



MINUTES

Ordinary Council Meeting

Tuesday, 19 September 2023

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

Date: Tuesday, 19 September 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

Meeting opened at 10am

2. ATTENDANCE

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

In attendance: Chief Executive Officer, Director Corporate Services, Director Infrastructure, Acting Chief Financial Officer, Chief Financial Officer, Senior Governance Officer, Executive Assistant

Gallery: 3

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

Nil

7. CONFIRMATION OF MINUTES

7.1. DRAFT MINUTES ORDINARY COUNCIL MEETING 15 AUGUST 2023

Moved: Cr Linda Fawns

Seconded: Cr Tarrisa Moore

RESOLUTION 2023/0919/7.1

That Council accept the Draft Minutes of the Ordinary Council Meeting held 15 August 2023 as a true and correct record.

CARRIED

8. DISCLOSURES OF INTERESTS

Nil

9. MAYORAL MINUTE(S)

Nil

10. URGENT ITEMS OF BUSINESS

Nil

10.1. ELECTION PROCEDURES: MAYOR AND DEPUTY MAYOR ELECTION

Mayor Cr Peta Betts vacated the Chair at 10.05am

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0919/10.1

That Council, in accordance with the Local Government (General) Regulation 2021:

1. Note that the Chief Executive Officer will assume the Meeting chair as Returning Officer until the conclusion of the election
2. Determine that the method of voting for the election of the Mayor and Deputy Mayor, should the Returning Officer receive more than one nomination for either role, be by Ordinary Ballot (secret ballot)
3. Elect a Mayor for the remainder of the Council term
4. Elect a Deputy Mayor for the remainder of the Council term.

CARRIED

Election of Mayor

Three nominations were received for the position of Mayor:

Cr Marc Petersen - Nominated by Cr Shirlee Burge and seconded by Cr Marc Petersen - confirmed acceptance of nomination

Cr Peta Betts - Nominated by Cr Paul Fellows and seconded by Cr Linda Fawns - confirmed acceptance of nomination

Cr Harold Clapham - Nominated by Cr Marc Petersen and seconded by Cr Shirlee Burge - confirmed acceptance of nomination

Nominees were then given the opportunity to address Council.

As three nomination were received, the first round of votes will see the candidate with the least number of votes removed from the ballot.

Cr Marc Petersen received the least number of votes.

Following the second round of votes, Cr Peta Betts was re-elected Mayor of Edward River Council.

Election of Deputy Mayor

Cr Paul Fellows - Nominated by Cr Peta Betts and seconded by Cr Tarria Moore - confirmed acceptance of nomination

Cr Pat Fogarty - Nominated Cr Marc Petersen and seconded by Cr Harold Clapham - confirmed acceptance of nomination

Nominees were then given the opportunity address Council.

Cr Paul Fellows was re-elected as Deputy Mayor

Mayor, Cr Peta Betts returned to the Chair at 10.39am.

Cr Shirlee Burge asked to be excused and left the Chambers at 10.40am and did not return.

11. REPORTS OF COMMITTEES**11.1. MINUTES OF THE ARTS AND CULTURE ADVISORY COMMITTEE MEETINGS 8 AUGUST AND 4 SEPTEMBER 2023**

Moved: Cr Tarria Moore

Seconded: Cr Pat Fogarty

RESOLUTION 2023/0919/11.1

That Council:

1. Receives the draft Minutes of the Arts and Culture Advisory Committee meeting held on 8 August 2023 and the extraordinary meeting held on 4 September 2023.
2. Consider the recommendation of the extraordinary meeting held on 4 September being the funding of a consultant to develop an arts and culture strategy with the committee as a key stakeholder, through a \$20K budget allocation in the 2024/25 Operational Plan and Budget, for delivery in the 24/25 financial year.
3. Endorse the resolutions of the Arts & Culture Advisory Committee meetings held on 8 August 2023 and 4 September 2023.

CARRIED

11.2. DRAFT MINUTES AUDIT RISK AND IMPROVEMENT COMMITTEE - 10 AUGUST 2023 AND 12 SEPTEMBER 2023

Moved: Cr Harold Clapham

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0919/11.2

That Council:

1. Receives the draft Minutes of the Audit, Risk & Improvement Committee meeting held on 10 August 2023, and endorse the resolutions of that meeting
2. Receives the draft Minutes of the extraordinary Audit, Risk & Improvement Committee meeting held on 12 September, and endorse the resolutions of that meeting.

CARRIED

11.3. DRAFT MINUTES EDWARD RIVER VILLAGE COMMITTEE MEETING 29 AUGUST 2023

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

RECOMMENDATION

That Council note the draft minutes of the Edward River Village Committee meeting held Tuesday 29 August 2023.

CARRIED

12. REPORTS TO COUNCIL**12.1. 2023-24 SCHEDULE OF ORDINARY COUNCIL MEETINGS**

Moved: Cr Tarria Moore

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0919/12.1

That Council adopt the proposed 2023-24 Schedule of Ordinary Council Meetings:

- 17 October 2023
- 21 November 2023
- 5 December 2023 (in place of Councillor Briefing)
- 20 February 2024
- 19 March 2024
- 16 April 2024
- 21 May 2024
- 18 June 2024
- 16 July 2024
- 20 August 2024
- 17 September 2024 (following election)

CARRIED

12.2. DETERMINATION OF NUMBER OF COUNCILLORS FOR 2024-2028 TERM OF OFFICE

Moved: Cr Fawns

Seconded: Cr Sampson

RESOLUTION 2023/0919/12.2

That Council, in accordance with section 224(2) of the *Local Government Act 1993* determine the number of Councillors for the 2024-2028 term of office to be nine (9), including the Mayor.

CARRIED

12.3. REVISED CODE OF CONDUCT AND PROCEDURE FOR ADMINISTERING THE CODE OF CONDUCT

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0919/12.3

That Council adopt the revised Code of Conduct and Procedures for the Administration of the Code of Conduct for Edward River Council.

CARRIED

Members of the Gallery left at 10.57am

12.4. 2022-23 DRAFT FINANCIAL STATEMENTS FOR PRESENTATION TO AUDIT

Moved: Cr Harold Clapham

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0919/12.4

That Council

1. Establish internally restricted reserves for the Conargo Hall Committee Bob White bequest funds (\$2.636m) and the 2023-24 Financial Assistance Grant received in advance(\$6.972m) and to include these in the 2022-23 draft financial statements
2. Review the Draft Financial Statements for 2022-23, incorporating the General-Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules.
3. Recommend that they be presented for audit.
4. Note that the Audited Financial Statements will be provided to ARIC and Council in late October.

CARRIED

12.5. LOCAL GOVERNMENT GRANTS COMMISSION FINANCIAL ASSISTANCE GRANTS CORRESPONDENCE

Moved: Cr Marc Petersen

Seconded: Cr Pat Fogarty

RESOLUTION 2023/0919/12.5

That Council note:

1. The correspondence received from the Local Government Grants Commission, advising that councils 2023-24 FA Grants estimated entitlement is \$6.987m, compared to the 2022-23 final entitlement of \$6.689m, an increase of \$298k (4.5%).
2. That the Local Government Grants Commission requested the enclosed letter be tabled at the next Council meeting and,
3. The Commissions concern about the unpredictability the practice of advance payments creates for councils.

CARRIED

12.6. INVESTMENTS AND RESERVES REPORT-AUGUST 2023

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

RESOLUTION 2023/0919/12.6

That Council:

1. Note and receive the August 2023 report on Investments totalling \$45,430,600 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of August 2023 was \$140,324.
3. Note that total interest earned for the year to 31 August 2023 is \$279,266.

4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED

12.7. UNRECOVERABLE RATES

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

RESOLUTION 2023/0919/12.7

That Council:

1. Notes the unrecoverable rates for 47 unclaimed properties in the Edward River Council LGA and approves the write-off of \$291,582.40 under reg 131(4)(d) of *Local Government (General) Regulation 2021* as per attachment one.
2. Notes that the rates or charges written off under that regulation does not prevent council from taking legal proceedings to recover the amounts owed.
3. Agrees to write to the Minister of Local Government and the Treasurer, requesting that the *Local Government Act 1993* section 556 (1) be amended to include unclaimed properties as land that is exempt from rates
4. Investigates potential solutions to this issue.

CARRIED

12.8. DEVELOPMENT SERVICES ACTIVITY REPORT AUGUST 2023

Moved: Cr Marc Petersen

Seconded: Cr Linda Fawns

RESOLUTION 2023/0919/12.8

That Council receive and note the August 2023 Development Services Activity Report.

CARRIED

12.9. MAJOR PROJECTS REPORT - AUGUST 2023

Moved: Cr Marc Petersen

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0919/12.9

That Council receive and note the Major Projects Program – Progress Report for August 2023

CARRIED

12.10. EDWARD RIVER GROWTH STRATEGY ADVISORY COMMITTEE

Moved: Cr Marc Petersen

Seconded: Cr Linda Fawns

RECOMMENDATION

That Council:

1. Establishes a Committee of Council, being the Growth Strategy Committee, comprised of all councillors, for the purpose of project oversight of the development of the Edward River Growth Strategy.
2. Revise the previously tabled draft Terms of Reference to make clear the purpose, scope and composition of the Committee
3. Notes that Committees for which all the members are Councillors must conduct their meetings in accordance with Councils Code of Meeting Practice

LOST

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

RESOLUTION 2023/0919/12.10

That Council:

1. Establishes a Committee of Council, being the Growth Strategy Committee, comprised of no more than seven people, which includes two Councillors. Cr Harold Clapham and Cr Shannon Sampson will sit on this committee, for the purpose of project oversight of the development of the Edward River Growth Strategy.
2. Revise the previously tabled draft Terms of Reference to make clear the purpose, scope and composition of the Committee
3. Notes that Committees must conduct their meetings in accordance with Councils Code of Meeting Practice

CARRIED

12.11. RESOLUTIONS OF COUNCIL

Moved: Cr Pat Fogarty

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0919/12.11

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

CARRIED

12.12. MAYOR, COUNCILLOR, CEO MEETINGS AUGUST 2023

Moved: Cr Marc Petersen

Seconded: Cr Harold Clapham

RESOLUTION 2023/0919/12.12

That Council

1. Note meetings attended on behalf of Council by the Mayor, Councillors and Chief Executive Officer during the month of August 2023.
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 - PROTECT WATER SUSTAINABILITY OF REGIONAL IRRIGATION COMMUNITIES**

Moved: Cr Harold Clapham

Seconded: Cr Marc Petersen

RESOLUTION 2023/0919/13.1**NOTICE OF MOTION**

I, Cr Harold Clapham, hereby give notice of the following motion to be resolved by Edward River Council and put to the LGNSW 2023 conference.

MOTION:

That Council adopts the following motion to be submitted to the Local Government NSW Conference:

Protect water sustainability of regional irrigation communities.

That Local Government NSW calls on the Australian Government to acknowledge that water buy-back has a detrimental effect upon local communities.

1. Acknowledge the Adverse Socio-Economic Impact: The Australian Government should openly acknowledge that water buybacks have an adverse socio-economic impact on regional communities. This recognition is the first step towards addressing the issue and finding sustainable solutions.
2. Commitment to Financial Support: In the event that water buybacks proceed, it is imperative that the Federal Government commits to providing financial support to assist affected regional communities in their transition. This support should be designed to help local economies adapt to the changes brought about by water buybacks.
3. At a minimum, Tie Assistance to Water Value: The level of structural assistance provided to impacted communities should be directly tied to the value of the water purchased from those Local Government Areas (LGAs). This ensures that communities are adequately compensated for the resources that are being extracted from their regions.

Dated this eighth day of September 2023

Signed by Cr Harold Clapham

CARRIED

13.2. NOTICE OF MOTION - LETTER OF SUPPORT FOR A PUBLIC POST OFFICE BANK IN AUSTRALIA

As Cr Shirlee Burge was not in the Council Chambers, this notion of motion will be taken to the October 2023 Ordinary Council meeting.

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

14. QUESTIONS WITH NOTICE

Nil

15. CONFIDENTIAL MATTERS

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

RESOLUTION 2023/0919/15

That Council move into Confidential Council at to discuss the following items:-

15.1. Contract C2023-02 Operation and Management of Deniliquin Regional Sports and Entertainment Centre

The Council 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:

- d (i) commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

15.2. Contract C2021-20 Transfer Station Waste Disposal

The Council 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:

- d (i) commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

15.3. Contract C2022-07 Road Reconstruction - Joint Council Sealed Roads - Package 1

The Council 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:

- d (i) commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

15.4. Contract C2022-08 Deniliquin Skate Park

The Council 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:

- d(i) commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

15.5. Contract C2023-03 Supply of Crushed Rock to Nominated Stockpiles

The Council 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:

- d (i) commercial information of a confidential nature that would if disclosed prejudice the commercial position of the person who supplied it.

CARRIED

15.1. CONTRACT C2023-02 OPERATION AND MANAGEMENT OF DENILIQVIN REGIONAL SPORTS AND ENTERTAINMENT CENTRE

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

RESOLUTION 2023/0919/15.1

That Council:

1. Accepts the tender submitted by Deniliquin Sports Park Incorporated for Contract C2023-02 Operation and Management of the Deniliquin Regional Sports and Entertainment Centre for a three-year period ending 30 September 2026 and for the tender price of \$85,000+GST for the 2023/24 financial year, and
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2022/08 Operation and Management of the Deniliquin Regional Sports and Entertainment Centre, and
3. Allocates an additional \$42,000 in the 2023/24 Operational Plan for management fees relating to the Operation and Management of the Deniliquin Regional Sports and Entertainment Centre.
4. Ensure contract requirements are met.

CARRIED

15.2. CONTRACT C2021-20 TRANSFER STATION WASTE DISPOSAL

Moved: Deputy Mayor Cr Paul Fellows

Seconded: Cr Tarrisa Moore

RESOLUTION 2023/0919/15.2

That Council:

1. Accepts the tender submitted by Country Waste Services Pty Ltd for Contract C2021/20 – Transfer Station Waste Disposal for a period of three years at the schedule of rates for 2023/24 of:
 - (a) \$8.52/week + GST for each bin hire,
 - (b) \$2.78/km + GST for travel, and
 - (c) \$97.20/bin + GST for each bin pick up.
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2021/20 Transfer Station Waste Disposal.

CARRIED

15.3. CONTRACT C2022-07 ROAD RECONSTRUCTION - JOINT COUNCIL SEALED ROADS - PACKAGE 1

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

RESOLUTION 2023/0919/15.3

That Council:

1. Accepts the tender submitted by Bild Infrastructure Pty Ltd for Contract C2022/07 – Road Reconstruction - Joint Council Sealed Roads - Package 1 for the value of the schedule of rates tender of \$1,353,238 + GST,
2. Authorise the Mayor and Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2022/07 Road Reconstruction - Joint Council Sealed Roads - Package 1, and
3. Delegate the Contract Superintendent authority to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site.

CARRIED

Chief Executive Officer left the Chambers at 12.41pm and returned at 12.43pm

15.4. CONTRACT C2022-08 DENILIQUN SKATE PARK

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

RESOLUTION 2023/0919/15.4

That Council:

1. Accepts the tender submitted by Independent Concrete Construction Pty Ltd for Contract C2022/08 - Deniliquin Skate Park for the lump sum of \$405,090 inclusive of GST,
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2022/08 - Deniliquin Skate Park, and
3. Authorises the Contract Superintendent to approve variations on the contract up to a maximum value of 10% of the contract sum.

CARRIED

15.5. CONTRACT C2023-03 SUPPLY OF CRUSHED ROCK TO NOMINATED STOCKPILES

Moved: Deputy Mayor Cr Paul Fellows

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0919/15.5

That Council:

1. Accepts the tenders submitted by Andrew Goldman Excavations Pty Ltd and EB Mawsons & Sons Pty Ltd for Contract C2023/03 for Supply of Crushed Rock to Nominated Stockpiles, and
2. Places all accepted tenders on a panel of contractors for the Supply of Crushed Rock to Nominated Stockpiles.

CARRIED

15.6. RETURN TO OPEN COUNCIL

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

16. CLOSE OF MEETING

The meeting closed at 1.06pm