

Minutes of the Meeting of Riverina Water County Council held on Wednesday 24 August 2022

The meeting of the Riverina Water County Council Board was declared open at 9:33am.

Present

Chairperson Tim Koschel
Councillor Doug Meyer OAM
Councillor Pat Bourke
Councillor Tony Quinn
Councillor Dan Hayes
Councillor Georgie Davies
Councillor Gail Driscoll
Councillor Michael Henderson
Councillor Jenny McKinnon

In Attendance

Director Corporate Services	(Emily Tonacia)
Acting Chief Executive Officer	(Bede Spannagle)
Customer & Communications Team Leader	(Joshua Lang)
Executive Assistant to the Chief Executive Officer	(Melissa Vincent)
Governance & Records Officer	(Wendy Reichelt)
ICT Officer	(Alan Eacott)
Audit, Risk and Improvement Committee Chairperson	(Mr David Maxwell)

Statement of Ethical Reminders

Board members are reminded of the Oath or Affirmation of Office that they made under Section 233A of the Local Government Act 1993. Board Members and staff are also reminded of their obligations under Council's Code of Conduct to disclose and appropriately manage conflicts of interest.

Acknowledgment of Country

I would like to acknowledge the Wiradjuri people who are the Traditional Custodians of this Land. I would also like to pay respect to the Elders both past and present of the Wiradjuri Nation and extend that respect to other Community members present.

Livestreaming of Meeting

Board meetings, including public address speeches, are recorded and webcast live on Council's website. If you are addressing a meeting, your image, voice and name, will form part of the webcast.

Apologies

22/112 RESOLVED:

On the Motion of Councillors T Quinn and D Meyer OAM

That apologies for non-attendance were received from Mr Andrew Crakanthorp.

CARRIED

22/113 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council grant Leave of Absence to Councillor Georgie Davies from Wednesday, 26 October 2022 to Wednesday, 14 December 2022 inclusive, noting this leave of absence includes Board meetings and Audit, Risk and Improvement Committee meetings for this period.

CARRIED

Declaration of pecuniary and non-pecuniary interests

Chairperson Tim Koschel declared a non-pecuniary interest in R2 List of Investments the reason being he works for a bank and remained in the meeting during the discussion.

Mr Bede Spannagle declared a non-pecuniary interest in CONF 2 CEO Annual Performance Review ending 30 June 2022 the reason being the CEO is direct manager and left the meeting.

Ms Emily Tonacia declared a non-pecuniary interest in CONF 2 CEO Annual Performance Review ending 30 June 2022 the reason being the CEO is direct manager and left the meeting.

Confirmation of Minutes

22/114 RESOLVED:

On the Motion of Councillors T Quinn and D Meyer OAM

That the minutes of the meeting of 22 June 2022], having been circulated and read by Members, were confirmed as a true and accurate record of the proceedings.

CARRIED

Correspondence

Local Government: NSW Weekly Circulars: previously forwarded to Councillors by Constituent Councils

Staff Consultative Committee: Forwarding a copy of Minutes of the meeting held on 28 July 2022

Work Health & Safety Committee: Forwarding a copy of Minutes of the meeting held on 23 June 2022

22/115 RESOLVED:

On the Motion of Councillors J McKinnon and T Quinn

That the correspondence be received.

CARRIED

Procedural motion – Englobo

22/116 RESOLVED:

On the Motion of Councillors D Hayes and M Henderson

That the standing orders be varied for the meeting as set out hereunder:

- **Items where the Board Members intent to vote against the recommendation;**
- **Items where the Board members wish to speak on.**

CARRIED

22/117 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That R2, R6, R9, R10, R15, R16, R18, R19, R20, R22, R23, R26, R28, M1, CONF-1 be adopted as recommended in the business paper.

CARRIED

Open Reports

R1 Riverina Water Audit Risk & Improvement Committee Annual Report 2021-2022

22/118 RESOLVED:

On the Motion of Councillors G Driscoll and D Hayes

That Council receive the report from the Riverina Water Audit, Risk & Improvement Committee (ARIC) as presented by the ARIC Chair, Mr David Maxwell.

CARRIED

David Maxwell left the meeting at 10:00am

R2 List of Investments

22/119 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council receive and note the report detailing external investments for the months of June 2022 and July 2022.

CARRIED

R3 Financial Statements 2021/2022

22/120 RESOLVED:

On the Motion of Councillors D Meyer OAM and T Quinn

That the Financial Statements 2021/2022 report be deferred to an extraordinary meeting to be held at a future date due to the reports not being finalised.

CARRIED

R4 Financial Position 30 June 2022

22/121 RESOLVED:

On the Motion of Councillors T Quinn and D Meyer OAM

That this report be deferred to an extraordinary meeting to be held at a future date due to the reports not being finalised.

CARRIED

R5 Revoted Budget - 2022/23

22/122 RESOLVED:

On the Motion of Councillors D Meyer OAM and T Quinn

That Council:

- a) revoke capital budget totalling \$4,671,733 from the 2021/22 budget to be included in the 2022/23 budget; and**
- b) note capital budget items committed to be spent prior to 30 June 2022, totalling \$2,669,590 will be carried forward to the 2022/23 budget.**

CARRIED

R6 Overdue Debtors - June 2022

22/123 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council receive and note the report on overdue debtors for the period ended 30 June 2022.

CARRIED

R7 CAPEX Budget Results 2021/22

22/124 RESOLVED:

On the Motion of Councillors D Hayes and T Quinn

That Council receive and note the report on the final capital expenditure budget result for the 2021/22 financial year.

CARRIED

R8 Annual Hospital Allowance

A motion was moved by Councillors J McKinnon and M Henderson

That:

- a) Council discontinue providing private and public hospitals in the Riverina Water supply area with an exemption for the payment of an access charge from 1 July 2022 in accordance with Section 558(5) of the Local Government Act;
- b) Council discontinues providing an annual allowance for public and private hospitals in the Riverina Water supply area from 1 July 2022 in accordance with Section 558(5) of the Local Government Act; and
- c) Council writes to the public and private hospitals that currently receive the allowance to advise of the changes.

An amendment was moved by Councillors T Quinn and P Bourke

That:

- a) Council commences providing public hospitals in the Riverina Water supply area with an exemption for the payment of an access charge and subsequent annual allowance from 1 July 2022 in accordance with Section 558(5) of the Local Government Act, being 300 litres per day per resident.
- b) Council commences providing an exemption for the payment of an access charge and subsequent annual allowance for private hospitals in the Riverina Water supply area at the rate of 300 litres per day per resident, from 1 July 2022 in accordance with Section 356 of the Local Government Act.

- c) That Council provide public notice of its intention to provide financial assistance to private hospitals by providing an exemption for the payment of an access charge and subsequent annual allowance for private hospitals in the Riverina Water supply area at the rate of 300 litres per day per resident, from 1 July 2022 in accordance with Section 356 of the Local Government Act; and
- d) Council writes to the public and private hospitals that currently receive the allowance to advise of the changes

The amendment on being put was LOST

Record of voting on the amendment

For the Motion

Cr P Bourke
Cr T Quinn
Cr G Driscoll

Against the Motion

Cr T Koschel
Cr D Meyer
Cr D Hayes
Cr G Davies
Cr M Henderson
Cr J McKinnon

A foreshadowed amendment was moved by Councillors D Hayes and D Meyer OAM

That:

- a) Council commences providing public hospitals in the Riverina Water supply area with an exemption for the payment of an access charge and subsequent annual allowance from 1 July 2022 in accordance with Section 558(5) of the Local Government Act, being 300 litres per day per resident.
- b) Council discontinues providing an exemption for the payment of an access charge and subsequent annual allowance for private hospitals in the Riverina Water supply area from 1 July 2022 in accordance with Section 558(5) of the Local Government Act; and
- c) Council writes to the public and private hospitals that currently receive the allowance to advise of the changes

The amendment on being put was LOST

Record of voting on the foreshadowed amendment

For the Motion

Cr D Meyer
Cr T Quinn
Cr D Hayes
Cr G Driscoll

Against the Motion

Cr P Bourke
Cr T Koschel
Cr G Davies
Cr M Henderson
Cr J McKinnon

22/125 RESOLVED:

On the Motion of Councillors J McKinnon and M Henderson

That:

- a) Council discontinue providing private and public hospitals in the Riverina Water supply area with an exemption for the payment of an access charge from 1 July 2022 in accordance with Section 558(5) of the Local Government Act;
- b) Council discontinues providing an annual allowance for public and private hospitals in the Riverina Water supply area from 1 July 2022 in accordance with Section 558(5) of the Local Government Act; and
- c) Council writes to the public and private hospitals that currently receive the allowance to advise of the changes.
- d) prepare a report on the possible use of the additional revenue to a future meeting.

CARRIED

Record of voting on the Motion

For the Motion

Cr P Bourke
Cr T Koschel
Cr D Meyer
Cr G Davies
Cr G Driscoll
Cr M Henderson
Cr J McKinnon

Against the Motion

Cr T Quinn
Cr D Hayes

Cr Quinn requested that his vote against the motion be recorded.

R9 Operational Plan - Performance Targets

22/126 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That the report detailing the progress towards the objectives set out in the 2021/2022 Operational Plan as at 30 June 2022, be received and noted.

CARRIED

R10 Review of Organisation Structure

22/127 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council

- (a) endorse the organisation structure as referenced in the body of the report, noting no changes to the organisation structure as adopted by Council in April 2021.**
- (b) Endorse the existing practice of an annual traineeship/apprenticeship program in the future and subject to the approval of the Operational Plan from year to year**

CARRIED

R11 Council Meeting Schedule 2023

A motion was moved by Councillors D Meyer OAM and J McKinnon

That Council endorse the schedule of Council meeting dates for 2023 as follows:

- Wednesday 22 February
- Wednesday 26 April in Greater Hume Council area
- Wednesday 28 June
- Wednesday 23 August
- Wednesday 25 October
- Wednesday 13 December

An amendment was moved by Councillors D Hayes and G Davies.

That Council endorse the schedule of Council meeting dates for 2023 as follows:

- Thursday 23 February
- Thursday 27 April in Greater Hume Council area
- Thursday 29 June
- Thursday 24 August
- Thursday 26 October
- Thursday 14 December

The amendment on being put was carried.

22/128 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That Council endorse the schedule of Council meeting dates for 2023 as follows:

- **Thursday 23 February**
- **Thursday 27 April in Greater Hume Council area**
- **Thursday 29 June**
- **Thursday 24 August**
- **Thursday 26 October**

- **Thursday 14 December**

Cr Quinn requested that his vote against the motion be recorded

CARRIED

R12 Local Government NSW Annual Conference

22/129 RESOLVED:

On the Motion of Councillors D Hayes and T Quinn

That Council:

- a) Approve the attendance of the Chairperson and the CEO at the 2022 LGNSW Annual Conference to be held in the Hunter Valley from 23-25 October 2022**
- b) elect Councillor Tim Koschel as Council's voting at the Conference**
- c) Nominations be called for other Board Members to attend**

CARRIED

Councillor Doug Meyer expressed interest in possibly attending.

R13 Riverina Joint Organisation

22/130 RESOLVED:

On the Motion of Councillors D Hayes and P Bourke

That Council provide its support to the offer by Wagga Wagga City Council to maintain the RivJO at the sole cost of Wagga Wagga City Council.

Cr Quinn requested that his vote against the motion be recorded.

CARRIED

R14 Proposed Riverina Water Reconciliation Action Plan

22/131 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council develop a draft Reconciliation Action Plan for Council's further consideration.

Cr Quinn requested that his vote against the motion be recorded.

CARRIED

R15 Accounting Treatment of Rural Fire Services ("Red Fleet") Assets

22/132 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That:

- 1. Council writes to the local State Member The Hon. Joe McGirr, Member for Wagga Wagga, the Treasurer the Hon Matt Kean MP, Minister for Emergency Services and Resilience the Hon Stephanie Cook MP and the Minister for Local Government Wendy Tuckerman MP:**
 - a) Expressing Council's objection to the NSW Government's determination on ownership of Rural Fire Service assets;**
 - b) Calling on the NSW Government to take immediate action to permanently clear up inequities and inconsistencies around the accounting treatment of Rural Fire Service (RFS) assets by acknowledging that rural firefighting equipment is vested in, under the control of and the property of the RFS; and**
 - c) Amending s119 of the Rural Fires Act 1997 so that the effect is to make it clear that RFS assets are not the property of councils.**
- 2. Council writes to the Shadow Treasurer Daniel Mookhey MLC, the Shadow Minister for Emergency Services Jihad Dib MP, the Shadow Minister for Local Government Greg Warren MP, the Greens Spokesperson for Local Government Jamie Parker MP and the leaders of the Shooters, Fishers and Farmers, Animal Justice and One Nation parties Robert Borsak MLC, Emma Hurst MLC and Mark Latham MLC:**
 - a) Advising Members of Riverina Water's position, including providing copies of correspondence to NSW Government Ministers; and**
 - b) Seeking Members' commitments to support NSW Councils' call to amend the Rural Fires Act 1997 as set out in correspondence.**
- 3. Council promotes these messages via its digital and social media channels and via its networks.**
- 4. Re-affirms its complete support of and commitment to local RFS brigades noting that Councils action is entirely directed towards the NSW Government's nonsensical position that rather than being owned and controlled by local brigades, RFS assets are somehow controlled by councils, which councils consider to be a cynical financial sleight of hand abdicating the NSW Government's responsibilities at the cost of local communities.**
- 5. That Council affirms its support to Local Government NSW (LGNSW) and requests LGNSW continue advocating on Council's behalf to get clarification once and for all from the State Government about the accounting treatment of RFS assets.**

CARRIED

R16 Lost Time Injury Statistics July 2021 - June 2022

22/133 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council receive and note the statistics report for Lost Time Injuries for the period July 2021 to June 2022.

CARRIED

R17 Rescission of Policies

22/134 RESOLVED:

On the Motion of Councillors G Davies and D Hayes

That Council:

- a) Rescind Policy 2.1 Mains Construction;**
- b) Rescind Policy 1.12 Access and Equity; and**
- c) Rescind Policy 2.8 Water Billing Hardship.**

CARRIED

R18 Debt Management and Hardship Policy

22/135 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council adopt Policy 2.09 Debt Management and Hardship, noting no public submissions were received during the exhibition period.

CARRIED

R19 Related Party Disclosures Policy 1.28

22/136 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council adopt Policy 1.28 Related Party Disclosures

CARRIED

R20 Water Restrictions Policy 2.6

22/137 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council:

- a) Endorse the reviewed Water Restrictions Policy and place it on public exhibition for 28 days inviting public submissions on the policy during that period**
- b) Receive a further report following the public exhibition and submission period:**
 - i. Addressing any submissions made in respect of the reviewed policy**
 - ii. Proposing adoption of the policy unless there are any recommended amendments deemed to be substantial and requiring a further review**

CARRIED

R21 Asset Management Policy

22/138 RESOLVED:

On the Motion of Councillors D Hayes and D Meyer OAM

That Council adopt the Asset Management Policy

CARRIED

R22 Smoke Free Environment Policy

22/139 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council adopt Smoke Free Environment Policy 3.02

CARRIED

R23 Adoption of Backflow Prevention Policy 2.1

22/140 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council adopt the Backflow Prevention Policy 2.1, noting no public submissions were received during the exhibition period.

CARRIED

Pat Bourke left the meeting at 11:13am

R24 LAND MATTERS Charles Sturt University, Wagga Wagga pipeline Easement

22/141 RESOLVED:

On the Motion of Councillors G Driscoll and D Hayes

That Council:

- a) Establish an easement within Lot 2 DP 1253855 and Lot 5 DP1218378 as shown in the attached unregistered plan for water supply pipeline and right of access to water main.**
- b) Delegate authority to the Chief Executive Officer (CEO) to establish easement for pipeline and right of access.**
- c) Affix council's common seal to documents as required.**

CARRIED

Pat Bourke returned to the meeting at 11:15am

R25 Murray Darling Association 2022 Annual Meeting

22/142 RESOLVED:

On the Motion of Councillors G Driscoll and T Quinn

That

- a) Riverina Water be represented at the Murray Darling Association 2022 National Conference and AGM.**
- b) The Director Engineering attend as a Region 9 Committee member and Riverina Water representative and Director Engineering carry Riverina Water proxy.**
- c) Nominations be called for other Board Members to attend.**

CARRIED

R26 Works Report covering June 2022

22/143 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That the Works Report covering June 2022 be received and noted.

CARRIED

Jenny McKinnon left the meeting at 11:22am

Jenny McKinnon returned to the meeting at 11:24am

R27 Works Report covering July 2022

22/144 RESOLVED:

On the Motion of Councillors D Hayes and M Henderson

That the Works Report covering July 2022 be received and noted.

CARRIED

R28 Council Resolution Sheet

22/145 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That the report detailing the status of the active resolutions of Council be received.

CARRIED

Committee Minutes

M1 Minutes of Audit, Risk and Improvement Committee held on 14 July 2022

22/146 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council endorses the recommendations contained in the minutes of the Audit, Risk and Improvement Committee meeting held on 14 July 2022.

CARRIED

Questions and statements

The following questions and statements were made by those present:

1. Cllr Driscoll congratulated Emily and her staff for all the great work they do for the Audit report delivered by ARIC Chairperson to the meeting today.
2. Mr Spannagle reminded Councillors that we have roadworks happening over the next couple of months with heavy machinery onsite, please be aware and take care and use footpaths with moving between buildings.
3. Cllr Koschel thanked everyone for their respect during the debates today. We have an invitation from the Multicultural Council to attend the local Burmese community event on 1 October, community grant funded project. Cllrs Hayes and McKinnon expressed interest in attending on behalf of Riverina Water.

Closed Council

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.

22/147 RESOLVED:

On the Motion of Councillors D Meyer OAM and T Quinn

That the Council now resolve itself into a Closed Council, the time being 11:30am.

CARRIED

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.

Confidential Reports

CONF-1 Independent member Riverina Water Audit Risk & Improvement Committee (ARIC)

22/148 RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That Council:

- a) endorse the appointment of Mr Shannon Buckley as an independent member of the Riverina Water Audit Risk & Improvement Committee for a period of 3 years, commencing 1 September 2022; and**
- b) adopt amendments to the fee schedule for ARIC members for 2022/23 to include the payment of approved travel and accommodation costs as follows:**
 - i. travel by car at 78 cents per kms**
 - ii. accommodation and meals at cost**

CARRIED

Bede Spannagle, Emily Tonacia, Wendy Reichelt, Josh Lang, Alan Eacott left the meeting at 11:30am

CONF-2 Chief Executive Officer Annual Performance Review for the period ending 30 June 2022

22/149 RESOLVED:

On the Motion of Councillors D Meyer OAM and T Quinn

That Council note and adopt this Chairperson's Minute which includes the Chief Executive Officer's Performance Review Panel's position following the Annual Review for 2021/22.

CARRIED

Bede Spannagle, Emily Tonacia, Josh Lang, Alan Eacott returned to the meeting at 12:09pm

Reversion to Open Council

22/150 RESOLVED:

On the Motion of Councillors JM McKinnon and D Meyer OAM

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 12:09pm.

CARRIED

Decisions Read Aloud

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

This concluded the meeting of the Riverina Water County Council Board which rose at 12:10pm.