



# **MINUTES**

## **Ordinary Council Meeting**

**Tuesday, 19 March 2024**

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

**Date: Tuesday, 19 March 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

Meeting opened at 10.06am

## 2. ATTENDANCE

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

In Attendance: Chief Executive Officer, Director Corporate Service, Director Infrastructure, Chief Financial Officer, Manager Governance, Risk & Safety, Executive Assistant

Via Teams: Principal Governance Advisory

## 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:

1. Represent the views of the community in considering the matters before us today
2. To vote in a matter I consider to be in the best interest of the community
3. 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 HELD 20 FEBRUARY 2024**

Moved: Cr Shannon Sampson

Seconded: Cr Clapham

#### **RESOLUTION 2024/1903/7.1**

That Council accept the draft minutes of the Ordinary Council Meeting held Tuesday 20 February 2024 as a true and correct record.

**CARRIED**

## **8. DISCLOSURES OF INTERESTS**

12.4 Chief Executive Officer declared Non-pecuniary - Less than significant conflict of interest in report 12.4 DA 2023/0096 - Shipping Container - Cadet Hall - 306-308 Victoria Street.

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

Nil

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**10. URGENT ITEMS OF BUSINESS**

Moved: Cr Shirlee Burge

Seconded: Cr Pat Fogarty

**Notice of Motion - Staff Matter****Consideration of business to be in closed session**

This matter to be considered in Closed Session as the information concerns personnel matters relating to particular individuals in accordance with s10A of the Local Government Act 1993 (NSW).

Moved: Cr Pat Fogarty

Seconded: Cr Tarria Moore

**RESOLUTION 2024/1903/10**

That Council move into Confidential Business at 10.11am, and all Council Officers were asked to leave the Chambers.

**CARRIED**

Mayor Peta Betts declared a conflict of interest and left the Chambers.

Moved: Cr Tarria Moore

Seconded: Cr Pat Fogarty

**RESOLUTION 2024/1903/10.1**

That Council reopens the meeting to the public at 11.51am and the resolution of Council considered in item 10 Urgent Items of Business are read out to the public.

**CARRIED**

**RESOLUTION 2024/1903/10.2**

That Council:-

1. Terminates the Chief Executive Officers contract of employment ("Contract") in accordance with subclause 10.3.5 of the Contract, with such termination to take effect from when the Chief Executive Officer receives written notice that their contract of employment has been terminated.
2. As soon as practicable the Mayor shall inform the Chief Executive Officer of the above decision in writing and instruct the relevant officer(s) of Council to process any termination payments that the Chief Executive Officer is entitled to under their Contract.
3. The Council appoints Mark Dalzell as the Council's Acting Chief Executive Officer pursuant to sections 336 and 351 of the Local Government Act 1993, with such person to remain as the Council's Acting Chief Executive Officer until the Council appoints a new Chief Executive Officer or until further decision of the Council to appoint a different Acting Chief Executive Officer, which occurs first.
4. In the event of item 3 not being successful, the Council appoints Local Government New South Wales to recruit an Acting Chief Executive Officer for the Council until such time that a new Chief Executive Officer is appointed.

Mayor Cr Peta Betts resumed the Chair at 11.53am.

**11. REPORTS OF COMMITTEES****11.1. DRAFT MINUTES MEMORIAL PARK USER GROUP MEETING 21 FEBRUARY 2024**

Moved: Cr Pat Fogarty

Seconded: Deputy Mayor Cr Marc Petersen

**RESOLUTION 2024/1903/11.1**

That Council receive the draft minutes of the Memorial Park User Group meeting held Wednesday 21 February 2024 and note the committee's resolutions

**CARRIED**

**11.2. DRAFT MINUTES ABORIGINAL LIAISON COMMITTEE MEETING 7 FEBRUARY 2024**

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Marc Petersen

**RESOLUTION 2024/1903/11.2**

That Council:

1. Note the draft minutes of the Aboriginal Liaison Committee meeting held Wednesday 7 February 2024,
2. Note that the Chief Executive Officer has actioned recommendation 1 of General Business item 5.1, Australia Day of the minutes, and
3. Consider the following recommendations:
  - a. That a member of the Aboriginal Liaison Committee or a First Nations Person be involved in the Australia Day Committee
  - b. That Edward River Council, with consultation provided by Yarkuwa, prepare a media release:-
  - c. Edward River Council is appalled at the ongoing adverse commentary being generated within our community
  - d. Edward River Council does not condone any public denigration of First Nations People in any form.
4. That the terms of reference for the Australia Day Committee be updated to include 3(a).

Against: Cr Tarria Moore; Cr Shannon Sampson

**CARRIED**

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**11.3. DRAFT MINUTES GROWTH STRATEGY ADVISORY COMMITTEE**

Moved: Cr Harold Clapham

Seconded: Cr Shannon Sampson

**RESOLUTION 2024/1903/11.3**

That Council:

1. Receives the draft minutes of the Growth Strategy Advisory Committee meeting held 5 December 2023 and endorses the recommendations of that meeting
2. Receives the draft minutes of the meeting held 5 March 2024, and endorses the resolutions and recommendations of that meeting, specifically:
  - a. Approval of the extension of the Growth Strategy project timeline by at least one month to allow for considered review and feedback into the draft ahead of the public exhibition period
3. Receives the notes taken of the Growth Strategy Advisory Committee Meeting held 6 February 2024, which was inquorate.

**CARRIED**

**11.4. AUDIT RISK AND IMPROVEMENT COMMITTEE DRAFT MINUTES - THURSDAY 15 FEBRUARY 2024**

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

**RESOLUTION 2024/1903/11.4**

That Council:

1. Receives the draft Minutes of the Audit, Risk and Improvement Committee meeting held on 15 February 2024, and endorse the resolutions and recommendations of that meeting, specifically:
  - a) Adoption of the updated Terms of Reference, noting the membership composition of four independent members and,
  - b) Adoption of the Annual Internal Audit Plan for 2024-25, being cyber security risk and taxation compliance (including fuel tax credits)
2. Notes the annual self-assessment undertaken by the Committee and the accompanying letter from the Audit, Risk and Improvement Chair.
3. That a copy of the letter from the Chair of Audit, Risk and Improvement Committee be brought to the attention of Staff and that a report be brought back to Council.

**CARRIED**

**12. REPORTS TO COUNCIL****12.1. WATER ADVOCACY PROPOSAL**

Moved: Cr Linda Fawns

Seconded: Cr Harold Clapham

**RESOLUTION 2024/1903/12.1**

That Council endorse the engagement of Seftons and Arche advisory to provide a response to the survey on the Draft Restoring Our Rivers Framework and adopt the submission and cover letter as attached to this report.

**CARRIED**

**12.2. PROCUREMENT POLICY**

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

**RESOLUTION 2024/1903/12.2**

That Council adopt the updated draft Edward River Council Procurement Policy.

**CARRIED**

**12.3. REVISED COUNCILLOR EXPENSES AND FACILITIES POLICY**

Move: Cr Linda Fawns

Seconded: Cr Tarria Moore

**RESOLUTION 2024/1903/12.3**

That Council defer this report to the April 2024 Ordinary Council to allow for further changes.

**CARRIED**

**12.4. DA2023/0096 - SHIPPING CONTAINER - CADET HALL - 306-308 VICTORIA STREET**

Moved: Cr Pat Fogarty

Seconded: Cr Shirlee Burge

**RESOLUTION 2024/1903/12.4**

That Council resolves to: -

1. APPROVE the development application DA2023/0096 for a Shipping Container, on Lot 2, Sec 5, DP 758782, 306-308 Victoria Street, Deniliquin as shown on the plans in attachment 2 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 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 development will have no significant adverse impacts on the natural or built environments.
2. Impose the conditions as shown in attachment 1.
3. An additional item of consent that the container is to be painted the same colour as the existing building on site.

Division

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

**CARRIED 8/0**

**12.5. DEVELOPMENT SERVICES ACTIVITY REPORT FEBRUARY 2024**

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Marc Petersen

**RESOLUTION 2024/1903/12.5**

That Council receive and note the February 2024 Development Services Report.

**CARRIED**

**12.6. MAJOR PROJECTS UPDATE - FEBRUARY 2024**

Moved: Cr Linda Fawns

Seconded: Cr Tarrisa Moore

**RESOLUTION 2024/1903/12.6**

That Council receive and note the Major Projects Program - Progress Report for February 2024.

**CARRIED**

**12.7. INVESTMENT REPORT - FEBRUARY 2024**

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Marc Petersen

**RESOLUTION 2024/1903/12.7**

That Council

1. Note and receive the February 2024 report on investments totalling \$38,156,122 inclusive of cash at bank for day-to-day operations
2. Note that actual interest earned in the month of February 2024 was \$104,730
3. Note that total interest earned for the year to 29 February 2024 is \$1,074,666
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

**CARRIED**

**12.8. RESOLUTIONS OF COUNCIL**

Moved: Cr Pat Fogarty

Seconded: Deputy Mayor Cr Marc Petersen

**RESOLUTION 2024/1903/12.8**

That Council note the information in the Resolutions of Council as at 13 March 2024.

**CARRIED**

**12.9. MAYOR, COUNCILLOR, CEO MEETINGS FEBRUARY 2024**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

**RESOLUTION 2024/1903/12.9**

That Council

1. Note meetings attended on behalf of Council by the Mayor, Councillors and Chief Executive Officer during the month of February 2024.
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**

The meeting closed at 12.25pm.