the modelling deficiencies that may occur as a result of Council's Growth Strategy and related initiatives. In preparing a submission request an extension for a period of four weeks.

**CARRIED UNANIMOUSLY**

# 12. REPORTS TO COUNCIL

## 12.1. Annual Report 2021-2022

**RESOLUTION 2022/1115/12.1**

Moved: Cr Pat Fogarty

Seconded: Cr Linda Fawns

That Council:

1. Receive and note the 2021-22 Annual Report, with the absence of Appendix 1, Council’s Audited Financial Statements

2. Note that once the Audited Financial Statements are returned to Council from the Audit Office that they are included as an appendix to the Annual Report

3. Provide a copy of the 2021-22 Annual Report to the NSW Office of Local Government by 30 November 2022

4. Publish the 2021-22 Annual Report on Council’s website with the Audited Financial Statements once received

**CARRIED UNANIMOUSLY**

## 12.2. Quarterly Budget Review Statement - September 2022

**RESOLUTION 2022/1115/12.2**

Moved: Cr Marc Petersen

Seconded: Cr Shannon Sampson

That Councillors:

* Receive and note the 30 September 2022 financial review of the 2022/23 Operational Plan as adopted at the Council Meeting in June 2022
* Review and discuss the budget variations as detailed in this report noting the overall impacts of proposed adjustments on Council's budgeted operating result for 2022/23 being a surplus of $3,629,000, and after removing Capital Grants a deficit of $1,400,000

In favour: Cr Paul Fellows, Cr Shannon Sampson, Cr Marc Petersen, Cr Linda Fawns, Cr Tarria Moore, Cr Peta Betts

Against: Cr Harold Clapham, Cr Shirlee Burge, Cr Pat Fogarty

**CARRIED**

Management Accountant left the Chambers at 10.43am and returned at 10.44am

## 12.3. Investments and Reserves Report - October 2022

**RESOLUTION 2022/1115/12.3**

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

That Council:

1. Notes and receives the October 2022 report on Investments totalling $45,804,407 inclusive of cash at bank for day-to-day operations,
2. Notes that actual interest earned in the month of October 2022 was $71,967,
3. Notes that total interest earned for the year to 31 October 2022 was $203,907, and
4. Notes the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

**CARRIED UNANIMOUSLY**

## 12.4. Annual Code of Conduct Statistical Return 2022

**RESOLUTION 2022/1115/12.4**

Moved: Cr Pat Fogarty

Seconded: Cr Tarria Moore

That Council:

1. Receive and note the Code of Conduct Annual Statistical Report for the period 1 September 2021 to 31 August 2022, and;
2. Provide the Code of Conduct Annual Statistical Report to the Office of Local Government by 31 December 2022.

Against: Cr Shirlee Burge

**CARRIED**

## 12.5. Commitee Appointments resubmitted

**RESOLUTION 2022/1115/12.5**

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson

That Council:

1. Formally appoint Geoff Ford as a member of the Blighty Hall and Recreation Reserve Committee

2. Formally appoint Bronwyn Chappell as a member of the Conargo Memorial Hall and Recreation Ground Committee

**CARRIED UNANIMOUSLY**

## 12.6. Street Tree Management Policy

**RESOLUTION 2022/1115/12.6**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That Council adopts the Street Tree Management Policy.

**CARRIED UNANIMOUSLY**

## 12.7. Mayor, Councillor, CEO Meetings October 2022

**RESOLUTION 2022/1115/12.7**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That Council note the Mayor, Councillor and Chief Executive Officer meetings attended on behalf of Council during the month of October 2022, undertaken either remotely, or adhering to current health guidelines.

**CARRIED UNANIMOUSLY**

## 12.8. Resolutions of Council

**RESOLUTION 2022/1115/12.8**

Moved: Cr Marc Petersen

Seconded: Cr Tarria Moore

That Council note the information in the Resolutions of Council as at 7 November 2022.

**CARRIED UNANIMOUSLY**

## 12.9. Development Services Activity Report - October 2022

**RESOLUTION 2022/1115/12.9**

Moved: Cr Harold Clapham

Seconded: Cr Marc Petersen

That Council receive and note the October 2022 Development Services update report

**CARRIED UNANIMOUSLY**

## 12.10. Major Projects - October 2022

**RESOLUTION 2022/1115/12.10**

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson

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

**CARRIED UNANIMOUSLY**

# 13. NOTICES OF MOTIONS

# 14. QUESTIONS WITH NOTICE

# 15. CONFIDENTIAL MATTERS

**RESOLUTION 2022/1115/15**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

Edward River Council acknowledges and embraces the First Nations Peoples - the Wamba Wamba Perrepa Perrepa peoples as the Traditional Owners of the Lands within the Edward River Council area and also recognises the diversity of different cultures within our community and their contribution.

That Council move into Confidential Business at 11.41am

**CARRIED UNANIMOUSLY**

## 15.1. Sale of Land - SD Gardiner A912-2

**RESOLUTION 2022/1115/15.1**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That Council:

1. Approves the Sale of Land being for over five years outstanding Rates and charges on Lot 2 DP 8914, Parish - North Deniliquin, 72 Davidson Street Deniliquin, under sections 713 to 726 of the Local Government Act 1993 to recover unpaid rates and charges,
2. Authorises Custom Commercial Services Pty Ltd (CCS) and their associated law firm MCW Lawyers to manage the sale process, and
3. Delegates authority to the General Manager for the execution of the necessary contracts for sale including transfer under Section 722 and 723 of the Local Government Act 1993.

**CARRIED UNANIMOUSLY**

## 15.2. C2022/02 - Deniliquin Raw Water Pump Station Upgrade

12.11pm Cr Tarria Moore left the Chambers and returned at 12.12pm

**RESOLUTION 2022/1115/15.2**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That Council:

1. Accepts the tender submitted by EMT P/L for Contract No. C2022/02 – Deniliquin Raw Water Pump Station Upgrade for the lump sum tender price of $878,058.00 (including GST),
2. Authorise the Chief Executive Officer and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract No. C2022/02– Deniliquin Raw Water Pump Station Upgrade, and
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.

Against: Cr Shirlee Burge

**CARRIED**

Linda/Tarria 12.37pm

# 16. CLOSE OF MEETING

**RESOLUTION 2022/1115/16**

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

That Council move out of Condifential Business and the Chief Executive Officer read out the condifential resolutions at 12.27pm.

**CARRIED UNANIMOUSLY**

The meeting closed at 12.39pm