

Minutes of the Meeting of Riverina Water County Council held on Wednesday 26 October 2022

The meeting of the Riverina Water County Council Board was declared open at 9:32am.

Present

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

In Attendance

Chief Executive Officer	(Andrew Crakanthorp)
Director Corporate Services	(Emily Tonacia)
Director Engineering	(Bede Spannagle)
Customer & Communications Team Leader	(Joshua Lang)
Executive Assistant to the Chief Executive Officer	(Melissa Vincent)
ICT Officer	(Alan Eacott)
Accounting Officer (via audio visual)	(Genevieve Taylor)
Crowe	(Jason Gilbert)
NSW Audit Office (via audio visual)	(Hong Wee Soh)

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.

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.

Apologies

There were no apologies

Declaration of pecuniary and non-pecuniary interests

Mr Andrew Crakanthorp declared a pecuniary interest in R13 Senior Staff Employment the reason being this is directly related to his position and left the meeting.

Ms Emily Tonacia declared a non-pecuniary interest in R14 Senior Staff Employment the reason being the report discusses potential changes to the Local Government Act which may impact the basis of her future employment and remained in the meeting.

Mr Bede Spannagle declared a non-pecuniary interest in R14 Senior Staff Employment the reason being the report discusses potential changes to the Local Government Act which may impact the basis of his future employment and remained in the meeting.

Chairperson Tim Koschel declared a non-pecuniary interest in R1 List of Investments the reason being he works for a bank and remained in the meeting.

Confirmation of Minutes

22/155 RESOLVED:

On the Motion of Councillors D Hayes and T Quinn

That the minutes of the extraordinary meeting of 1 September 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

Work Health & Safety Committee: forwarding a copy of the Minutes of the meeting held on 15 August 2022

Staff Consultative Committee: Forwarding a copy of Minutes of the meeting held on 6 October 2022

22/156 RESOLVED:
On the Motion of Councillors D Meyer OAM and T Quinn

That the correspondence be received.

CARRIED

Procedural motion – Englobo

22/157 RESOLVED:
On the Motion of Councillors D Hayes and G Davies

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

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

CARRIED

22/158 RESOLVED:
On the Motion of Councillors D Hayes and G Davies

That R3, R4, R7, R10, R12, R16, R23, CONF-2 be adopted as recommended in the business paper.

CARRIED

Chairperson's Minute

CM1 Vale Queen Elizabeth II 1926-2022

22/159 RESOLVED:
On the Motion of Councillors T Quinn and D Meyer OAM

That Council acknowledge the passing of Queen Elizabeth II and pause for one minute of silence.

CARRIED

Open Reports

R1 List of Investments

22/160 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That Council receive and note the report detailing external investments for the months of August and September 2022.

CARRIED

R2 Financial Statements 2021/22

22/161 RESOLVED:

On the Motion of Councillors D Meyer OAM and P Bourke

That the 2021/22 audited Financial Statements be received and noted.

CARRIED

Pat Bourke left the meeting at 9:59am

Pat Bourke returned to the meeting at 10:00am

R3 September 2022 Quarterly Budget Review Statement

22/162 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That the Quarterly Budget Review for the period ended 30 September 2022 be received and adopted.

CARRIED

R4 Rescission of Policies

22/163 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That Council:

- a) Rescind Business Continuity Policy 1.22 noting that this is now included in the Business Continuity Manual as an internal policy**
- b) Rescind Good Governance Policy 1.3 noting that in its place will be the Governance Framework and Compliance Policy**

CARRIED

Hong Wee Soh and Jason Gilbert left the meeting at 10:02am

R5 Water Restriction Policy

22/164 RESOLVED:

On the Motion of Councillors D Hayes and GD Davies

That Council adopt Water Restrictions Policy 2.06, noting there were no submissions received during the public exhibition period.

CARRIED

R6 Code of Conduct Policy 1.01 and Administration of Code of Conduct Procedures

22/165 RESOLVED:

On the Motion of Councillors D Hayes and MH Henderson

That Council review

- a) **The Riverina Water Code of Conduct 1.01, noting that it is required to be placed on public exhibition for 28 days**
- b) **The Model Code Procedures for the administration of the Riverina Water Code of Conduct Policy 1.01, noting that this will be adopted in line with the Code of Conduct in December 2022**

CARRIED

R7 Compliance Policy

22/166 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That Council adopt Compliance Policy 1.24

CARRIED

R8 Privacy Policy 1.20 and Privacy Management Plan

22/167 RESOLVED:

On the Motion of Councillors J McKinnon and G Driscoll

That Council adopt Privacy Policy 1.20 and note the supporting Privacy Management Plan.

CARRIED

R9 Governance Framework 2022

22/168 RESOLVED:

On the Motion of Councillors M Henderson and G Davies

That Council adopt the Governance Framework 2022, noting that this replaces the Good Governance Policy 1.3

CARRIED

R10 Work Health & Safety Policy

22/169 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That Council adopt Work Health and Safety Policy 3.04

CARRIED

R11 Equal Employment Opportunity Policy

22/170 RESOLVED:

On the Motion of Councillors D Hayes and JM McKinnon

That Council:

- (a) review Equal Employment Opportunity Policy 1.21**
- (b) note that the Equal Employment Opportunity Policy will be placed on public exhibition for a period of 28 days inclusive of the feedback provided by the Board during the meeting.**
- (c) note that a further report will be provided to the December meeting of the Board inclusive of any feedback received prior to adoption of the policy.**

CARRIED

R12 Disclosure of Pecuniary Interest Returns

22/171 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That Council:

- a) **Note the pecuniary interest returns of designated persons for the period of 1 Jul 2021 – 30 June 2022**
- b) **Note that Board member pecuniary interest returns for Board members were previously tabled at the April 2022 Board meeting following the election of the new Board**
- c) **Note that these pecuniary interest returns will be published to the Riverina Water website with personal addresses redacted.**

CARRIED

Andrew Crakanthorp left the meeting at 10:26am

R13 Standard Contract of Employment for General Managers

22/172 RESOLVED:

On the Motion of Councillors D Hayes and D Meyer OAM

That Council:

- a) **Have due regard to Council minute number 22/075 regarding the offer of continued employment to the Chief Executive Officer from 10 January 2023**
- b) **Authority be granted to the Chairperson to execute the new (amended) standard contract for general managers as detailed in this report with an effective date of 10 January 2023.**

CARRIED

Andrew Crakanthorp entered the meeting at 10:38am

R14 Senior Staff Employment

A motion was moved by Councillors D Hayes and T Quinn

That Council:

- (a) determine if it wishes to make a submission to the questions asked in the discussion paper;
- (b) Should Council resolve to make a submission to the discussion paper use the wording in the "suggested Council response" as referenced in the report (or any alternate wording as Council deems appropriate).

LOST

Record of voting on the Motion

For the Motion

Cr T Quinn
Cr J McKinnon
Cr G Davies

Against the Motion

Cr P Bourke
Cr T Koschel
Cr D Meyer
Cr D Hayes
Cr G Driscoll
Cr M Henderson

R15 LGNSW Rural & Regional Summit

22/173

RESOLVED:

On the Motion of Councillors D Hayes and J McKinnon

That

- a) Riverina Water be represented at the Local Government New South Wales 2023 Rural and Regional Summit**
- b) The Chairperson or his nominee attend the Summit**
- c) Nominations of other Board Members to attend be called**
- d) The Chief Executive Officer or his nominee attend the Summit**

Interested in attending are Clr Hayes, and Clr McKinnon, and call for anyone else interested to advise the Chairperson and CEO after the release of the program for the Summit.

CARRIED

R16 Proposed Change of Date For Board Meeting in June 2023

22/174 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That Council:

- a) Change the date of the Council meeting from Thursday 29 June 2023 to Thursday 22 June 2023, and:**
- b) Provide appropriate public notice of the change of date.**

CARRIED

Pat Bourke left the meeting at 11:01am

Michael Henderson left the meeting at 11:04am

Pat Bourke returned to the meeting at 11:06am

Michael Henderson returned to the meeting at 11:07am

Bede Spannagle left the meeting at 11:07am

Bede Spannagle returned to the meeting at 11:09am

R17 Proposed Membership of Committee4Wagga

22/175 RESOLVED:

On the Motion of Councillors G Driscoll and G Davies

That Council become a Business Member of Committee4Wagga commencing 1 July 2023 and to be reviewed after 12 months with a report to Council. (August 2024 meeting)

CARRIED

Record of voting on the Motion

For the Motion

Against the Motion

Cr P Bourke

Cr D Hayes

Cr T Koschel

Cr D Meyer

Cr T Quinn

Cr G Davies

Cr G Driscoll

Cr M Henderson

Cr J McKinnon

Emily Tonacia left the meeting at 11:15am

Emily Tonacia returned to the meeting at 11:17am

R18 Electricity Market Conditions and Contract Arrangements

22/176 RESOLVED:

On the Motion of Councillors T Quinn and G Driscoll

That Council:

- a) Pursuant to s55(3)(i) of the Local Government Act 1993, the Board considers that a satisfactory result would not be achieved by inviting tenders before entering into a contract for the purchase of energy, due to extenuating circumstances, being:
 - i. current energy market volatility and significant risk in entering into a fixed agreement**
 - ii. multiple options for purchasing energy, such as wholesale purchasing**
 - iii. flexibility in purchasing processes is required for speed of acting on low price demands within the National Energy Market (NEM)****
- b) Provide the CEO or their delegate the delegation to negotiate the purchase of energy and enter into any such Agreements necessary to continue the efficient operations of the Riverina Water supply network**

CARRIED

Alan Eacott left the meeting at 11:29am

Alan Eacott returned to the meeting at 11:30am

Doug Meyer left the meeting at 11:32am

Doug Meyer returned to the meeting at 11:34am

R19 Digital metering trial

22/177 RESOLVED:

On the Motion of Councillors G Davies and D Meyer OAM

That:

- (a) Council approve the 2022/2023 budget increase of \$150,000, for the proposed Internet of Things (IoT) strategy report and digital metering trial.**
- (b) That the change in budget be reflected in the December quarterly budget review**

CARRIED

Georgie Davies left the meeting at 11:35am

R20 Works Report covering August 2022

22/178 RESOLVED:

On the Motion of Councillors G Driscoll and D Meyer OAM

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

CARRIED

R21 Works Report covering September 2022

22/179 RESOLVED:

On the Motion of Councillors G Driscoll and D Meyer OAM

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

CARRIED

Georgie Davies returned to the meeting at 11:38am

R22 Council Resolution Sheet

22/180 RESOLVED:

On the Motion of Councillors G Driscoll and M Henderson

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 21 September 2022

22/181 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That Council:

- a) endorses the recommendations contained in the minutes of the Audit, Risk and Improvement Committee special meeting held on 21 September 2022.**

CARRIED

Questions and statements

The following questions and statements were made by those present:

1. Clr Hayes asked whether delegates attending conferences and meetings such as LGNSW Annual Conference need to submit a report to the board? The CEO advised he would prepare a report to the next meeting.
2. Clr Bourke advised he has received reports from Rand that water pressure at the water filling station in Rand is quite poor. He also noted at Urana there are issues in Riverina Water's yard in relation to flood mitigation, this can be discussed at the upcoming meeting between Federation Council and Riverina Water.

Dan Hayes left the meeting at 11:41am

3. Mr Andrew Crakanthorp tabled the annual report and thanked all staff involved in putting it together
4. Clr Koschel thanked the CEO, Board and staff for sending flowers on the death of his grandfather last week and invited the Board to stay for cake to celebrate 10 years'

service to Riverina Water by Clr Meyer OAM. Mr Crakanthorp congratulated Clr Meyer for his contribution to Riverina Water.

Dan Hayes returned to the meeting at 11:48am

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.

22/182 RESOLVED:

On the Motion of Councillors J McKinnon and D Meyer OAM

That the Council now resolve itself into a Closed Council, the time being 11:43am.

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 The Rock Reservoir Land Acquisition

22/183 RESOLVED:

On the Motion of Councillors D Meyer OAM and T Quinn

That Council:

- (a) proceed with the compulsory acquisition of the land described as 4376 Olympic Highway, The Rock, NSW (part Lot 1 in Deposited Plan 596611), in accordance with the requirements of the Land Acquisition (Just Terms Compensation) Act 1991; and**
- (b) make an application to the Minister and the Governor for approval to acquire 4376 Olympic Highway, The Rock, NSW (part Lot 1 in Deposited Plan 596611), for the purpose of the construction of the Rock Reservoir and associated access in accordance with Section 186(1) of the Local Government Act 1993**
- (c) upon acquisition, classify the land as operational land in accordance with the Local Government Act.**
- (d) Delegate authority to the CEO to sign all documents relating to the compulsory acquisition and pay requisite compensation for the land.**

CARRIED

CONF-2 Proposed Pipeline Easement at Brucedale, Wagga Wagga

22/184 RESOLVED:

On the Motion of Councillors D Hayes and G Davies

That Council:

- a) Establish an easement within Lot 1 DP 706063 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 an easement for pipeline and right of access.
- c) Affix council's common seal to documents as required.

CARRIED

Reversion to Open Council

22/185 RESOLVED:

On the Motion of Councillors J McKinnon and T Quinn

That this meeting of the Closed Council revert to an open meeting of the Council, the time being 11:50am.

CARRIED

Decisions Read Aloud

The Chief Executive Officer 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 11:53am