



MINUTES

Ordinary Council Meeting

Tuesday, 29 October 2024

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

Date: Tuesday, 29 October 2024

Time: 2:00 PM

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

**Gary Arnold
Interim Chief Executive Officer**

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1. OPENING MEETING

Meeting opened at 2.00pm

2. ATTENDANCE

Present: Mayor Cr Ashley Hall, Deputy Mayor Kellie Crossley, Cr Shirlee Burge, Cr Craig Druitt, Cr Ken Bates, Cr Leanne Mulham, Cr Frank Schofield, Cr Linda Fawns, Cr Shannon Sampson, Interim Chief Executive Officer

In attendance: Interim Advisor, Acting Chief Financial Officer, Acting Director Corporate Services, Director Infrastructure, Executive Assistant

Gallery: Four

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 www.edwardriver.nsw.gov.au 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. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6. CONFIRMATION OF MINUTES

6.1. DRAFT MINUTES ORDINARY COUNCIL MEETING HELD 20 AUGUST 2024

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson.

RESOLUTION 2024/2910/6.1

That Council receive and note the draft minutes of the Ordinary Council meeting held Tuesday 20 August 2024.

UNANIMOUSLY CARRIED

6.2. DRAFT MINUTES OF THE EXTRAORDINARY COUNCIL MEETING 15 OCTOBER 2024

Moved: Cr Ken Bates

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/6.2

That Council receive and note the draft minutes of the Extraordinary Council meeting held Tuesday 15 October 2024.

UNANIMOUSLY CARRIED

7. DISCLOSURES OF INTERESTS

14.1 Recruitment Process for Appointment of Chief Executive Officer. Interim Chief Executive Officer declared a pecuniary interest in the report and will leave the Chambers.

8. MAYORAL MINUTE(S)

Two Mayoral Minutes will be presented to Councillors during Confidential Business.

9. URGENT ITEMS OF BUSINESS

Nil

10. REPORTS OF COMMITTEES

Nil

11. REPORTS TO COUNCIL**11.1. INTERNAL AUDIT CHARTER 2024**

Moved: Cr Shirlee Burge

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/11.1

That Council:

1. Notes that the Audit, Risk and Improvement Committee considered the draft Internal Audit Charter 2024 (Attachment 1) at its 16 September 2024 meeting, and recommended that Council adopt the Charter.
2. Adopts the draft Internal Audit Charter 2024 (Attachment 1).

UNANIMOUSLY CARRIED

11.2. AUDIT, RISK AND IMPROVEMENT COMMITTEE - TERMS OF REFERENCE, WORK PLANS, APPOINTMENTS

Moved: Cr Shirlee Burge

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/11.2

That Council:

1. Notes that on 16 September 2024, the Audit, Risk and Improvement Committee (ARIC) considered:
 - a. the revised ARIC Terms of Reference (Attachment 1);
 - b. Annual and Strategic Work Plans (Attachment 2), and
 - c. recommended that Council adopt both.
2. Adopts the ARIC Annual and Strategic Work Plans, and the revised ARIC Terms of Reference, with the inclusion at paragraph 5.2 of the Terms of Reference "an independent member based within the Edward River local government area".
3. Discusses and decides the councillor member and alternative councillor member to be appointed to the ARIC.
4. Appoints Councillor Leanne Mulham as the councillor member of the ARIC for four years.
5. Appoints Councillor Linda Fawns as the alternative councillor member of the ARIC for four years.
6. Notes that the Mayor will sign letters of appointment for (4) and (5), above.

UNANIMOUSLY CARRIED

11.3. LOCAL TRAFFIC COMMITTEE - SPECIAL EVENT

Moved: Cr Frank Schofield

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/11.3

That Council resolves to adopt the recommendation of the Edward River Council Local Traffic Committee regarding the 'Do it in Deni Bazaar' special event to be held on Saturday, 2nd November 2024 and approve this special event.

UNANIMOUSLY CARRIED

11.4. SOUTHERN RIVERINA REGIONAL DROUGHT RESILIENCE PLAN

Moved: Cr Craig Druitt

Seconded: Cr Shannon Sampson

RESOLUTION 2024/2910/11.4

That Council adopts the Southern Riverina Regional Drought Resilience Plan.

UNANIMOUSLY CARRIED

11.5. COUNCILLOR AND STAFF INTERACTION POLICY

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Kellie Crossley

RESOLUTION 2024/2910/11.5

That Council adopt the Councillor and Staff Interaction Policy.

UNANIMOUSLY CARRIED

11.6. CODE OF CONDUCT

Moved: Cr Ken Bates

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/11.6

That Council adopt the Code of Conduct.

UNANIMOUSLY CARRIED

11.7. ANNUAL RETURNS OF INTEREST

Moved: Cr Shannon Sampson

Seconded: Cr Linda Fawns

RESOLUTION 2024/2910/11.7

That Council:

1. Notes the Councillors' and designated persons' returns of interests for FY2023-24 (Attachment 1).

2. Notes the returns of interests will be published on Council's website in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and guidelines issued by the NSW Information Commissioner.

UNANIMOUSLY CARRIED

11.8. STATE OF THE REGION REPORT

Moved: Cr Linda Fawns

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/11.8

That Council adopt the 2024 State of the Region report with the inclusion of the previously adopted Acknowledgement of Country.

UNANIMOUSLY CARRIED

One member of the Gallery left the Chambers at 2.25pm

11.9. 2023-24 DRAFT FINANCIAL STATEMENTS FOR SIGNING

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson

RESOLUTION 2024/2910/11.9

That Council Suspend Standing Orders to provide our Auditors the opportunity to address Council.

UNANIMOUSLY CARRIED

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Kellie Crossley

RESOLUTION 2024/2910/11.9.1

That Council resume Standing Orders

UNANIMOUSLY CARRIED

Moved: Cr Linda Fawns

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/11.9.2

That Council:

1. Adopt the Draft Financial Statements 2023-24 incorporating the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules, noting that Council is debt-free.
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 2023-24

3. Delegate to the Interim Chief Executive Officer, the authority to submit the Financial Statements to the Office of Local Government and Australian Bureau of Statistics, once audited.

UNANIMOUSLY CARRIED

Two members of the Gallery left at 2.39pm

11.10. INVESTMENT REPORT - SEPTEMBER 2024

Moved: Cr Craig Druitt

Seconded: Deputy Mayor Cr Kellie Crossley

RESOLUTION 2024/2910/11.10

That Council receive and note the Investment Report for September 2024.

UNANIMOUSLY CARRIED

11.11. LOCAL GOVERNMENT GRANTS COMMISSION- FINANCIAL ASSISTANCE GRANTS CORRESPONDENCE

Moved: Cr Craig Druitt

Seconded: Cr Frank Schofield

RESOLUTION 2024/2910/11.11

That Council note:

1. The correspondence received from the Local Government Grants Commission, advising that councils 2024-25 Financial Assistance Grants estimated entitlement is \$7.428m, compared to the 2023-24 final entitlement of \$7.019m, an increase of \$409k (5.8%);
2. That the Local Government Grants Commission requested the enclosed letter, attachment 1, be tabled at the next Council meeting;
3. The 2024-25 FA grant allocation to Edward River Council as per attachment 2; and
3. The Commission's concern about the unpredictability the practice of advance payments creates for councils.

UNANIMOUSLY CARRIED

11.12. RESOLUTIONS OF COUNCIL

Moved: Cr Linda Fawns

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/11.12

That Council note the information in the Resolutions of Council as at 25 September 2024.

UNANIMOUSLY CARRIED

11.13. DEVELOPMENT SERVICES ACTIVITY REPORT

Moved: Cr Frank Schofield

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/11.13

That Council receive and note the Development Services Report for August and September 2024

UNANIMOUSLY CARRIED

12. NOTICES OF MOTIONS

Nil

13. QUESTIONS WITH NOTICE

Nil

14. CONFIDENTIAL MATTERS

Moved: Cr Shannon Sampson

Seconded: Cr Linda Fawns

RESOLUTION 2024/2910/14

That Council move into Confidential Business to consider the matters listed in the confidential section of the agenda in accordance with Section 10(2) of the Local Government Act 1993 for the reasons specified as follows:-

At this stage, the time being 2.51pm Council closed the meeting to the public.

UNANIMOUSLY CARRIED

The remaining member of the gallery left the Council Chambers at 2.50pm

14.1. CONFIDENTIAL - RECRUITMENT PROCESS FOR APPOINTMENT OF CHIEF EXECUTIVE OFFICER

The Interim Chief Executive Officer left the Council Chambers at 2.53pm

MAYORAL MINUTE**RESOLUTION 2024/2910/14.1**

1. That Council commence a recruitment process for the position of Chief Executive Officer, and that the appointment be on a fixed-term performance-based contract.
2. That council delegate to a 'Chief Executive Officer Selection Panel' responsibility for preparing documentation, employment details, advertising, reviewing applications, shortlisting candidates, and selecting the final candidate(s) to be interviewed and appointed by council.
3. The selection panel comprise the Mayor, Deputy Mayor, a councillor and an independent member with specialist skills in executive management.
4. That the final appointment of the Chief Executive Officer be undertaken by the council.
5. That council authorise the Temporary Adviser to facilitate the recruitment using merit-based, competitive processes to attract applicants that have the best qualifications and experience relevant to the role.

UNANIMOUSLY CARRIED

The Interim Chief Executive Officer returned to the Council Chambers at 3.02pm

14.2. CONFIDENTIAL - CODE OF CONDUCT MATTER MAYORAL MINUTE

Cr Shirlee Burge left the Chambers at 3.05pm

MAYORAL MINUTE**RESOLUTION 2024/2910/14.2**

1. That the attached investigation report into allegations against Councillor Shirlee Burge be noted.
2. That council notes its findings that Allegations 1(a), 1(c), and 2 were not substantiated.
3. That, regarding Finding 1(b) of bullying of Councillor Betts, contrary to clauses 3.1(g) and 3.8 of the code, which was substantiated, council makes the following determinations:
 - That council does not accept nor tolerate any behaviour inconsistent with the Edward River Council Code of Conduct that may be deemed bullying, whether between councillors or between councillors and staff.
 - That council acknowledge the internal conflict is no longer relevant as the complainant did not seek re-election to Council.
 - That six of the current nine councillors were not in office during the period covered by the complaint and are therefore unfamiliar with the various actions of the involved parties.
 - That the matters referred to in the complaint date back to 2023 and were not fully resolved due to non-responses from one of the complainants and the respondent.

- In light of the Performance Improvement Order, and willingness of the new council to form effective working relationships; the induction programme encompass training on effective and respectful communication for ALL councillors. This will be the subject of a separate report to council.
- That the Edward River Council Employees Assistance Program extends to Councillors and awareness of this program becomes available through the induction program.

CARRIED

Cr Shirlee Burge returned to the Chambers at 3.20pm

14.3. C2023 - 14, AIRPORT RESIDENCE

Moved: Cr Craig Druitt

Seconded: Cr Linda Fawns

RESOLUTION 2024/2910/14.3

That Council

1. Accepts the tender submitted by B Green Construction for Contract C2023-14 - Deniliquin Airport Residence for the Lump Sum Contract of \$466,996.62, inc GST.
2. Authorises the Mayor and Interim Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2023 - 14 - Deniliquin Airport Residence.
3. Authorises the Contract Superintendent to approve variations on the Contract up to a maximum value of 10% of the contract sum.

CARRIED

14.4. CONTRACT C2024/13 ROAD RECONSTRUCTION - DRAINAGE REPAIR WORKS

Moved: Cr Linda Fawns

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/14.4

That Council

1. Accepts the tender submitted by Bluey's Plumbin' & Diggin' Pty Ltd for Contract C2024/13 Road Reconstruction – Drainage Repair Works for the lump sum tender price of \$238,527.36 (GST Excl.),
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 C2024/13 Road Reconstruction – Drainage Repair Works, and
3. Authorises the Contract Superintendent to approve variations on the contract up to a maximum value of 10% of the contract sum.

UNANIMOUSLY CARRIED

14.5. CONFIDENTIAL - CONTRACT C2024.08 SEWER RELINING - CLEANING

Moved: Cr Kellie Crossley,

Seconded: Cr Shannon Sampson

RESOLUTION 2024/2910/14.5

That Council

1. Accepts the tender submitted by South-West for Contract C2024.08 - Sewer Relining-Cleaning for the extended schedule of rates up to the amount of \$400,000 inc GST,
2. Authorises the Mayor and Interim Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2024.08 - Sewer Relining-Cleaning.

UNANIMOUSLY CARRIED

14.6. CONTRACT C2024/11 ROAD RECONSTRUCTION - UNSEALED ROADS - SOUTHERN PACKAGE

Moved: Cr Shannon Sampson

Seconded: Cr Craig Druitt

RESOLUTION 2024/2910/14.6

That Council

1. Accepts the tender submitted by Deni Civil & Construction for Contract C2024/11 – Road Reconstruction - Unsealed Roads – Southern Package for the lump sum tender price of \$260,010.00 (GST Excl.),
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 C2024/11 – Road Reconstruction - Unsealed Roads – Southern Package
3. Authorises the Contract Superintendent to approve variations on the contract up to a maximum value of 10% of the contract sum.

UNANIMOUSLY CARRIED

14.7. CONFIDENTIAL - LEGAL MATTERS

Moved: Cr Linda Fawns

Seconded: Cr Frank Schofield

RESOLUTION 2024/2910/14.7

That Council note that the Federal Court of Australia matter NSD633-2024 Phillip Stone vs Edward River Council & Anor was resolved at mediation.

UNANIMOUSLY CARRIED

14.8. MOVE OUT OF CLOSED COUNCIL

RESOLUTION 2024/2910/14.8

Moved: Cr Shannon Sampson

Seconded: Cr Frank Schofield

That Council move out of closed Council at 4.19pm and the Interim Chief Executive Officer to read out the Resolutions made during Confidential Matters

UNANIMOUSLY CARRIED

The Acting Chief Financial Officer left the Chambers at 4.20pm and returned at 4.22pm

Following the reading of the resolutions the Interim Chief Executive Officer left the Chambers at 4.27pm to allow Councillors to elect a Councillor to the Chief Executive Officer Selection Panel.

Moved: Cr Craig Druitt

Seconded: Cr Frank Schofield

Interim Chief Executive Officer returned at 4.28pm.

15. CLOSE OF MEETING

The Meeting Closed at 4.28pm.