

**MINUTES of the MEETING of RIVERINA WATER COUNTY COUNCIL,**  
**held at 91 HAMMOND AVENUE, WAGGA WAGGA,**  
**on THURSDAY, 22nd FEBRUARY 2012 at 1.30 pm**

**PRESENT:** Clr. R. Kendall (Chairperson), Clr. A. Brown, Clr. W. Geale OAM, Clr R. Goodlass, Clr. I. Kreutzberger, Clr. J. McInerney, Clr. J. Ross, Clr. L. Vidler and Clr. P. Yates.

The General Manager, Director of Engineering, Senior Project Engineer and Finance Admin Manager were in attendance.

12/01 An apology for non-attendance was received from Clr. Goodlass and leave of absence was GRANTED on the motion of Clrs. McInerney and Brown.

**DECLARATION OF PECUNIARY & NON-PECUNIARY INTEREST**

Clr. Kendall advised that, in relation to a request for a deferred payment scheme for development servicing charges, he has been engaged by this company for consulting services in the past, and was possibly going to be engaged again in the future.

12/02 RESOLVED on the motion of Clrs. Yates and Geale that this advice be received and noted.

**CONFIRMATION OF MINUTES**

12/03 The Minutes of the Meeting of 9<sup>th</sup> December 2011 having been circulated and read by the Members, were taken as being CONFIRMED on the motion of Clrs. Brown and Yates.

**CORRESPONDENCE**

SHIRES ASSOCIATION OF NSW: forwarding a copy of weekly circulars 48/11– 07/12.

STAFF CONSULTATIVE COMMITTEE: (December 2011) forwarding a copy of Minutes of Meeting held 15<sup>th</sup> December 2011.

OCCUPATIONAL HEALTH & SAFETY COMMITTEE: (12<sup>th</sup> December 2011) forwarding a copy of Minutes of Meeting held 13<sup>th</sup> December 2011.

12/04 RESOLVED, on the motion of Clrs. Vidler and Geale that the correspondence be received.

## **GENERAL MANAGER'S REPORT**

### **FINANCIAL STATEMENTS - LIST OF INVESTMENTS**

12/05 RESOLVED on the motion of Cllrs. Yates and Kreutzberger the report detailing Council's external investments for the months of December 2011 and January 2012 be received.

### **QUARTERLY BUDGET REVIEW – PERIOD ENDED 31<sup>ST</sup> DECEMBER 2011**

12/06 RESOLVED on the motion of Cllrs. Ross and Geale that the Quarterly Budget Review for the period ended 31<sup>st</sup> December be received.

### **OPERATIONAL PLAN – PERFORMANCE TARGETS**

12/07 RESOLVED on the motion of Cllrs. Brown and Kreutzberger that the report detailing the progress achieved towards the various objectives set out in the 2011/2012 Operational Plan be noted and received.

### **ESTABLISHMENT OF AUDIT & RISK COMMITTEE**

12/08 RESOLVED on the motion of Cllrs. Yates and Brown that Council:

- a. Adopt the Draft Internal Audit Policy as a policy of Council.
- b. Adopt the Draft Audit and Risk Committee Charter.
- c. Establish an Audit and Risk Committee under section 355 of the Local Government Act 1993 under the terms set out in the Audit and Risk Committee Charter.

Specifically:

- i. The membership comprises three (3) voting members being one (1) Councillor (excluding the Council Chairperson) and two (2) independent external members; and three (3) non-voting members being the General Manager, Manager Internal Audit Services and Manager Finance and Administration.
- ii. Endorse the payment of \$250 per meeting to the chairperson for each meeting attended by the chairperson of the Audit and Risk Committee.
- iii. Endorse the payment of \$200 per meeting attended to the independent member of the Audit and Risk Committee.
- iv. Council to elect the Councillor representative.
- v. External independent members to be appointed by way of public advertisement, with evaluation to be undertaken by the Council Chairperson, Deputy Chairperson and General Manager and recommendation to Council for confirmation.

12/09 RESOLVED on the motion of Clrs. Brown and McInerney that the Councillor representative on the Audit and Risk Committee be Clr. Geale.

**POLICY 4.4 ULTRA-VIOLET RADIATION EXPOSURE AND HOT/  
COLD WORKING ENVIRONMENT**

12/10 RESOLVED, on the motion of Clrs. Brown and Ross that the Ultraviolet Radiation Exposure and Hot/Cold Working Environment Policy be adopted.

**POLICY 4.5 WORK HEALTH AND SAFETY**

12/11 RESOLVED, on the motion of Clrs. Brown and Geale that the Work Health and Safety Policy be adopted.

**POLICY 4.22 LOSS OF LICENCE**

12/12 RESOLVED, on the motion of Clrs. Ross and Vidler that the Loss of Licence Policy be adopted.

**ESTABLISHMENT OF EASEMENTS – TEYS AUSTRALIA PTY LTD**

12/13 RESOLVED, on the motion of Clrs. Vidler and Yates that Riverina Water County Council sign the section 88B instrument establishing easements on Lot 5 DP 113332 and Lots 2, 3 and 4 on DP 700113 under the Common Seal of Council.

**2012 LGMA NATIONAL CONGRESS AND BUSINESS EXPO**

12/14 RSOLVED on the motion of Clrs. McInerney and Vidler that authority to be granted to the General Manager to attend the 2012 LGMA National Congress and Business Expo to be held in Perth from the 20<sup>th</sup> to the 23<sup>rd</sup> of May 2012.

**ANNUAL LEAVE**

12/15 RESOLVED on the motion of Clrs. McInerney and Ross that annual leave be granted to the General Manager for one week commencing 14<sup>th</sup> May 2012.

## **SHIRES ASSOCIATION OF NSW – ANNUAL CONFERENCE**

- 12/16 RESOLVED, on the motion of Clrs. Yates and Geale that:
- a) Council be represented at the Shires Association New South Wales 2012 annual conference;
  - b) Council delegate be the Chairman and the General Manager (observer);
  - c) The Chairman and General Manager be authorised to attend the Local Government Managers Australia annual one-day forum on 4<sup>th</sup> June 2012; and
  - d) Nominations be invited from any other Councillor to attend as an observer.

- 12/17 RESOLVED on the motion of Clrs. Ross and Yates that Clr. McInerney be authorised to attend the Annual Conference of the Shires Association of NSW as an observer.

Clr. Kendall declared a Pecuniary Interest in the following matter. Clr. Kendall left the meeting at this stage, with Clr McInerney assuming the Chair. The time being 1.50pm

## **REQUEST FOR DEFERRED PAYMENT SCHEME FOR DEVELOPMENT SERVICING CHARGE**

- 12/18 RESOLVED on the motion of Clrs. Yates and Kreuzberger that Council refuse the request from Riverina Oils and BioEnergy (ROBE) for a deferred payment scheme for the Development Servicing Charges relating to their development at Bomen.

Clr. Kendall returned to the meeting at this stage and resumed the chair. The time being 1.55pm.

## **DIRECTOR OF ENGINEERING'S REPORT FOR MONTH OF DECEMBER 2011**

- 12/19 RESOLVED on the motion of Clrs. Brown and Ross that this report be received and noted

## **DIRECTOR OF ENGINEERING'S REPORT FOR MONTH OF JANUARY 2012**

- 12/20 RESOLVED on the motion of Clrs. Yates and Kreuzberger that this report be received and noted.

### **PIPES WAGGA**

12/21 RESOLVED on the motion of Clrs Brown and Kreutzberger that this report be received and noted.

### **TENDER W.156 – CONSTRUCTION OF 1 IN 20 YEAR LEVEE**

12/22 RESOLVED on the motion of Clrs. McNerney and Geale that no tender be awarded and options for executing the work be reviewed, including recalling tenders.

### **TENDER W.153 – CONSTRUCTION OF INDUSTRIAL WORKSHOP – SPECIAL MEETING**

12/23 RESOLVED on the motion of Clrs. Vidler and Ross that an extraordinary meeting be held on Tuesday 27<sup>th</sup> March 2012 commencing at 1.30pm, to determine the industrial workshop tender and facilitate construction of the building in the 2011/12 budget.

### **QUESTIONS AND STATEMENTS**

12/24 Clr. Ross Requested that any appendix relating to an item in the business paper be placed immediately after that item in the business paper.

12/25 Clr. Brown: Requested that the General Manager email the Council Meeting dates for the remainder of the year.

### **COMPLAINT FROM STAFF MEMBER CONCERNING CALLOUT PROCESS**

12/26 RESOLVED, on the motion of Clrs. McNerney and Vidler that Council consider the report “Complaint From Staff Member Concerning Callout Process” whilst the meeting is closed to the public, as it relates to personnel matters concerning particular individuals, as prescribed by Section 10A(2)(a) of the Local Government Act 1993.

### **UPDATE ON CODE OF CONDUCT COMPLAINT**

12/27 RESOLVED, on the motion of Clrs. McNerney and Vidler that Council consider the report “Update On Code Of Conduct Complaint” whilst the meeting is closed to the public, as it relates to information the disclosure of which would prejudice the maintenance of the law, as prescribed by Section 10A(2)(g) of the Local Government Act 1993.

## **RESOLUTION TO MOVE INTO CLOSED COUNCIL**

12/28 RESOLVED, on the motion of Ctrs. McInerney and Vidler that Council now resolve itself into Closed Council to consider business identified.

Council closed its meeting at 2.30pm.

Pursuant to section 10A(4), the public were invited to make representations to the Council meeting before any part of the meeting is closed, as to whether that part of the meeting should be closed.

No members of the public were present or made representations.

## **CLOSED COUNCIL**

In accordance with the Local Government Act 1993 and the Local Government (General) Regulation 2005, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

12/29 RESOLVED, on the motion of Ctrs. McInerney and Vidler that:

1. Pursuant to section 10A(1)-(3) of the Local Government Act 1993, the media and public be excluded from the meeting on the basis that the business is to be considered is classified confidential under the provisions of section 10A(2)(a) and (g) as outlined above.
2. The correspondence and reports relevant to the subject business be withheld from access to the media and public as required under section 11(2) of the Local Government Act 1993.

## **COMPLAINT FROM STAFF MEMBER CONCERNING CALLOUT PROCESS**

This item is classified as confidential under Section 10A (2) of the Local Government Act which permits the meeting to be closed to the public for business relating to the following:

- a) Personnel matters concerning particular individuals (other than councilors).

12/30 RESOLVED, on the motion of Ctrs. McInerney and Vidler that Council note the advice of the General Manager and endorse his proposed actions.

## **UPDATE ON CODE OF CONDUCT COMPLAINT**

This item is classified as confidential under Section 10A (2) of the Local Government Act which permits the meeting to be closed to the public for business relating to the following:

- g) Matters that relates information, the disclosure of which would prejudice the maintenance of the law.

12/31 RESOLVED, on the motion of Clrs. McInerney and Vidler that Council note the advice of the General Manager in relation to this matter

**OPEN COUNCIL**

12/32 RESOLVED, on the motion of Clrs McInerney and Kreutzberger that Council move out of Closed Council and into Open Council.

**DECISIONS READ ALOUD**

The Chairman read aloud the decisions of the Council made whilst the meeting was closed to the public.

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The Meeting concluded at 2.45 pm

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