

**MINUTES of the MEETING of RIVERINA WATER COUNTY COUNCIL,  
held at 91 HAMMOND AVENUE, WAGGA WAGGA,  
on WEDNESDAY, 28<sup>th</sup> OCTOBER 2015 at 9.30 am**

**PRESENT:** Clr. P. Funnell, Clr. G Hiscock, Clr. R. Kendall, Clr. I. Kreutzberger, Clr. J. McInerney, Clr. D. Meyer OAM, Clr. K. Poynter and Clr. G Verdon.

The Acting General Manager, Manager Corporate Services, Manager Projects and Nicole Johnson, Strategic Partner Governance & Risk (WWCC), and Dannielle McKenzie, Crowe Horwath were in attendance.

15/136 Apologies for non-attendance was received from Clr. Negline and General Manager and leave of absence was GRANTED on the motion of Clrs. Kendall and McInerney.

**ACKNOWLEDGEMENT OF COUNTRY**

15/137 Chairperson Clr. Hiscock read out the Acknowledgement of Country.

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

15/138 No declarations of Pecuniary & Non-pecuniary interest received.

**CONFIRMATION OF MINUTES**

15/139 The Minutes of the Meeting of 2<sup>nd</sup> September 2015 having been circulated and read by the Members, were taken as being CONFIRMED on the motion of Clrs. McInerney and Meyer OAM.

**CORRESPONDENCE**

LOCAL GOVERNMENT NSW: forwarding a copy of Weekly Circulars 35/15 – 42/15.

LOCAL GOVERNMENT NSW: Forwarding a copy of their Annual Report for 2014/2015.

STAFF CONSULTATIVE COMMITTEE: (23<sup>rd</sup> September 2015) forwarding Minutes of the Staff Consultative Committee Meeting held 16 September 2015.

HEALTH AND SAFETY COMMITTEE: (9th October 2015) forwarding Minutes of the Health and Safety Committee Meeting held 8<sup>th</sup> October 2015.

- 15/140 RESOLVED, on the motion of Clrs. McInerney and Poynter that the correspondence be received.

### **ELECTION OF CHAIRPERSON**

There was 1 nomination for the office of Chairperson for the ensuing year, that of Clr. Hiscock.

- 15/141 Clr. Hiscock was ELECTED Chairperson.

### **ELECTION OF DEPUTY CHAIRPERSON**

There was 1 nomination for the office of Deputy Chairperson for the ensuing year, that of Clr. Verdon.

- 15/142 Clr. Verdon was ELECTED Deputy Chairperson.

Clrs. Hiscock thanked Council for their support.

## **GENERAL MANAGER'S REPORT**

### **FINANCIAL STATEMENTS 2014/2015**

- 15/143 RESOLVED on the motion of Clrs. Kendall and Meyer OAM that the 2014/2015 Audited Financial Statements be received.

Acting General Manager welcomed Dannielle McKenzie, Crowe Horwath to give an overview of the Financial Statements.

### **AUDIT AND RISK COMMITTEE ANNUAL REPORT FOR THE YEAR ENDED 30 JUNE 2015**

- 15/144 RESOLVED on the motion of Clrs. Poynter and Kreutzberger that Council receive and note the Audit and Risk Committee Annual Report for the Year Ended 30 June 2015.

### **MINUTES OF AUDIT AND RISK COMMITTEE MEETING HELD 1<sup>ST</sup> OCTOBER 2015**

- 15/145 RESOLVED on the motion of Clrs. McInerney and Verdon that Council receive and note the Audit and Risk Committee Meeting held 1<sup>st</sup> October 2015.

## **EXTERNAL INVESTMENT REPORTS**

- 15/146 RESOLVED on the motion of Cllrs. Funnell and Kendall that the report detailing Council's external investments for the months of August and September 2015 be received.

## **QUARTERLY BUDGET REVIEW – PERIOD ENDED THE 30TH SEPTEMBER 2015**

- 15/147 RESOLVED on the motion of Cllrs. Funnell and Poynter that the Quarterly Budget Review for the period ended 30th September 2015 be received and adopted.

## **OPERATIONAL PLAN- PERFORMANCE TARGETS**

- 15/148 RESOLVED on the motion of Cllrs. Kendall and Poynter that the report detailing progress, as at 30<sup>th</sup> September 2015, achieved towards the various objectives set out in the 2015/2016 Operational Plan be noted and received.

## **TENDER W201 FOR DESIGN AND CONSTRUCTION OF A 700KL CONCRETE RESERVOIR WITH ROOF AT COLLINGULLIE**

- 15/149 RESOLVED on the motion of Cllrs. Funnell and Kendall that Council consider the report "Tender W.201 for Design and Construction of a 700kl Concrete Reservoir with Roof at Collingullie", whilst the meeting is closed to the public, as it relates to commercial information the disclosure of which would prejudice the commercial position of the person who supplied it, as prescribed by Section 10A(2)(c) of the Local Government Act 1993.

## **LAND & ENVIRONMENT COURT – NASH BROS CASE**

- 15/150 RESOLVED on the motion of Cllrs. Funnell and Kendall that Council consider the report, whilst the meeting is closed to the public, as it relates to the disclosure of advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege, as prescribed by Section 10A(2)(g) of the Local Government Act 1993.

## **DRAFT POLICY 1.20 PRIVACY**

- 15/151 RESOLVED on the motion of Cllrs. Poynter and Kendall that Riverina Water County Council adopt Policy 1.20 – Privacy.

### **POLICY 2.1 – BACKFLOW PREVENTION**

15/152 RESOLVED on the motion of Clrs. Verdon and Funnell that Riverina Water County Council adopt Policy 2.1 – Backflow Prevention.

### **POLICY 2.4 DEFERRED PAYMENTS FOR RURAL EXTENSIONS**

15/153 RESOLVED on the motion of Clrs. Kendall and Verdon that Riverina Water County Council revisit revised Policy 2.4 Deferred Payments for Rural Extensions and provide further report back to next Council Meeting.

### **POLICY 3.1 – ASSET MANAGEMENT**

15/154 RESOLVED on the motion of Clrs. Meyer OAM and Kendall that Riverina Water County Council adopt Policy 3.1 Asset Management.

### **COUNCIL RESOLUTION SHEET**

15/155 RESOLVED on the motion of Clrs. McInerney and Poynter that Council receive and note Council's Resolution Sheet.

### **DIRECTOR OF ENGINEERING'S REPORT FOR MONTH OF AUGUST 2015**

15/156 RESOLVED on the motion of Clrs. Kendall and Funnell that the Director of Engineering's report covering the month of August 2015 be received and noted.

### **DIRECTOR OF ENGINEERING'S REPORT FOR MONTH OF SEPTEMBER 2015**

15/157 RESOLVED on the motion of Clrs. Kendall and Funnell that the Director of Engineering's report covering the month of September 2015 be received and noted.

### **CONTRACT W195 – WATER TREATMENT PLANT PROGRESS REPORT**

15/158 RESOLVED on the motion of Clrs. Funnell and Poynter that Council receive and note this report.

### **TENDER W195 – CONCRETE CHANGE PROPOSAL FOR WATER RETAINING STRUCTURES**

- 15/159 RESOLVED on the motion of Ctrs. Meyer OAM and Kendall that Council accept the UGL Engineering Pty Ltd variation proposal to upgrade the concrete for water retaining structures to increase durability and service life at an estimate of \$136,579 ex GST.

### **TENDER W195 – VARIATION FOR DISABLED ACCESS TO CONTROL ROOM AND FILTER AREA**

- 15/160 RESOLVED on the motion of Ctrs. Kendall and Poynter that Council endorse proceeding with the detailed design development for a disabled access to limited areas of the Water Treatment Plant (WTP) to allow firm variation pricing by UGL Engineering Pty Ltd. The approximate cost of providing disabled access will be \$300,000.

### **COMMUNITY GRANT – MORUNDAH COMMUNITY CENTRE / THEATRE**

- 15/161 RESOLVED on the motion of Ctrs. Verdon and Funnell that:
- a) Council provide a donation of \$3,085 from the Community Grants Program to the Morundah Bush Entertainment Committee for the purpose of providing a water supply connection to the Morundah Community Centre/Theatre; and
  - b) Council waive the Development Servicing Charges for the Morundah Community Centre/Theatre.

### **QUESTIONS AND STATEMENTS**

- 15/162 Clr. Meyer OAM: Requested a progress update on the Henty crossing.
- Acting General Manager: Underboring, ARTC wanting us to do a geotechnical investigation each time, ongoing for past 6 months.
- 15/163 Clr. Kendall: Confirming WWCC previous General Manager resigned and Alan Eldridge appointed interim General Manager.
- WWCC General Manager forming a working group looking at integrated water strategies eg storm water, floodwater etc. Invitation from WWCC to RWCC to have a seat at table.
- Delay in submitting a report on dividend payments, hopefully for next meeting.

15/164 Clr. Kreutzberger: Matter of community grants is it open to others to apply?

Acting General Manager: List of who we sponsor goes out in newsletter. If too many apply, we look on return on recognition for RWCC. Budget allows for 1 offs.

Clr. McInerney: Suggest newsletter sent to Councillors as well as customers.

Clr. Kreutzberger: Congratulated Clrs. Hiscock and Verdon on their election for next 12 months.

15/165 Clr. Verdon: Thanked everyone for support and re-iterated his appreciation to Director of Engineering, Works Manager and Aran Beckett on the recent Vincent Road meeting.

15/166 Clr. Hiscock: Next Meeting will be Friday, 11<sup>th</sup> December 2015.

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

15/167 RESOLVED, on the motion of Clrs. Funnell and Meyer OAM that Council now resolve itself into Closed Council to consider business identified.

Council closed its meeting at 10.50 am.

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.

15/168 RESOLVED, on the motion of Clrs. Funnell and Meyer OAM 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)(e) 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.

### **TENDER W201 FOR DESIGN AND CONSTRUCTION OF A 700KL CONCRETE RESERVOIR WITH ROOF AT COLLINGULLIE**

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:

*2(c) commercial information the disclosure of which would prejudice the commercial position of the person who supplied it*

- 15/169 RESOLVED on the motion of Ctrs. Kendall and Poynter that Council accept the tender offer of Hornick Constructions Pty Ltd for the Design and Construction of a 700kl Concrete Reservoir with roof at Collingullie, as per Council's Specification W201, for the Lump Sum of \$346,500 including GST

### **LAND & ENVIRONMENT COURT – NASH BROS CASE**

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:

*2(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege*

- 15/170 RESOLVED on the motion of Ctrs. McInerney and Verdon that Council authorise the General Manager to negotiate a settlement to recover legal costs from Nash Bros Builders Pty Ltd in relation to the Grange Retirement Village Land & Environment Court case.
- 15/171 RESOLVED, on the motion of Ctrs. Kreutzberger and Kendall 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 11.15 am

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