



MINUTES

Ordinary Council Meeting

Tuesday, 20 September 2022

**Philip Stone
General Manager**

Order of Business

1. OPENING MEETING	4
2. ATTENDANCE	4
3. LIVE STREAMING STATEMENT	4
4. ACKNOWLEDGEMENT OF COUNTRY	4
5. STATEMENT OF PURPOSE.....	4
6. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS	4
7. CONFIRMATION OF MINUTES	4
7.1. Draft Minutes of August Council Meetings	4
8. DISCLOSURES OF INTERESTS	5
9. MAYORAL MINUTE(S)	5
9.1. Mayoral Minute - Aboriginal Liaison Committee Cultural Statements	5
9.2. Mayoral Minute – Motion For Submission to LGNSW Annual General Conference 2022 - Depreciation	5
10. URGENT ITEMS OF BUSINESS	5
11. REPORTS OF COMMITTEES	5
11.1. Minutes of Committees of Council	5
12. REPORTS TO COUNCIL.....	6
12.1. Schedule of Ordinary Meetings.....	6
12.2. LGNSW and rural council representation.....	6
12.3. DA2022/0057 - Demountable Office - Deniliquin Airport - NSW RFS.....	6
12.4. Trade Waste Policy for Public Exhibition.....	7
12.5. Tree Management Policy For Public Exhibition.....	7
12.6. CWA Hall.....	8
12.7. Appointment of councillor representatives for the Edward River Council Community Grant assessment panel	8
12.8. Annual submission of pecuniary interest returns.....	8
12.9. Delivery Program 2018-2022 and Operational Program 2021-2022 Progress Report April to June 2022	9
12.10. Development Services Activity Report.....	9
12.11. Monthly Operations Report - August.....	9
12.12. September 2022 Community and Economic Development update	9
12.13. Major Projects - September 2022	9
12.14. Investments and Reserves Report August 2022	10
12.15. Resolutions of Council.....	10
12.16. Mayor, Councillor, General Manager Meetings	10
13. NOTICES OF MOTIONS	11
14. QUESTIONS WITH NOTICE	11

15. CONFIDENTIAL MATTERS	11
15.1. General Manager Performance Review 2021/22	11
16. CLOSE OF MEETING	12

1. OPENING MEETING

The meeting opened at 10:08am.

2. ATTENDANCE

In Attendance: Mayor Cr Peta Betts, Deputy Mayor Cr Paul Fellows, Cr Harold Clapham, Cr Linda Fawns, Cr Tarria Moore, Cr Shirlee Burge, Cr Marc Petersen.

Staff in Attendance: The General Manager, Director Corporate Services, Director Infrastructure, Acting Chief Financial Officer, Executive Assistant - Infrastructure, Senior Governance Officer and Manager Assets & Engineering.

Absent: Cr Pat Fogarty and Cr Shannon Sampson.

Gallery: One member from 11:49am.

3. LIVE STREAMING STATEMENT

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 2022/0920/6

Moved: Cr Marc Petersen

Seconded: Cr Tarria Moore

That the leave of absence requested by Cr Pat Fogarty and Cr Shannon Sampson be accepted.

CARRIED UNANIMOUSLY

7. CONFIRMATION OF MINUTES

7.1. DRAFT MINUTES OF AUGUST COUNCIL MEETINGS

RESOLUTION 2022/0920/7.1

Moved: Cr Marc Petersen

Seconded: Cr Harold Clapham

That Council:

1. Approve the minutes of the Ordinary Council Meeting held 16 August 2022.

-
2. Approve the minutes of the Extraordinary Council Meeting held 26 August 2022.

CARRIED UNANIMOUSLY

8. DISCLOSURES OF INTERESTS

9. MAYORAL MINUTE(S)

9.1. MAYORAL MINUTE - ABORIGINAL LIAISON COMMITTEE CULTURAL STATEMENTS

Removed from Agenda; to be considered with item 11.1 Minutes of Committees – Aboriginal Liaison Committee minutes.

9.2. MAYORAL MINUTE – MOTION FOR SUBMISSION TO LGNSW ANNUAL GENERAL CONFERENCE 2022 - DEPRECIATION

Removed from Agenda; General Manager to provide a report to a future Ordinary Council Meeting.

10. URGENT ITEMS OF BUSINESS

11. REPORTS OF COMMITTEES

11.1. MINUTES OF COMMITTEES OF COUNCIL

RESOLUTION 2022/0920/11.1

Moved: Cr Linda Fawns

Seconded: Cr Harold Clapham

That Council:

1. Approve the minutes of the Aboriginal Liaison Committee meeting held 28 July 2022 and note the recommendations made to Council.
2. Adopts the following statement as the Ed ward River Council's commitment to work in partnership with the traditional owners:
 - a. The 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.
 - b. The Edward River Council also recognises the diversity of different cultures within our community and their contribution.
3. Adopts the following statement with regards to the Cultural Festival proposed for late 2022, early 2023:
 - a. This festival is being held within the homelands of the Wamba Wamba/Perrepa Perrepa Peoples and recognises the unique and diverse cultures within the Edward River Council community in and around the Kolety (Edward River).
 - b. The Wamba Wamba/Perrepa Perrepa people and Edward River Council invite people of all cultures to celebrate with them the diversity of each of our cultures within our community.

CARRIED UNANIMOUSLY

12. REPORTS TO COUNCIL**12.1. SCHEDULE OF ORDINARY MEETINGS****RESOLUTION 2022/0920/12.1**

Moved: Cr Tarria Moore

Seconded: Cr Paul Fellows

That Council

1. Pursuant to section 365 of the *Local Government Act 1993* and clause 3.1 of Council's Code of Meeting Practice, adopt the proposed 2022/23 Schedule of Ordinary Meetings.
2. Ordinary Meetings will be held the third Tuesday of each month, with the exception of January with no scheduled meeting, from 10am in the Council Chambers, Estates Building, 180 Cressy Street, Deniliquin.
3. Pursuant to section 9 of the *Local Government Act 1993* and clause 3.3 of Council's Code of Meeting Practice, provide public notice of the time, date and place of each scheduled Ordinary Meeting.

CARRIED UNANIMOUSLY

12.2. LGNSW AND RURAL COUNCIL REPRESENTATION**RESOLUTION 2022/0920/12.2**

Moved: Cr Harold Clapham

Seconded: Cr Tarria Moore

That Council:

1. Receive and note this report
2. Reply to Broken Hill Council and express it's shared concerns that, despite the advantages of a unified sector response on many issues, LGNSW, in its current form, has operational issues associated with the competing interests of its two distinct membership groups being smaller non-metropolitan councils and larger metropolitan councils;
3. Write to LGNSW noting that Edward River Council is encouraged by recent contact with Broken Hill Council and looks forward to any LGNSW Board and executive proposals that may ameliorate the situation that sees smaller non-metropolitan councils disadvantaged in both representation and policy outcomes, and
 - a. Write to the Minister of Local Government advocating for a more risk management centred approach, noting available sanctions provided by the candidature process that do not further disenfranchise potential nominations for councillors, and that;
 - a. Request that the Office of Local Government investigate why enforcement options have not been undertaken to date, noting recent ICAC investigations in respect of councillors and associations with developers.

CARRIED UNANIMOUSLY

12.3. DA2022/0057 - DEMOUNTABLE OFFICE - DENILIQUN AIRPORT - NSW RFS**RESOLUTION 2022/0920/12.3**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That Council:

1. APPROVE the development application 2022/0057 for a demountable office for NSW RFS, on Lot 52 DP1189132, Cemetery Rd, Deniliquin as shown on plans dated 04/02/22 titled SITE PLAN, ELEVATIONS & FLOOR PLAN 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:
 - The application generally complied with the applicable planning controls and has demonstrated to have a satisfactory effect on the environment.
 - The application is generally compliant with the key planning provisions contained within the DLEP 2013 and the Deniliquin Development Control Plan 2016.
 - The development will have no significant adverse impacts on the natural or built environments.
2. Impose the condition as shown in Attachment 1.

CARRIED UNANIMOUSLY

The recommendation to approve DA2022/057 was **carried 7/0**.

For: Mayor Cr Peta Betts, Deputy Mayor Paul Fellows, Cr Shirlee Burge, Cr Harold Clapham, Cr Tarria Moore, Cr Marc Petersen and Cr Linda Fawns.

Against: Nil.

12.4. TRADE WASTE POLICY FOR PUBLIC EXHIBITION

RESOLUTION 2022/0920/12.4

Moved: Cr Marc Petersen

Seconded: Cr Shirlee Burge

That Council:

1. Endorse the draft Policy for Liquid Trade Waste Regulation and place on public exhibition for a period of not less than 28 days,
2. If submissions are received, receive a further report regarding the draft Policy for Liquid Trade Waste Regulation, and
3. If no submissions are received, adopt the draft Policy for Liquid Trade Waste Regulation.

CARRIED UNANIMOUSLY

12.5. TREE MANAGEMENT POLICY FOR PUBLIC EXHIBITION

RESOLUTION 2022/0920/12.5

Moved: Cr Marc Petersen

Seconded: Cr Harold Clapham

That Council:

1. Endorse the draft Street Tree Management Policy and place it on public exhibition for not less than 28 days,
2. Receive a further report regarding the Street Tree Management Policy following the end of the public exhibition period.

3. If no submissions are received, adopt the draft Street Tree Management Policy.

CARRIED UNANIMOUSLY

12.6. CWA HALL

RESOLUTION 2022/0920/12.6

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That Council applies to Crown Lands, Department of Planning and Environment for the license of the CWA Hall at 355 Harrison Street, Deniliquin.

CARRIED UNANIMOUSLY

12.7. APPOINTMENT OF COUNCILLOR REPRESENTATIVES FOR THE EDWARD RIVER COUNCIL COMMUNITY GRANT ASSESSMENT PANEL

RESOLUTION 2022/0920/12.7

Moved: Cr Marc Petersen

Seconded: Cr Shirlee Burge

That Council:

1. Receive the report on the appointment of councillor representatives for the Edward River Council Community Grant assessment panel
2. Appoint two Councillor representatives to the Edward River Council Community Grant assessment panel, being Cr Tarria Moore and Cr Marc Petersen for the term of the current council

CARRIED UNANIMOUSLY

RESOLUTION 2022/0920/12.7.1

Council resolved to move into committee of the whole at 10:58am.

Moved: Cr Tarria Moore

Seconded: Cr Paul Fellows

CARRIED UNANIMOUSLY

RESOLUTION 2022/0920/12.7.2

Council resolved to move back into open council at 11:07a.m.

Moved:

Seconded:

CARRIED UNANIMOUSLY

12.8. ANNUAL SUBMISSION OF PECUNIARY INTEREST RETURNS

RESOLUTION 2022/0920/12.8

Moved: Cr Paul Fellows

Seconded: Cr Marc Petersen

That Council:

1. Receive and note the report for the annual submission of pecuniary interest returns

2. Formally table annual pecuniary interest returns as required by statute and in accordance with the Code of Conduct

3. Publish the annual pecuniary interest returns on Council's website.

CARRIED UNANIMOUSLY

**12.9. DELIVERY PROGRAM 2018-2022 AND OPERATIONAL PROGRAM 2021-2022
PROGRESS REPORT APRIL TO JUNE 2022**

RESOLUTION 2022/0920/12.9

Moved: Cr Marc Petersen

Seconded: Cr Harold Clapham

That Council:

1. Receive and note the quarterly Delivery Program 2018-2022 and Operational Program 2021-2022 Progress Report for the period ended 30 June 2022, and;
2. Note that future progress reports for the Delivery Program will be provided to Council at 6 monthly intervals in accordance with the Office of Local Government Integrated Planning and Reporting Guidelines for Local Government in NSW.

CARRIED UNANIMOUSLY

12.10. DEVELOPMENT SERVICES ACTIVITY REPORT

RESOLUTION 2022/0920/12.10

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Council receive and note the August 2022 Development Services update report.

CARRIED UNANIMOUSLY

12.11. MONTHLY OPERATIONS REPORT - AUGUST

RESOLUTION 2022/0920/12.11

Moved: Cr Paul Fellows

Seconded: Cr Marc Petersen

That Council receive and note the August 2022 Operations update.

CARRIED UNANIMOUSLY

12.12. SEPTEMBER 2022 COMMUNITY AND ECONOMIC DEVELOPMENT UPDATE

RESOLUTION 2022/0920/12.12

Moved: Cr Marc Petersen

Seconded: Cr Tarria Moore

That Council receive and note the September 2022 Community and Economic Development update.

CARRIED UNANIMOUSLY

The General Manager left the Chambers at 12pm.

12.13. MAJOR PROJECTS - SEPTEMBER 2022

RESOLUTION 2022/0920/12.13

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

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

CARRIED UNANIMOUSLY

The General Manager returned to the Chambers at 12:02pm

12.14. INVESTMENTS AND RESERVES REPORT AUGUST 2022

RESOLUTION 2022/0920/12.14

Moved: Cr Harold Clapham

Seconded: Cr Linda Fawns

That Council

1. Note and receive the August 2022 report on Investments totalling \$48,957,638 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of August 2022 was \$25,914.
3. Note that total interest earned for the year to 31 August 2022 was \$60,466.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED UNANIMOUSLY

12.15. RESOLUTIONS OF COUNCIL

RESOLUTION 2022/0920/12.15

Moved: Cr Marc Petersen

Seconded: Cr Linda Fawns

That Council note the information in the Resolutions of Council as at 12 September 2022.

CARRIED UNANIMOUSLY

The General Manager declared a conflict of interest with the item of business in the report being the RSL Carpark and remained in the room for the discussion and voting.

12.16. MAYOR, COUNCILLOR, GENERAL MANAGER MEETINGS

RESOLUTION 2022/0920/12.16

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

That Council:

1. Note the Mayor, Councillor and General Manager meetings attended on behalf of Council during the month of August 2022, undertaken either remotely, or adhering to current health guidelines.
2. Approve the following inclusions:
 - a. Cr Marc Petersen attended the Town Hall Advisory Meeting held 11th of August 2022.
 - b. Cr Marc Peterson attended the Wanganella Hall Meeting held 11th of August 2022.

- c. Cr Marc Petersen attended the Memorial Park Advisory Committee held 17th of August 2022.
- d. Mayor Peta Betts, Cr Linda Fawns and Cr Marc Petersen attended the Vinnies Sleep out held 18th of August 2022.
- e. Cr Linda Fawns attended the Benjamin Franklin Memorial held 13th of August 2022.

CARRIED UNANIMOUSLY**RESOLUTION 2022/0920/12.16.1**

Moved: Mayor Betts

Second: Cr Fellows

That Council suspend meeting business of the ordinary council meeting in order to receive a presentation from Mr Frank White of the Deniliquin Big 4 Caravan Park.

CARRIED UNANIMOUSLY

Council business was suspended at 12:39pm.

RESOLUTION 2022/0920/12.16.2

Move: Cr Moore

Second: Cr Fawns.

That Council resume business of the Ordinary Council Meeting.

CARRIED UNANIMOUSLY

Council business resumed at 1:09pm.

13. NOTICES OF MOTIONS**14. QUESTIONS WITH NOTICE****15. CONFIDENTIAL MATTERS****RESOLUTION 2022/0920/15**

Move: Cr Tarria Moore

Second: Cr Linda Fawns.

That Council move into confidential business at 1:11pm.

CARRIED UNANIMOUSLY**15.1. GENERAL MANAGER PERFORMANCE REVIEW 2021/22**

Cr Shirlee Burge left the meeting at 2:23pm.

RESOLUTION 2022/0920/15.1

Moved: Cr Linda Fawns

Seconded: Cr Paul Fellows

That Council

1. Note the finding of the General Manager Performance Review Panel:

- a. That the General Manager, Phil Stone has performed at a high level in the 2021/22 review period, he has led the organisation through a very challenging series of events, and through this many important projects have been progressed, the Council's financial sustainability has been maintained, and observable progress has been made in addressing the General Manager's leadership development improvement areas.
2. Adopts the priorities for 2022/23 listed in the report and include in the General Manager's Performance Agreement for 2022/23.
3. In recognition of the General Manager's performance and the trend within NSW, adopt the title of Chief Executive Officer (CEO) for the General Manager, to be consistent with other States - Queensland, Victoria, South Australia, Western Australia and the Northern Territory, noting that the statutory title of General Manager does not change.
4. Adopt a Remuneration Range for the CEO position at Edward River of between \$280,000 and \$310,000 and adjust this range by the Statutory and Other Offices Remuneration Tribunal (SOORT) increase awarded each year.
5. That the General Manager's Total Remuneration Package be increased to \$295,000 as from 18 August 2022, the two-year anniversary of Mr Stone's Tenure, to reflect the performance of Mr Stone in the role, to ensure market competitiveness with other Councils similar to Edward River, and to serve as an incentive to retain Mr Stone in the role.

CARRIED UNANIMOUSLY

Cr Fellows left the room at 2:29pm and returned at 2:30pm.

RESOLUTION 2022/0920/15.1.1

Moved: Cr Moore

Seconded: Cr Fellows

That Council move out of Confidential Business and the Mayor read out the confidential resolutions at 2:34pm.

CARRIED UNANIMOUSLY**16. CLOSE OF MEETING**

Meeting closed at 2:36pm.