



MINUTES

Ordinary Council Meeting

Tuesday, 17 October 2023

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

Date: Tuesday, 17 October 2023

Time: 10:00 AM

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

**Philip Stone
Chief Executive Officer**

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1. OPENING MEETING**2. ATTENDANCE**

Present: Mayor Cr Peta Betts; Deputy Mayor Cr Paul Fellows; Cr Harold Clapham; Cr Shannon Sampson; Cr Tarrisa Moore; Cr Marc Petersen; Cr Shirlee Burge; Cr Linda Fawns

In Attendance: Chief Executive Officer; Director Corporate Services; Director Infrastructure; Chief Financial Officer; Acting Senior Governance Officer (via Teams)

3. LIVE STREAMING STATEMENT**4. ACKNOWLEDGEMENT OF COUNTRY****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 Marc Petersen

Seconded Cr Tarrisa Moore

RESOLUTION 2023/1710/6

That the request from Cr Pat Fogarty for a leave of absence be accepted.

CARRIED

7. CONFIRMATION OF MINUTES**7.1. DRAFT MINUTES ORDINARY COUNCIL MEETING HELD 19 SEPTEMBER 2023**

Moved: Cr Marc Petersen

Seconded: Cr Tarrisa Moore

RESOLUTION 2023/1710/7.1

That Council accept the Draft Minutes of the Ordinary Council Meeting held 19 September 2023 as a true and correct record.

CARRIED

8. DISCLOSURES OF INTERESTS

12.5 Approval for CEO to Chair the Deniliquin RSL Club Board. Chief Executive Officer, Philip Stone declared a Non-Pecuniary - Significant interest and will leave the Chambers during debate.

9. MAYORAL MINUTE(S)

Nil

10. URGENT ITEMS OF BUSINESS

Moved: Cr Tarria Moore

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/1710/10

That the urgent item of business being The Growth Strategy Project Advisory Committee be discussed during Confidential Business.

CARRIED

11. REPORTS OF COMMITTEES**11.1. MINUTES OF THE HEALTH SERVICES ADVISORY COMMITTEE MEETING - 25 SEPTEMBER 2023**

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/1710/11.1

That Council:

1. Receive the draft minutes of the Health Services Advisory Committee meeting held 25 September 2023
2. At its September meeting, the Committee resolved to recommend that Council:
 1. Dissolve the Health Services Advisory Committee, due to lack of suitable membership (in particular, consumers of health services), lack of a clear focus, dynamics of the group and continued operation of the Committee outside of its adopted Terms of Reference
 2. Supports, in principle, the 'One Good Street' project
 3. Continues to advocate for funding to extend the runway length to 1600m to cater for larger medical craft for emergency medical retrievals
 4. Facilitates a recruitment strategy for health care professionals, particularly doctors, in consultation with key stakeholders
 5. Reviews and updates its Doctors and Registered Nurses Attraction Policy to include all health professionals.

CARRIED ON DECIDING VOTE

12. REPORTS TO COUNCIL**12.1. 2023-24 COMMUNITY GRANTS PROGRAM - RECOMMENDED FUNDING ALLOCATION**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

RESOLUTION 2023/1710/12.1

That Council allocate the full 2023-24 Community Grants program budget as follows:

1. Deniliquin Mental Health Awareness Group \$3,000
2. Deniliquin Community Gardens Inc. \$3,000
3. Outback Theatre for Young People \$2,000
4. Deniliquin South Public School P&C \$3,000
5. South West Music Conservatorium \$1,600
6. Rotary Club of Deniliquin \$3,000
7. Deniliquin Playgroup Inc. \$3,000
8. U3A Deniliquin \$2,999
9. Deniliquin Stadium Incorporated \$3,000

CARRIED

12.2. LOCAL HERITAGE FUND APPLICATIONS ROUND 2, 2023/24

Moved: Cr Shirlee Burge

Seconded: Cr Shannon Sampson

RESOLUTION 2023/1710/12.2

That Council

1. Does not fund 267 Harfleur Street in this round and
2. That 112 End Street receive a Local Heritage Fund contribution of \$7,500.

CARRIED

12.3. SOUTHERN RIVERINA COUNTRY UNIVERSITIES CENTRE

Moved: Cr Tarria Moore

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/1710/12.3

That Council:

1. That Council continue to support the development of the Southern Riverina Country Universities Centre (CUC) and endorse the work undertaken by the Steering Committee to apply for the Regional University Study Hubs grant on behalf of four Local Government Areas, Edward River, Hay Shire, Berrigan Shire and Murray River Councils.
2. Acknowledge the development of the CUC Southern Riverina Board which will provide the overarching governance structure for the project.
3. Endorse the CEO to approach members of the community to be on the Board for the CUC Southern Riverina.
4. Nominate Mayor Cr Peta Betts to apply for a position on the Board to represent the Edward River Council.

CARRIED

12.4. SIGNING OF SISTER CITY AGREEMENT - LOZOVA CITY, UKRAINE

Cr Tarria Moore left the Chambers at 10.28am and returned at 10.29am

Moved: Cr Harold Clapham

Seconded: Cr Marc Petersen

RESOLUTION 2023/1710/12.4

That Council approve the signing of a Sister City Agreement between Edward River Council and Lozova City, Ukraine and conduct a signing ceremony via video conference on 17 October 2023 at 5.30pm.

CARRIED

12.5. APPROVAL FOR CEO TO CHAIR THE DENILIQVIN RSL CLUB BOARD

CEO Phil Stone left the meeting for the discussion at 10.31am

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

RESOLUTION 2023/1710/12.5

That Council approves the Chief Executive Officer to undertake the role of Chair of the Deniliquin RSL Club Pty Ltd board of directors.

CARRIED

CEO Philip Stone returned to the Chambers at 10.36am

Deputy Mayor Cr Paul Fellows left the Chambers at 10.37am

12.6. DRAFT DISABILITY INCLUSION ACTION PLAN FOR PUBLIC EXHIBITION

Deputy Mayor Cr Paul Fellows returned to the Chambers at 10.38am.

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

RESOLUTION 2023/1710/12.6

That Council:

1. Approve the draft Disability Inclusion Action Plan (DIAP) for public exhibition for no less than 28 days
2. Note that if submissions are received during the exhibition period, a further report will be provided to Council on the submissions and any proposed amendments to the plan
3. Adopt the Disability Inclusion Action Plan (DIAP) if no submissions are received, with the date of adoption being the day after the completion of the public exhibition period.

CARRIED

12.7. COMMUNICATIONS & COMMUNITY ENGAGEMENT STRATEGY

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

RESOLUTION 2023/1710/12.7

That Council adopt the Communications & Community Engagement Strategy (CCES).

CARRIED

12.8. 2022-23 DRAFT FINANCIAL STATEMENTS FOR SIGNING

Moved: Deputy Mayor Cr Paul Fellows

Seconded: Cr Harold Clapham

RESOLUTION 2023/1710/12.8

That Council

1. Adopt the Draft Financial Statements 2022-23 incorporating the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules
2. Approve the signing of the 'Statement by Councillors and Management' in accordance with *Section 413(2)(c) of the Local Government Act 1993* and *Clause 215 of the Local Government (General) Regulation 2021* in relation to the Financial Statements 2022-23
3. Delegate to the Chief Executive Officer the authority to submit the Financial Statements to the Office of Local Government and Australian Bureau of Statistics, once audited.

CARRIED

12.9. INVESTMENTS AND RESERVES REPORT - SEPTEMBER 2023

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/1710/12.9

That Council:

1. Note and receive the September 2023 report on Investments totalling \$42,513,699 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of September 2023 was \$140,324.
3. Note that total interest earned for the year to 30 September 2023 is \$448,728.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED

12.10. LODGEMENT OF ANNUAL DISCLOSURES OF INTEREST AND OTHER MATTERS IN WRITTEN RETURNS 2022-2023

Moved: Cr Tarria Moore

Seconded: Cr Harold Clapham

RESOLUTION 2023/1710/12.10

That Council note the tabling of *Annual Returns of Disclosure of Pecuniary Interests and Other Matters* in accordance with the requirements of Council's Code of Conduct.

CARRIED

12.11. CONSOLIDATION OF LOCAL ENVIRONMENTAL PLANS - PLANNING PROPOSAL 2022-3030

Moved: Cr Harold Clapham

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/1710/12.11

That Council resolves to:

1. Endorse the Planning Proposal provided as Attachment 1 to this report,
2. Lodge a Section 3.22 EP&A Act, minor amendment, to Department Planning and Environment, to transition Edward River Local Environmental Plan mapping to a digital format for finalisation of the Consolidated Edward River Local Environmental Plan,
3. Request the Department of Planning and Environment to prepare the draft Consolidated Edward River Local Environmental Plan, and
4. Request Parliamentary Counsel to prepare the draft Consolidated Edward River Local Environmental Plan under section 3.36 (1) of the Environmental Planning and Assessment Act 1979.

CARRIED

12.12. DEVELOPMENT SERVICES ACTIVITY REPORT SEPTEMBER 2023

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

RESOLUTION 2023/1710/12.12

That Council receive and note the September 2023 Development Services Report.

CARRIED

12.13. EMERGENCY REPAIRS AMENITIES BUILDINGS - MCLEAN BEACH CARAVAN PARK

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson

RESOLUTION 2023/1710/12.13

To Council:

1. Notes the additional work required at McLean Beach Caravan Park as part of recovery works from the 2022 flood event, and
2. Allocates \$420,000 from the Infrastructure reserve for flood recovery works to Council owned buildings at McLean Beach Caravan Park.

CARRIED

12.14. NAMING OF REST AREA IN NORTH DENILIQVIN

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

RESOLUTION 2023/1710/12.14

That Council:

1. Calls for public submissions regarding the naming for the rest area in North Deniliquin, formerly known as the North Deniliquin Tennis Courts, for a minimum period of 28 days, and
2. Receives a further report on the outcomes of the call for public submissions.

CARRIED

12.15. RESOLUTIONS OF COUNCIL

Moved: Deputy Mayor Cr Paul Fellows

Seconded: Cr Tarria Moore

RESOLUTION 2023/1710/12.15

That Council note the information in the Resolutions of Council as at 9 October 2023.

CARRIED

12.16. MAYOR, COUNCILLOR, CEO MEETINGS SEPTEMBER 2023

Moved: Cr Tarria Moore

Seconded: Cr Shannon Sampson

RESOLUTION 2023/1710/12.16

That Council

1. Note meetings attended on behalf of Council by the Mayor, Councillors and Chief Executive Officer during the month of September 2023 with the inclusion of Mayor Cr Peta Betts attending the Collectors Rally.
2. Continue to advise the Chief Executive Officer's Executive Assistant of their meeting diaries and activities attendance.

CARRIED

13. NOTICES OF MOTIONS**13.1. NOTICE OF MOTION - LETTER OF SUPPORT FOR A PUBLIC POST OFFICE BANK IN AUSTRALIA**

Moved: Cr Shirlee Burge

Seconded: Cr Marc Petersen

RESOLUTION 2023/1710/13.1**NOTICE OF MOTION**

I, Cr Shirlee Burge, hereby give notice of the following motion to be resolved by Edward River Council:

MOTION:

That Council write a letter of support for the campaign for a public post office bank in Australia to the Federal Member for Farrer and the Australian Citizens Party. This is necessary as the major trading banks are moving to electronic banking and the commitment to traditional banking facilities is necessary to support the elderly in our regional community as this transgresses.

CARRIED

14. QUESTIONS WITH NOTICE**14.1. QUESTION WITH NOTICE - DEPUTY MAYOR CR PAUL FELLOWS**

Will Edward River Council consider leasing a portion of their etc.

To be taken to the next Councillor briefing. Council has a ground water licence, but it has severe restrictions around it's usage.

14.2. QUESTION WITH NOTICE - CR PAT FOGARTY

At its September 2023 Ordinary Meeting, Council received a report recommending the adoption of a revised *Code of Conduct and Procedure for the Administration of the Code of Conduct*.

During the discussion on this Agenda item, Cr Pat Fogarty asked for further information about the definition of "other business" in clause 5.23: "The Chief Executive Officer must not engage, for remuneration, in private employment, contract work or other business outside the service of Council without the prior approval of Council, made as a resolution of Council".

RESPONSE FROM CHIEF EXECUTIVE OFFICER

Council's revised Code of Conduct has been drafted based on the NSW Office of Local Government's (OLG's) updated Model Code of Conduct.

Council has sought guidance from the OLG regarding a definition for "other business" in clause 5.23 of the Code.

OLG has provided the following advice:

""The relevant provision of the Model Code of Conduct (clause 5.23) is based on section 353(1) of the *Local Government Act 1993*. Where section 353(1) requires the general manager to obtain the council's approval for secondary employment and contract work, clause 5.23 of the Model Code of Conduct extends the requirement for council approval to "other business" that is remunerated (ie business that does not arise from an employment or contractual relationship)."

15. CONFIDENTIAL MATTERS

Moved: Cr Tarria Moore

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/1710/15

That the committee move into Confidential Committee at 11.26am to discuss the following item:

The Growth Strategy Project Advisory Committee - appointment of community members and adoption of Terms of Reference

The committee is satisfied that, pursuant to Section 10A(2) of the Local Government Act 1993, the information to be received, discussed, or considered in relation to this agenda item is:

- 2(a) personal matters concerning particular individuals (other than councillors).

16. GROWTH STRATEGY PROJECT ADVISORY COMMITTEE - APPOINTMENT OF COMMUNITY MEMBERS AND ADOPTION OF TERMS OF REFERENCE

Deputy Mayor Cr Paul Fellows returned to the Chambers at 11.22am; Cr Shannon Sampson returned to the Chambers at 11.23am; Cr Tarria Moore returned to the Chambers at 11.26am

Moved: Cr Harold Clapham

Seconded: Cr Shannon Sampson

RESOLUTION 2023/1710/16

That Council:

1. Adopts the updated Terms of Reference for the Edward River Growth Strategy Project Advisory Committee with an amendment to reflect community representation.
2. Approves the appointment of the following community members to the committee:
 - a. Julia Druitt
 - b. Ben Littman
 - c. Dominic Kelly
 - d. Jarryd Lowry
 - e. Edwina Hayes
3. Thanks those unsuccessful community members for their interest in the Growth Strategy project and encourage their participation in the upcoming engagement program.

CARRIED

17. CLOSE OF MEETING

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

RESOLUTION 2023/1710/17

That Council move out of Confidential Business at 11.35am.

CARRIED

Mayor Cr Peta Betts closed the meeting at 11.36am.