



MINUTES

Ordinary Council Meeting

Tuesday, 20 February 2024

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

Date: Tuesday, 20 February 2024

Time: 10:00 AM

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

**Philip Stone
Chief Executive Officer**

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1. OPENING MEETING

The meeting opened at 10am with a public acknowledgement of the passing of Mr Bruce Simpson, recognising the work he did for the Edward River Community.

2. ATTENDANCE

Present: Mayor Cr Peta Betts, Deputy Mayor Cr Marc Petersen, Cr Harold Clapham, Cr Shirlee Burge, Cr Shannon Sampson, Cr Tarrja Moore, Cr Pat Fogarty, Chief Executive Officer

Via Teams: Cr Linda Fawns

In Attendance: Director Corporate Services, Director Infrastructure, Chief Financial Officer, Acting Manager Governance, Safety and Risk, Manager Development Services, Executive Assistant.

Gallery: Three

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

Moved: Cr Pat Fogarty

Seconded: Cr Tarrja Moore

RESOLUTION 2024/2002/6

The Council accept the request from Cr Linda Fawns to join the meeting via Teams.

CARRIED

7. SUSPEND STANDING ORDERS

Moved: Deputy Mayor Cr Marc Petersen

Seconded: Cr Harold Clapham

RESOLUTION 2024/2002/7

That standing orders be suspended to allow for a Public Forum agenda item.

CARRIED

8. RETURN TO STANDING ORDERS

Moved: Cr Pat Fogarty

Seconded: Cr Tarrisa Moore

RESOLUTION 2024/2002/8

That Council return to Standing Orders.

CARRIED

9. CONFIRMATION OF MINUTES

9.1. DRAFT MINUTES ORDINARY COUNCIL MEETING 5 DECEMBER 2023

Moved: Deputy Mayor Cr Marc Petersen

Seconded: Cr Harold Clapham

RESOLUTION 2024/2002/9.1

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

CARRIED

9.2. DRAFT MINUTES EXTRAORDINARY COUNCIL MEETING 13 DECEMBER 2023

Moved: Deputy Mayor Cr Marc Petersen

Seconded: Cr Pat Fogarty

RESOLUTION 2024/2002/9.2

That Council accept the draft minutes of the Extraordinary Council Meeting held Wednesday 13 December 2023 as a true and correct record.

CARRIED

10. DISCLOSURES OF INTERESTS

Nil

11. MAYORAL MINUTE(S)

11.1. MAYORAL MINUTE - COST SHIFTING ONTO LOCAL GOVERNMENT

Moved: Mayor Cr Peta Betts

Seconded: Cr Harold Clapham

RESOLUTION 2024/2002/11.1

That Council:

1. Receive and note the findings of the LGNSW Cost Shifting report for the 2021/2022 financial year; and
2. A copy of the cost shifting report be placed on Council's website so that our communities can access it; and
3. Council write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking that they urgently seek to address these costs through a combination of regulatory reform, budgetary provision and appropriate funding

CARRIED

12. URGENT ITEMS OF BUSINESS

Nil

13. REPORTS OF COMMITTEES

13.1. DRAFT MINUTES EDWARD RIVER VILLAGE COMMITTEE MEETING 6 FEBRUARY 2024

Moved: Cr Tarria Moore

Seconded: Cr Pat Fogarty

RESOLUTION 2024/2002/13.1

That Council receive the draft minutes of the Edward River Village Committee meeting held 6 February 2024 and note the committee's resolutions.

CARRIED

14. REPORTS TO COUNCIL**14.1. DA2023/0082 - CHANGE OF USE TO A DUAL OCCUPANCY - 225 CRESSY STREET**

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

RESOLUTION 2024/2002/14.1

That Council resolves to: -

1. APPROVE the development application 2023/0082 for a Change of Use - Dual Occupancy on Lot 8 Section 13 DP758913, 225 Cressy Street, Deniliquin as shown on plan numbered A100, A101, A102, A103, A104, A105, A200, A201 and described in detail 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, subject to conditions of consent.
 - b) The proposal is appropriate on the site given the existing character of the area, subject to conditions of consent.
2. Impose the conditions as outlined in Attachment 1 with the following changes:-
 - a) 1b amended plans remove first dot point "Garage 2 to have a front setback of 700mm" and third dot point remove Dulux Ivory paint to be replaced with Dulux Surfmist throughout the attachment.

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

Against: Cr Shannon Sampson

CARRIED 7/1

Members of the Gallery left the Council Chambers at 10.45am

Manager Development Services left the Council Chambers at 10.46am

14.2. DISABILITY INCLUSION ACTION PLAN 2023-2026 FOR ADOPTION

Moved: Deputy Mayor Marc Petersen

Seconded: Cr Shirlee Burge

RESOLUTION 2024/2002/14.2

That Council:

1. Adopt the Disability Inclusion Action Plan 2023-2026.
2. That the Plan be reviewed in the 2025/2026 Financial Year

CARRIED

14.3. STRONG AND RESILIENT COMMUNITIES (SARC) ACTIVITY - INCLUSIVE COMMUNITIES GRANT

Moved: Cr Pat Fogarty

Seconded: Cr Shirlee Burge

Alternate Motion

That the recommendation is deferred to allow discussion as to whether Council is the right organisation to take this project on

LOST

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson

RESOLUTION 2024/2002/14.3

That Council:

1. Confirm its position on an application under the Strong And Resilient Communities grant in this funding round (round three)
2. Notes that council staff have worked in collaboration with stakeholders to prepare an application for this round of funding in readiness for a decision
3. Notes that there are two future rounds of this funding planned under this program, being rounds four and five
4. Notes that the work undertaken to prepare an application for this round can be strengthened and utilised for future funding applications should Council determine not to proceed with an application under this current round or if the application if made, is unsuccessful
5. Notes the opportunity to confirm a strategic direction for the delivery of youth services with the new council as part of the development of the next Delivery Program.

CARRIED

14.4. AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - NATIONAL ASSEMBLY 2024

Moved: Cr Shirlee Burge

Seconded: Cr Linda Fawns

RESOLUTION 2024/2002/14.4

That Council

1. Approves the attendance of the Mayor and the Chief Executive Officer at the Australian Local Government Association 2024 National General Assembly 2-4 July 2024 at the National Convention Centre in Canberra.
2. Approves the attendance of other Councillors in line with the Councillor Expenses and Facilities Policy including Deputy Mayor Cr Marc Petersen, Cr Shirlee Burge, Cr Linda Fawns and potentially Cr Shannon Sampson.

CARRIED

14.5. ADVOCACY PLAN 2024-2025

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

RESOLUTION 2024/2002/14.5

That Council

1. Adopts the Edward River Advocacy Plan 2024 - 2025
2. That at the next briefing session a discussion is held on number one - Water Buy-backs

CARRIED

14.6. AUDIT, RISK & IMPROVEMENT COMMITTEE TERMS OF REFERENCE

Moved: Cr Harold Clapham

Seconded: Deputy Mayor Cr Marc Petersen

RESOLUTION 2024/2002/14.6

That Council defers this report until the Audit, Risk & Improvement Committee meets in May 2024.

CARRIED

14.7. QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2023

Moved: Cr Tarria Moore

Seconded: Deputy Mayor Cr Marc Petersen

RESOLUTION 2024/2002/14.7

That Council

1. Endorse the 31 December 2023 quarterly budget review of the 2023/24 Budget.
2. Note the overall impacts of proposed adjustments, an increase of \$121k since the September 2023 quarter review, on Council's budgeted operating result for 2023/24 being a surplus of \$22,150,261, and after removing Capital Grants a deficit of \$765,595.
3. Adopt the budget adjustments as detailed in this report.

CARRIED

Cr Linda Fawns left the meeting at 11.38am and returned at 11.39am

14.8. DELIVERY PROGRAM PROGRESS REPORT - JULY TO DECEMBER 2023

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Marc Petersen

RESOLUTION 2024/2002/14.8

That Council receive and note the six-monthly Delivery Program progress report for the period July to December 2023.

CARRIED

14.9. OPERATIONAL PLAN & BUDGET TIMETABLE

Moved: Cr Harold Clapham

Seconded: Cr Tarria Moore

RESOLUTION 2024/2002/14.9

That Council receive and note the 2024-25 Operational Plan and Budget Timetable in order to meet the legislative timeframes.

CARRIED

14.10. FINANCIAL SUSTAINABILITY REVIEW IMPLEMENTATION PLAN - 31 JANUARY 2024 PROGRESS

Moved: Cr Harold Clapham

Seconded: Cr Linda Fawns

RESOLUTION 2024/2002/14.10

That Council receive and note the progress against the Financial Sustainability Review Implementation Plan as at 31 January 2024.

CARRIED

14.11. REVIEW OF COUNCIL COMMITTEES AND DELEGATES FOLLOWING RESIGNATION OF CR FELLOWS

Moved: Cr Shannon Sampson

Seconded: Cr Pat Fogarty

RESOLUTION 2024/2002/14.11

That Council:

1. Appoint Cr Marc Peterson, as Deputy Mayor, as Council delegate to the following Committees:

- a) Australia Day Committee
- b) Riverina and Murray Joint Organisation (RAMJO), and
- c) CEO Performance Review Committee

2. Consider appointing Councillors to replace Cr Fellows on the following vacant Committee positions for the remainder of the Council term

- a) Audit Risk and Improvement Committee (ARIC) appoint Cr Linda Fawns
- b) NSW Rural Fire Service Liaison Committee (Mid Murray Zone) and,
- c) Zone Bush Fire Management Committee be left vacant until following September's Council Elections.

CARRIED

- Cr Tarria Moore left the Chambers at 11.58am - 12.01pm
- Cr Pat Fogarty left the Chambers at 12.04pm - 12.06pm
- Acting Manager Governance, Safety & Risk left the Chambers at 12.04pm – 12.11pm
- Chief Executive Officer left the Chambers at 12.04pm – 12.07pm
- Cr Shannon Sampson left the Chambers at 12.05pm – 12.08pm
- Cr Harold Clapham left the Chambers at 12.10pm - 12.11pm

14.12. NOVEMBER 2023 STORM EVENT

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

RESOLUTION 2024/2002/14.12

That Council approves scoping an investigations and options study regarding areas impacted during the November 2023 storm event and provides a proposal in the 2024-25 operational planning and budget process.

CARRIED

Manager Utilities entered the Chambers at 12.14pm

14.13. POWER PURCHASING AGREEMENT

Moved: Cr Harold Clapham

Seconded: Cr Shirlee Burge

RESOLUTION 2024/2002/14.13

That Council:

1. Participates in the procurement process of a Power Purchasing Agreement under the Regional Council's NSW Power Purchasing Agreement led by Hunter Joint Organisation by signing a Memorandum of Understanding.
2. Allocate savings achieved from the small sites Shell Energy contract to fund the \$15,930 cost to participate in the Regional Council's NSW Power Purchasing Agreement.

CARRIED

14.14. DOMESTIC WASTE MANAGEMENT POLICY

Moved: Cr Harold Clapham

Seconded: Deputy Mayor Cr Marc Petersen

RESOLUTION 2024/2002/14.14

That Council:

1. Endorse the draft Edward River Council Domestic Waste Management Policy and for the purposes of public exhibition for not less than 28 days, and
2. If no submissions are received, adopts the draft Edward River Council Domestic Waste Management Policy.

CARRIED

Councillors congratulated Manager Facilities and Team. Manager Facilities left the Chambers at 12.34pm.

14.15. DEVELOPMENT SERVICES ACTIVITY REPORT DECEMBER 23 & JANUARY 24

Moved: Cr Pat Fogarty

Seconded: Deputy Mayor Cr Marc Petersen

RESOLUTION 2024/2002/14.15

That Council receive and note the December 2023 and January 2024 Development Services Reports

CARRIED

14.16. INVESTMENT REPORT - JANUARY 2024

Moved: Cr Harold Clapham

Seconded: Cr Marc Petersen

RESOLUTION 2024/2002/14.16

That Council:

1. Note and receive the January 2024 report on Investments totalling \$38,830,005 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of January 2024 was \$119,299.
3. Note that total interest earned for the year to 31 January 2024 is \$991,146.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED

14.17. MAJOR PROJECTS UPDATE - JANUARY 2024

Moved: Cr Pat Fogarty

Seconded: Cr Linda Fawns

RESOLUTION 2024/2002/14.17

That Council receive and note the Major Projects Program – Progress Report for January 2024.

CARRIED

14.18. RESOLUTIONS OF COUNCIL

Moved: Deputy Mayor Cr Marc Petersen

Seconded: Cr Linda Fawns

RESOLUTION 2024/2002/14.18

That Council note the information in the Resolutions of Council as at 8 February 2024.

CARRIED

14.19. MAYOR, COUNCILLOR, CEO MEETINGS DECEMBER 2023 AND JANUARY 2024

Moved: Cr Tarria Moore

Seconded: Cr Harold Clapham

RESOLUTION 2024/2002/14.19

That Council

1. Note meetings attended on behalf of Council by the Mayor, Councillors and Chief Executive Officer during the month of December 2023 and January 2024 with updates.
2. Continue to advise the Chief Executive Officer's Executive Assistant of their meeting diaries and activities attendance.

CARRIED

15. NOTICES OF MOTIONS

Nil

16. QUESTIONS WITH NOTICE

Nil

17. CONFIDENTIAL MATTERS

Moved: Cr Tarria Moore

Seconded: Cr Shannon Sampson

RESOLUTION 2024/2002/17

That Council move into Confidential Business at 12.15pm to discuss

15.1. Tender for Contract C2023/11 Pretty Pine Road Widening

15.2. Draft Minutes Edward River Council Australia Day Committee

CARRIED

17.1. TENDER FOR CONTRACT C2023/11 PRETTY PINE ROAD WIDENING

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

RECOMMENDATION 2024/2002/17.1

That Council

1. Accepts the tender submitted by Bild Infrastructure Pty Ltd for Contract C2023/11 – Pretty Pine Road Widening project for the lump sum tender price of \$3,895,900.00 + GST,
2. Authorise the Mayor and Chief Executive Office to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2023/11 – Pretty Pine Road Widening Project, and
3. Authorise the Contract Superintendent to approve variations on the Contract up to a maximum value of 10% of the contract sum.

CARRIED

17.2. DRAFT MINUTES EDWARD RIVER COUNCIL AUSTRALIA DAY COMMITTEE

Moved: Cr Harold Clapham

Seconded: Cr Tarria Moore

RESOLUTION 2024/2002/17.2

That Council:-

1. Receive the draft minutes of the Edward River Council Australia Day Committee meetings held 19 December, 2023; 8 January, 2024; 10 January 2024; 22 January 2024 and note the committee's resolutions, and
2. Redact confidential information and place on the website.

CARRIED

17.3. OPEN THE MEETING TO THE PUBLIC

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson

RESOLUTION 2024/2002/17.3

That Council reopens the meeting the public at 1.11pm and the resolutions of Council considered in Item 17 Confidential Matters are read out to the public.

CARRIED

18. CLOSE OF MEETING

The meeting closed at 1.13pm