



**I hereby give notice that an Ordinary Meeting of Council will be held on:**

**Date: Tuesday, 16 May 2023**

**Time: 10:00 AM**

**Location: Council Chambers, Estates Building Cressy Street  
Deniliquin**

# **MINUTES**

## **Ordinary Council Meeting**

**Tuesday, 16 May 2023**

**Philip Stone  
Chief Executive Officer**

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## 1. OPENING MEETING

Meeting opened at 10.06am.

Mayor Cr Peta Betts opened the meeting and thanked SunRice and their employees Dominic Kelly, Josh Hussey and Corry Buchanan on their collaborative work with the Parks and Gardens team to repair the gates at Scott's Park.

## 2. ATTENDANCE

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

In Attendance: Chief Executive Officer, Director Corporate Services, Director Infrastructure, Acting Chief Financial Officer, Executive Assistant

Via Teams: Cr Paul Fellows

In Attendance via Teams: Susanne Taylor, Cameron Templeton

## 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 Chief Executive Officer or Mayor.

## 4. ACKNOWLEDGEMENT OF COUNTRY

The Edward River Council acknowledges and embraces the Traditional Owners of the Lands within the Edward River Council area - the Wamba Wamba/Perrepa Perrepa Peoples – and pay our respects to their elders, past, present, and emerging. The Edward River Council 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 APRIL 2023**

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

#### **RESOLUTION 2023/0516/7.1**

That Council accept the Draft Minutes of the Ordinary Council Meeting held 18 April 2023 as a true and correct record.

**CARRIED**

### **7.2. DRAFT MINUTES EXTRAORDINARY COUNCIL MEETING 5 MAY 2023**

Moved: Cr Pat Fogarty

Seconded: Cr Shannon Sampson

#### **RESOLUTION 2023/0516/7.2**

That Council accept the Draft Minutes of the Extraordinary Council Meeting held 5 May 2023 as a true and correct record.

**CARRIED**

## **8. DISCLOSURES OF INTERESTS**

12.2 - Cr Pat Fogarty declared a non-pecuniary interest and will leave the Chambers during the discussion

12.2 - Cr Linda Fawns declared a non-pecuniary interest and will leave the Chambers during the discussion

## **9. MAYORAL MINUTE(S)**

Nil

## **10. URGENT ITEMS OF BUSINESS**

Nil

**11. REPORTS OF COMMITTEES****11.1. DRAFT MINUTES EDWARD RIVER VILLAGE COMMITTEE 18 APRIL 2023**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

**RESOLUTION 2023/0516/11.1**

That Council note the minutes of the Edward River Village committee.

**CARRIED**

**11.2. DRAFT MINUTES HEALTH SERVICES ADVISORY COMMITTEE MEETING**

Moved: Cr Pat Fogarty

Seconded: Cr Paul Fellows

**RESOLUTION 2023/0516/11.2**

That Council:

1. Receive the Minutes of the Health Services Advisory Committee Meeting of 17 April 2023
2. Endorse the recommendations of the Health Service Advisory Committee meeting of 17 April to council, being:
  - a. Adoption of the updated Terms of Reference, with the inclusion of a regular meeting cycle
  - b. Commencement of an Expression of Interest process for the recruitment of members to the committee
  - c. The intention of the committee to send a letter written by the Independent Chair to the Minister highlighting the Clinical Services Plan and the significant work undertaken in its preparation and its intention to engage proactively with the new Ministry on the Plan
  - d. The intention of the committee to formally invite the Minister for Health, the Hon. Ryan Park, to visit Deniliquin and to request a briefing on the statement issued in the recent media relating to the inquiry and the consideration of a review of the local health district model
  - e. The intention of the committee to invite the current Member for Murray to the committee meeting for 29 May, and request a briefing document be prepared two weeks prior to the meeting, to include what a demerged health area is, what the boundaries would look like, the reasons for the demerger, the advantages and disadvantages, the stakeholders consulted with, and any details of a feasibility study
  - f. That council provide in principle support to the Deniliquin Mental Health Awareness Group to seek funding, implement and promote evidence based community led initiatives as per the National Suicide Prevention Strategy, with the Deniliquin Mental Health Awareness Group to provide examples of this support to inform any resourcing requirements for council

- g. That council provide in principle support, and consider applying for and joining, the Mental Health First Aid Champion Communities Program in collaboration with Deniliquin Mental Health Awareness Group and including this is as part of Council's health advocacy strategy and Operational Plan for 2023/24
3. Consider item 2(g) as a submission to the 2023/24 Operational Plan from the Committee.

**CARRIED**

Note Cr Marc Petersen and Cr Shirlee Burge voted against the motion.

### **11.3. DRAFT MINUTES ABORIGINAL LIAISON COMMITTEE MEETING 26 APRIL 2023**

Moved: Cr Linda Fawns

Seconded: Cr Harold Clapham

#### **RESOLUTION 2023/0516/11.3**

That Council

1. Notes the recommendations made by the Aboriginal Liaison Committee
2. Notes that the draft minutes are a true and correct record.

**CARRIED**

Councillors noted that the Recognition Walk proposed for the 2 of June 2023 has been moved to 1 June 2023 following community consultation.

### **11.4. DRAFT MEMORIAL PARK USERS GROUP MEETING**

Moved: Cr Marc Petersen

Seconded: Cr Pat Fogarty

#### **RESOLUTION 2023/0516/11.4**

That Council receive and note the Minutes of the Memorial Park Users Group Meeting of 26 April 2023.

**CARRIED**

### **11.5. MAYRUNG VILLAGE COMMITTEE MINUTES OF MEETING 22 FEBRUARY 2023**

Moved: Cr Tarria Moore

Seconded: Cr Harold Clapham

#### **RESOLUTION 2023/0516/11.5**

That Council receive and note the Minutes and Financial report of the Mayrung Village Committee of 22 February 2023.

**CARRIED**

**12. REPORTS TO COUNCIL****12.1. COUNCILLOR NOMINATIONS TO THE ARTS & CULTURE ADVISORY COMMITTEE**

Moved: Cr Linda Fawns

Seconded: Cr Pat Fogarty

**RESOLUTION 2023/0516/12.1**

That Council appoints Councillor Tarria Moore as delegate, and Councillor Marc Petersen as alternate, to be its representatives on the Arts & Culture Advisory Committee.

**CARRIED**

**12.2. COUNCIL NOMINATIONS TO CEO PERFORMANCE REVIEW COMMITTEE**

Cr Pat Fogarty and Cr Linda Fawns left the Chambers at 10.35am

Moved: Cr Tarria Moore

Seconded: Cr Paul Fellows

**RESOLUTION 2023/0516/12.2**

That Council:

1. Receives the nominations for the Council-appointed member of the CEO Performance Review Committee from Cr Pat Fogarty and Cr Linda Fawns
2. Confirms its appointment of the Council-appointed member of the CEO Performance Review Committee as Cr Linda Fawns
3. Endorses the appointment of the Chief Executive Officer-nominated member of the CEO Performance Review Committee as Cr Shirlee Burge.

**CARRIED**

Cr Pat Fogarty and Cr Linda Fawns returned to the Chambers at 10.38am

**12.3. SUPPORT FOR SECTOR ADVOCACY RELATED TO PFAS CONTAMINATED LAND**

Moved: Cr Pat Fogarty

Seconded: Cr Marc Petersen

**RESOLUTION 2023/0516/12.3**

That Council endorse a proposal to provide its support to local government sector advocacy actions related to PFAS contaminated land.

**CARRIED**



**12.4. APPOINTMENT OF NSW ELECTORAL COMMISSION**

Moved: Cr Harold Clapham

Seconded: Cr Paul Fellows

**RESOLUTION 2023/0516/12.4**

That Council resolves:

1. Pursuant to s. 296(2) and (3) of the *Local Government Act 1993* that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council
2. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council
3. Pursuant to s. 296(2) and (3) of the Act, as applied and modified by s. 18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council.
4. For the next Council Election and Term

**CARRIED**

**12.5. DRAFT POLICY - FLYING FLAGS ON COUNCIL BUILDINGS**

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

**RESOLUTION 2023/0516/12.5**

That Council adopt the Policy for flying flags on Council buildings.

**CARRIED**

**12.6. ALCOHOL FREE ZONE**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

**RESOLUTION 2023/0516/12.6**

That Council:

1. Prepare a proposal for the re-establishment of an Alcohol Free Zone within the area outlined in red in Attachment 1 of this report showing the Proposed AFZ 2023-2027, in accordance with section 644 of the Local Government Act,
2. Undertake public consultation of the proposal to establish the Alcohol Fee Zone within the area outlined in red in Attachment 1 of this report showing the Proposed AFZ 2023-2027, in accordance with Section 644A of the Local Government Act and the Ministerial Guidelines on Alcohol Free Zone (February 2009), and
3. Upon completion of this public consultation, consider a further report on the proposal to establish the Alcohol Free Zone.

**CARRIED**

**12.7. DA2023/0021 - CRICKET CLUBROOMS - MEMORIAL PARK**

Moved: Cr Marc Petersen

Seconded: Cr Harold Clapham

**RESOLUTION 2023/0516/12.7**

That Council resolves to: -

1. APPROVE the development application DA2023/0021 for the Construction of Clubrooms and Demolition of Existing Clubrooms, on Lot 487 DP731813, Memorial Park Reserve, Memorial Drive, Deniliquin as shown on plan numbered WD01, WD02 & WD03 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:
  - a) The application is generally compliant with the key planning provisions contained within the DLEP 2013 and the Deniliquin Development Control Plan 2016.
  - b) The proposal is appropriate on the site given the existing character of the area.
  - c) The proposed development is permissible with consent in the RE1 Public Recreation zone and is consistent with zone objectives.
  - d) The development will have no significant adverse impacts on the natural or built environments.
2. Impose conditions as per Attachment 1

Division

For: Cr Shirlee Burge; Cr Harold Clapham; Cr Linda Fawns; Cr Paul Fellows; Cr Pat Fogarty; Cr Tarria Moore; Cr Marc Petersen; Cr Shannon Sampson; Cr Peta Betts

Against: Nil

**CARRIED**

**12.8. EDWARD RIVER COUNCIL RISK APPETITE STATEMENTS**

Moved: Cr Marc Petersen

Seconded: Cr Pat Fogarty

**RESOLUTION 2023/0516/12.8**

That Council adopt the updated Risk Appetite Statements as the first phase of a review of the Edward River Council Enterprise Risk Management Framework.

**CARRIED**

**12.9. QUARTERLY BUDGET REVIEW STATEMENT - MARCH 2023**

Moved: Cr Tarria Moore

Seconded: Cr Shannon Sampson

**RESOLUTION 2023/0516/12.9.1**

That Council move into a "Committee of the Whole"

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**CARRIED**

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

**RESOLUTION 2023/0516/12.9.2**

That Council move out of a "Committee of the Whole"

**CARRIED**

Moved: Cr Marc Petersen

Seconded: Cr Paul Fellows

**RESOLUTION 2023/0516/12.9.3**

That Council

- Review the 31 March 2023 financial review of the 2022-23 Operational Plan as adopted at the Council Meeting in June 2022
- Adopt 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 \$5,533,667, and after removing Capital Grants a surplus of \$181,27

**CARRIED****12.10. INVESTMENT & RESERVES REPORT - APRIL 2023**

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

**RESOLUTION 2023/0516/12.10**

That Council:

1. Note and receive the April 2023 report on Investments totalling \$43,981,422 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of April 2023 was \$78,690.
3. Note that total interest earned for the year to 30 April 2023 is \$686,766.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

**CARRIED****12.11. DEVELOPMENT ACTIVITY REPORT APRIL 2023**

Cr Linda Fawns left the Chambers at 11.24am and returned to the Chambers at 11.25am

Moved: Cr Harold Clapham

Seconded: Cr Marc Petersen

**RESOLUTION 2023/0516/12.11**

That Council receive and note the April 2023 Development Services Activity Report

**CARRIED**

**12.12. RESOLUTIONS OF COUNCIL**

Moved: Cr Marc Petersen

Seconded: Cr Linda Fawns

**RESOLUTION 2023/0516/12.12**

That Council note the information in the Resolutions of Council as at 8 May 2023.

**CARRIED**

**12.13. MAYOR, COUNCILLOR, CEO MEETINGS APRIL 2023**

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

**RESOLUTION 2023/0516/12.13**

That Council

1. Note the Mayor, Councillor and Chief Executive Officer meetings attended on behalf of Council during the month of April 2023.
2. Continue to advise the Chief Executive Officer's Executive Assistant of their meeting diaries and activities attendance.

**CARRIED**

**13. NOTICES OF MOTIONS**

Nil

**14. QUESTIONS WITH NOTICE**

Nil

**15. CONFIDENTIAL MATTERS**

Nil

**16. CLOSE OF MEETING**

Mayor Cr Peta Betts closed the meeting at 11.36am.