

# EDWARD RIVER COUNCIL BUSINESS PAPER

## April 20, 2017

---

### AGENDA INDEX SHEET

---

#### DECLARATION OF MEETING OPEN

1. APOLOGIES
2. MINUTES OF PREVIOUS MEETING
  - COUNCIL MEETING – 16 MARCH, 2017

#### REPORTS

- |  |         |
|--|---------|
| 3. INVESTMENT REPORT AS AT FEBRUARY 2                                      | PAGE 2  |
| 4. QUARTERLY BUDGET REVIEW   | PAGE 7  |
| 5. LOAN REPORT   | PAGE 10 |
| 6. BANKING SERVICES  | PAGE 12 |
| 7. COMMUNITY ENGAGEMENT POLICY   | PAGE 13 |
| 8. EDWARD RIVER ARTS & CULTURE PROJECT PLAN                                | PAGE 14 |
| 9. COUNCIL BOUNDARY SIGNAGE  | PAGE 16 |
| 10. DRAFT TOWN PLANNING POLICY 5.12 CONTAMINATED LAND<br>MANAGEMENT POLICY | PAGE 18 |
| 11. CERTIFICATE OF AUTHORITY FOR STAFF – SWIMMING POOLS                    | PAGE 21 |
| 12. NATURAL GAS FEASIBILITY STUDY FINAL REPORT                             | PAGE 23 |
| 13. PURCHASE OF HIGHWAY FLAGS  | PAGE 25 |
| 14. ENVIRONMENTAL SERVICES REPORT  | PAGE 26 |

#### CONFIDENTIAL REPORTS

- |   |         |
|---|---------|
| 15. BANKING SERVICES  | PAGE 37 |
| 16. DONGMUN GREENTEC PTY LTD – GREEN WASTE MEMORANDUM<br>OF UNDERSTANDING | PAGE 39 |

**3. SUBJECT: INVESTMENT REPORT AS AT 31 MARCH, 2017**

**FROM: FINANCIAL ACCOUNTANT  
Kris Kershaw**

**Recommendation:**

That Council:

1. Note and receive the revised Report on Investments totaling \$40,785,521 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of March 2017 was \$16,105;
3. Note that accrued interest earned to 31 March 2017 but not yet received was \$493,158.

**Background:**

The purpose of this report is to update Council on the investment of surplus funds and interest earned as required in Regulation No 264 (Part 19) of the Local Government Act 1993.

All investments have been made in accordance with Council's Policy, Section 625 of the Local Government Act 1993, and Regulation No 264.

As at 31 March 2017, Council has a total of \$40,785,521 in invested funds and cash at bank.

Interest received from investments during the month of February 2017 was 16,105, consisting of \$6,077 for on-call/ bank accounts and \$10,028 for term deposits. Year to date interest received to 31 March 2017 for Edward River Council is \$539,750. Accrued interest of \$493,158 has been earned to 31 March 2017 but is not yet received as these investments mature in later months.

Council is investing surplus funds prudently to optimise returns in authorised financial institutions under current legislation, and to reduce exposure to risk in accordance with the Council's Investment Policy.

**Comment:**

At 31 March 2017 Council investments had a carrying value of \$40,785,521 as detailed below:

Cash and Investments held as at 31 March 2017

Schedule of Investments							
This Report is at date				31-March-2017			
Financial Institution	Date	Maturity	Days	Rate	Face Value	% of	Weighted
<b>On-Call/ CMT Accounts</b>							
Westpac Business Cheque Plus Account	N/a	N/a	365	0.01%	724,832	1.78%	0.00%
Westpac Business Cash Reserve	N/a	N/a	365	0.70%	2,914,155	7.15%	0.05%
Westpac 31 Day Notice Account	N/a	N/a	365	2.50%	2,039,663	5.00%	0.13%
Commonwealth Bank General Fund	N/a	N/a	365	0.00%	35,177	0.09%	0.00%
Commonwealth Bank Business On Line Acc	N/a	N/a	365	0.70%	532,060	1.30%	0.01%
NAB Business Cheque Account	N/a	N/a	365	0.00%	17,672	0.04%	0.00%
Macquarie Bank - Rates	N/a	N/a	365	0.00%	20,842	0.05%	0.00%
Macquarie Bank - Water	N/a	N/a	365	0.00%	1,120	0.00%	0.00%
<b>Total Oncall/ CMT Accounts</b>					<b>6,285,521</b>	<b>15.41%</b>	
<b>Term Deposits</b>							
St George	10-Sep-16	10-Sep-17	365	3.00%	1,250,000	3.06%	0.09%
St George	07-Oct-16	07-Oct-17	365	3.00%	1,500,000	3.68%	0.11%
St George	02-Sep-16	02-Sep-17	365	3.00%	1,000,000	2.45%	0.07%
St George	12-Sep-16	12-Sep-17	365	3.00%	1,000,000	2.45%	0.07%
Westpac	17-Jun-16	17-Jun-17	365	3.00%	6,000,000	14.71%	0.44%
Westpac	21-Feb-17	23-May-17	91	2.55%	500,000	1.23%	0.03%
Westpac	12-Nov-16	18-May-17	187	2.55%	1,000,000	2.45%	0.06%
Westpac	10-Feb-17	11-Apr-17	60	2.29%	500,000	1.23%	0.03%
Westpac	10-Feb-17	11-Apr-17	60	2.29%	500,000	1.23%	0.03%
Westpac	10-Feb-17	11-Apr-17	60	2.29%	1,000,000	2.45%	0.06%
Westpac	10-Feb-17	11-Apr-17	60	2.29%	500,000	1.23%	0.03%
Westpac	18-Oct-16	18-Oct-17	365	3.00%	1,000,000	2.45%	0.07%
Commonwealth Bank	21-Feb-17	20-Jun-17	119	2.54%	500,000	1.23%	0.03%
National Australia Bank	28-Feb-17	29-Aug-17	182	2.50%	1,000,000	2.45%	0.06%
National Australia Bank	07-Mar-17	08-Aug-17	154	2.50%	500,000	1.23%	0.03%
National Australia Bank	05-Oct-16	08-Aug-17	307	2.70%	750,000	1.84%	0.05%
<b>Total A1+ Deposits</b>					<b>18,500,000</b>	<b>45.36%</b>	
AMP Bank	17-May-16	16-May-17	364	3.00%	1,000,000	2.45%	0.07%
AMP Bank	31-May-16	30-May-17	364	3.00%	750,000	1.84%	0.06%
AMP Bank	20-Dec-16	20-Jun-17	182	2.80%	2,000,000	4.90%	0.14%
AMP Bank	14-Mar-17	14-Nov-17	245	2.75%	500,000	1.23%	0.03%
<b>Total A1 Deposits</b>					<b>4,250,000</b>	<b>10.42%</b>	
Bendigo and Adelaide Bank	22-Nov-16	28-Nov-17	371	2.75%	1,000,000	2.45%	0.07%
Bendigo and Adelaide Bank	06-Dec-16	05-Dec-17	364	2.75%	1,000,000	2.45%	0.07%
Bendigo and Adelaide Bank	17-Jun-16	17-Jun-18	730	3.15%	5,000,000	12.26%	0.39%
Beyond Bank Australia	19-Oct-16	11-Apr-17	174	2.80%	500,000	1.23%	0.03%
ING Bank (Curve)	31-Jan-17	25-Jul-17	175	2.80%	1,000,000	2.45%	0.07%
ING Bank (Curve)	07-Feb-17	15-Aug-17	189	2.80%	750,000	1.84%	0.05%
ME Bank (RIM)	11-Jan-17	18-Jul-17	188	2.78%	1,000,000	2.45%	0.07%
<b>Total A2 Deposits</b>					<b>10,250,000</b>	<b>25.13%</b>	
BananaCoast Credit Union	12-Jul-16	11-Jul-17	364	3.00%	500,000	1.23%	0.04%
WAW Credit Union	28-Feb-17	27-Feb-18	364	2.70%	500,000	1.23%	0.03%
Police Credit Union	06-Sep-16	06-Jun-17	273	2.80%	500,000	1.23%	0.03%
<b>Total Non Rated Deposits</b>					<b>1,500,000</b>	<b>3.68%</b>	
<b>Average Interest Rate</b>				<b>2.27%</b>	<b>40,785,521</b>	<b>100.00%</b>	<b>2.60%</b>

The cash and investments balance is restricted as follows:

**Internal Restrictions**

- Infrastructure Replacement	\$ 3,827,000
- Plant Replacement Reserve	\$ 2,238,119
- Recreation Reserves/ Villages	\$ 1,810,000
- Employee Entitlements	\$ 1,141,768
- Deposits, Retentions and Bonds	\$ 179,393
- Other Internal Reserves	\$ 445,000
<b>Total Internal Restrictions</b>	<b>\$ 9,641,280</b>

**External Restrictions**

- Water Supplies Fund	\$ 6,282,152
- Sewerage Services Fund	\$ 2,525,360
- Tip Remediation	\$ 1,300,000
- Business Promotion Levy	\$ 18,539
- Unexpended Grants	\$12,955,747
- Library Fund	\$ 399,651
- Other External Reserves	\$ 59,233
<b>Total External Restrictions</b>	<b>\$23,540,682</b>

**Unrestricted Funds** **\$ 7,603,559**

**Total Funds** **\$40,785,521**

The Total Funds above is held between General, Water and Sewer as follows:

Fund Name	Bank and Investments	Percentage
General	\$31,978,009	78.41%
Water	\$6,282,152	15.40%
Sewer	\$2,525,360	6.19%
<b>Total Funds</b>	<b>\$40,785,521</b>	<b>100.00%</b>

The Bank Account (Westpac Business Cheque Plus Account) has been reconciled as at 31 March 2017:

Cash Book	Amounts	Bank	Amounts
Opening Bal @ 01/03/17	\$2,243,139.72	Closing Bal @ 31/03/17 of	\$695,844.49
Receipts	\$3,495,426.68	Bank Account (Westpac)	
Receipts - Investments	\$11,783.25	Add O/s Deposits	\$56,326.54
Payments	(\$5,025,517.96)	Less Unpresented Cheques	(\$27,339.34)
Payments - Investments	0.00	Less O/s Withdrawals	0.00
<b>Closing Bal @ 31/03/17</b>	<b>\$724,831.69</b>	<b>Closing Bal @ 31/03/17</b>	<b>724,831.69</b>

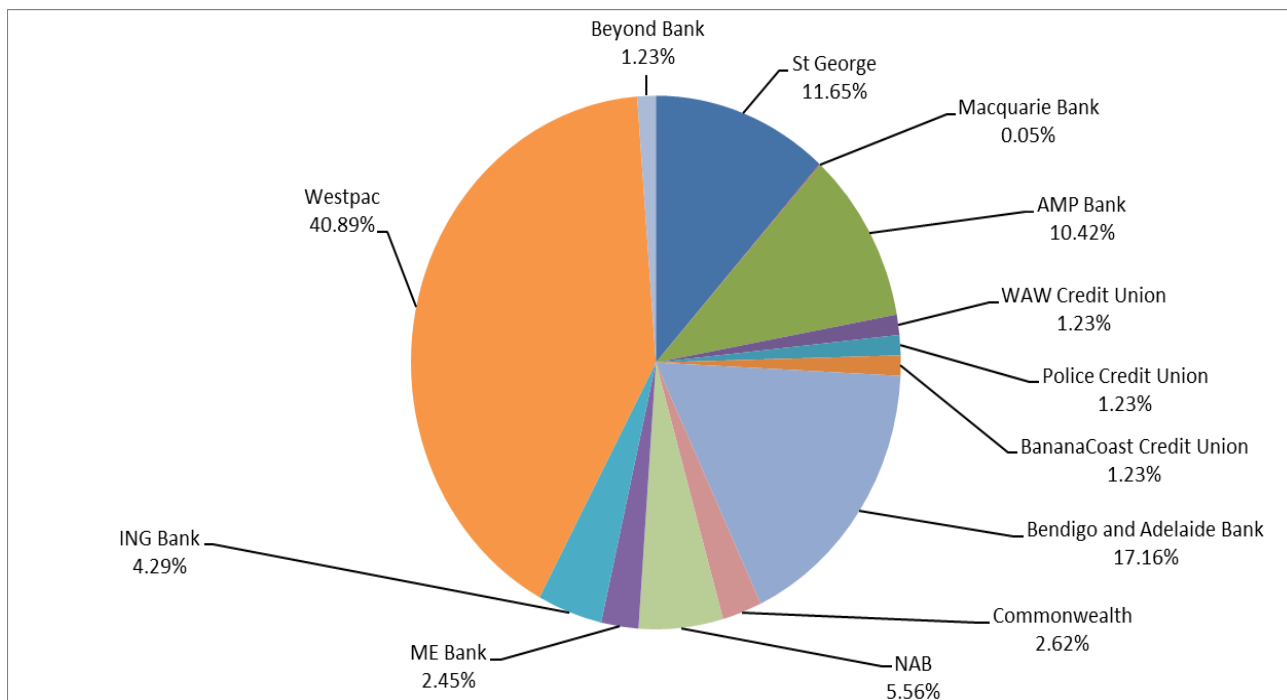
## Investments Matured during March 2017

### Matured/ Redeemed Investments

Financial Institution	Date Invested	Maturity Date	Interest Days	Interest Rate	Amount	Actual Interest Received	Action Taken
<b>Mar-17</b>							
<b>Term Deposits</b>							
NAB	09-Dec-16	07-Mar-17	88	2.50%	500,000	3,134.25	Rolled for 154 days @ 2.50%
AMP	12-Sep-16	14-Mar-17	183	2.75%	500,000	6,893.84	Rolled for 245 days @ 2.75%
<b>Total Term Deposits</b>					<b>1,000,000</b>	<b>10,028.09</b>	

Please note that due to Edward River Council commencing on the 13<sup>th</sup> May 2016, there are no graphs monthly investment revenue received, investment revenue received, total funds invested and average effective interest rate as there is no comparative data.

### Cash and Investments Total Breakup by Institution



### Strategic Implications:

Nil

**Budgetary Implications:**

Current low interest rates will reduce expected investment revenue.

**Policy Implications:**

Investments have been made in accordance with Council’s Investment Policy. Note that until the new Edward River Council adopts a new investment policy, the former Deniliquin Council investment policy is to be referred to for investment purposes.

**Legislative Implications:**

All investments have been made in accordance with Section 625 of the Local Government Act 1993 and Regulation No. 264.

**Risk Assessment:**

Under the former Deniliquin Council’s investment policy (adopted 16 December 2015); investments are made with a range of banks, with council’s funds invested with a single institution not going above a percentage of the total portfolio as follows:

50%	A1+ Rated Institutions
45%	A1 Rated Institutions
40%	A2 Rated Institutions
30%	A2 Rated Institutions
10%	Unrated Authorised Deposit Taking Institutions

**Conclusion:**

Council has taken the necessary steps to reduce the risk of losing significant investments in the future.

**Attachments:**

There are no attachments.

**4. SUBJECT: QUARTERLY BUDGET REVIEW STATEMENT for the period 1 January to 31 March 2017**

**FROM: FINANCIAL ACCOUNTANT  
Kris Kershaw**

**RECOMMENDATION**

That Council receives the March 2017 financial review of the Operational Plan as adopted at the Council Meeting on 21 July 2016.

---

**Background**

Clause 203(1) of the *Local Government (General) Regulation 2005* (the Regulations) requires a council’s responsible accounting officer to prepare and submit a quarterly budget review statement to the governing body of council. The quarterly budget review statement must show, by reference to the estimated income and expenditure that is set out in the operational plan adopted by council for the relevant year, a revised estimate of income and expenditure for that year.

It also requires the budget review statement to include a report by the responsible accounting officer as to whether or not they consider the statement indicates council to be in a satisfactory financial position (with regard to its original budget) and if not, to include recommendations for remedial action.

Legislative requirements together with the implementation of a formal reporting mechanism will ensure that councils have a robust and transparent budget reporting framework.

Although this revised reporting structure has been implemented as part of the Integrated Planning & Reporting mechanism as shown in the diagram below, this report is able to fulfil the requirements as set down by the Division of Local Government in the reporting of Council’s Operational Plan.



## Comment

A review of Council's income, operating expenditure and capital expenditure has been undertaken. From the review, it has been identified that several variations for the March 2017 quarter are required to be made against the original budget due to unforeseen circumstances, changes in response to Council's requirements, Council's policies and decisions.

It should be noted that 75% of the projected year end revenue budget has already been recognised as revenue. It should be noted that rates and annual charges are pro-rated over the year, even though they are rated in full in July 2016. The reason for this is that many rate payers choose to pay by instalments. Other notable receipts to the end of the March 2017 quarter include:

Roads and Maritime Services	\$1,493,443
Financial Assistance Grants	\$1,236,109
Australian Tax Office	\$ 308,575
NSW Rural Fire Service	\$ 129,464

71% of the projected year end expenditure budget has been spent to the end of March 2017, with variances across the functional areas against the original budget. It is common to see expenditure varying between 65 - 80% of budget for the third quarter of the financial year.

Operational budget variations required for the March 2017 quarter are detailed in the attachment. However, major variations over \$25,000 are as follows (increase means favourable operational budget change and decrease the opposite):

### Revenue

#### *Roads, Bridges, and Airport*

Grant funding available flood repairs	\$500,000 Increase
Grant funding Fixing Country Roads	\$53,000 Increase

#### *Roads, Bridges, and Airport*

Grant funding Destination Deniliquin	\$30,000 Increase
--------------------------------------	-------------------

### Expenditure

#### *Corporate Governance*

Removal of Election Budget	(\$85,000) Decrease
Allocation of Merger Funding to Capital	(\$240,000) Increase

#### *Roads, Bridges, and Airport*

Allocation of Flood Funding	(\$500,000) Decrease
-----------------------------	----------------------

### Reserve Movements

#### *Business Undertakings*

Bring in 2015/16 Business Levy to Budget	(\$79,000) Decrease
Painting of Crossing Café Building	(\$25,000) Decrease



The Quarterly Budget Review is attached for information identifying the Adopted Budget, Recommended Changes for Council Resolution, Projected Year End Budget and Year to Date Actual Revenue and Actual Expenditure to 31 March 2017.

### **Conclusion**

The net result of the March 2017 Quarterly Budget Review of revenue and expenditure is an adjustment of \$220,000 (increase in surplus), which results in the amended 2016/17 operational budget of \$13,088,000 surplus (after accounting for period 13<sup>th</sup> May to 30<sup>th</sup> June 2016 movements and variations outside the quarterly budget review process).

Refer to Responsible Accounting Officer Statement, Page 1 of Quarterly Budget Review Statement. (Attachment).

### **Strategic Implications**

Nil

### **Budgetary Implications**

All budget variations impact on the expected year-end result for Council.

### **Policy Implications**

Nil

### **Legislative Implications**

This report complies with the provisions of the Local Government Act, Regulations and Guidelines.

**5. SUBJECT: LOAN REPORT at 31 MARCH 2017**

**FROM: FINANCIAL ACCOUNTANT  
Kris Kershaw**

**Recommendation:**

That Council receives and notes the report on the current loan balances.

**Background:**

The purpose of this report is to update Council on the current loan amounts outstanding as at 31 March 2017. The report also provides the amount borrowed, what the loan was for, the interest rate, the term of the loan, and number of years left on the loan.

**Comment:**

Council's current loan balances as at 31 March 2017 total \$3,717,966.  
Details of each loan are as follows:

<b>Borrowed Amount</b>	<b>Interest Rate</b>	<b>Length of Loan</b>	<b>Remaining Years</b>	<b>Balance</b>	<b>Purpose of Loan</b>
\$1,314,300	5.17%	10 Years	5 Years	\$755,714	Levee bank
\$300,000	5.17%	10 Years	5 Years	\$159,904	Library
\$629,000	5.17%	10 Years	5 Years	\$331,775	End Street Deniliquin
\$600,000	5.17%	10 Years	5 Years	\$219,073	Levee bank
\$150,000	5.17%	10 Years	5 Years	\$78,775	Stormwater drainage
\$1,200,000	5.17%	10 Years	5 Years	\$690,000	Medical Centre
\$120,000	5.17%	10 Years	5 Years	\$69,000	Airport Hanger Development
\$1,683,000	5.17%	10 Years	5 Years	\$967,725	Sewer Effluent Re-use Facility
<b>\$5,996,300</b>				<b>\$3,717,966</b>	

**Strategic Implications:**

Nil

**Budgetary Implications:**

The loan and interest repayments for 2016/17 financial year are included in the budget.

**Policy Implications:**

Nil

**Legislative Implications:**

Nil

**Risk Assessment:**

None

**Conclusion:**

Council has a total of \$3,717,966 in loan borrowings outstanding as at 31 March 2017.

**Attachments:**

There are no attachments.

**4. SUBJECT: BANKING SERVICES**

**FROM: FINANCIAL ACCOUNTANT  
Kris Kershaw**

**RECOMMENDATION:**

That the Council consider a report on this matter while the meeting is closed to the public as it contains information that is considered confidential pursuant to Section 10A (2)(c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

Information that would if disclosed, confer a commercial advantage on a person with whom Council is conducting (or proposes to conduct) business.

**7. SUBJECT: COMMUNITY ENGAGEMENT POLICY**

**FROM: INTERIM GENERAL MANAGER  
Barry Barlow**

**RECOMMENDATION:**

That Council endorse the draft Community Engagement Policy for inclusion on the next Council Agenda to place on public exhibition for 28 days

**BACKGROUND:**

Edward River Council is committed to engaging with the community and recognises that community input is vital for the success of new and reviewed proposals and projects and for Council to accurately respond to local needs.

These projects and proposals may include strategic or corporate planning, policies, service planning, site or stakeholder specific plans, significant projects or other issues as determined by Council.

In developing the draft Community Engagement Strategy Council aligns to the best practice principles identified by the International Association of Public Participation (IAP2).

**STRATEGIC IMPLICATIONS:**

This policy has no direct strategic implications beyond supporting good practice within Council.

**BUDGETARY IMPLICATIONS:**

N/A

**POLICY IMPLICATIONS:**

This policy applies to all staff of Edward River Council and its statement implications should be considered across council in decision making.

**LEGISLATIVE IMPLICATIONS:**

This policy supports section 402 of the NSW *Local Government Act 1993* which outlines the essential requirements in relation to Council's Integrated Planning and Reporting processes and facilitating a democratic and consultative approach to decision making.

**CONCLUSION:**

This policy details Council's commitment and approach to community engagement and participation in

**ATTACHMENTS:**

1. Draft Community Engagement Policy

8. **SUBJECT: EDWARD RIVER ARTS & CULTURE  
PROJECT PLAN**

**FROM: ACTING DIRECTOR ECONOMIC AND BUSINESS  
DEVELOPMENT  
John Harvie**

**Recommendation/s:**

That Council:

1. Approve expenditure of \$19,600 to develop an Arts & Culture Strategic Plan and;
2. Endorse the decision, by the Acting Director of Economic Development & Business, to appoint Dr Gary Saliba to facilitate the project.

**Background:**

The Edward River Local Government Area (LGA) and its surrounding regions has a diverse range of arts and cultural groups that provide a myriad of products and services to the community of the region. Individuals and groups alike pursue their art and cultural activities either alone or through a network of organised projects and delivered in a range of different venues.

**Comment**

There is an opportunity to now stand back from these groups and their activities to design a community of practice that will enable the artisans within the arts and cultural groups to develop a strategic approach to their work.

Council has agreed to fund a project to develop a strategic plan that will clearly define:

their purpose;  
what they want to achieve;  
their vision for the future;  
their role in the delivery of art and culture; and  
what is deeply important to them

Such an approach will enable artisans, community and business to gain greater benefits from working together, attracting additional funding, enhancing regional economic development, community spirit and well-being. The attached project plan is designed to assist a steering committee to define the Nature and Direction of an arts and culture group for the LGA and surrounding regions.

Dr Gary Saliba, CEO Regional Development Australia Murray provided a quote to facilitate the development of an Arts & Culture Strategy and assist in preparing an application for funding.

The total cost is \$19,600 inclusive of GST.

**Strategic Implications:**

The development of an Arts and Culture Strategy will provide direction and purpose to local arts groups and enable them to work in unison to achieve their identified goals.

**Budgetary Implications:**

The funds are to be allocated from the stronger Communities Fund.

**Policy Implications:**

Nil

**Legislative Implications:**

Nil.

**Conclusion:**

Development of an Arts & Culture Strategy is the first step in a strategic process to identify the needs of the arts community within Edward River and to inform a plan to develop cultural tourism in the region.

**Attachments:**

1. A Project Plan for Defining the Strategic Positioning of the Edward River Arts & Culture Community of Practice (5 pages)
-

**9. SUBJECT: COUNCIL BOUNDARY SIGNAGE**

**FROM: ACTING DIRECTOR OF ECONOMIC DEVELOPMENT  
AND BUSINESS  
John Harvie**

**RECOMMENDATION:**

That Council resolve to;

- I. Accept, in principle, Option 3 with illumination and the alternate indigenous recognition.
- II. Agree to an allocation of up to \$30,000 from the “merger fund” to complete the project.

**BACKGROUND:**

There are ten “main” road entrances to the Edward River Council – refer Attachment 1. The Boundary signs are the first impression and set the tone for visitors’ experience at Edward River.

The vision for Edward River is strength, community, growth and a positive belief in the future. The Boundary signs convey this confidence.

A visitor signage strategy is under development, which includes the boundary signs (the outer shell) and works inward to the Town signs, attractions and facilities. The draft strategy will be reported to council in July, however, it is important that we brand the entrances to the Edward River LGA as soon as possible.

**COMMENT**

The signs need to convey to the passing motorist the heritage, history and future of the district – who we are, the struggle to get here, respect for our legacy and pride in our place. These elements are depicted in Attachment 2.

Using these elements, three options have been developed:

1. - a “reuse” of the existing signs with the basic messages (Attachment 3 and 4);
2. - partial “reuse” of the existing signs, with an extension of the basic message to include the rusted texture of resistance (Attachment 5 and 6); and
3. - a new sign, with an expansion of the message and an additional changeable panel that can be used to reflect various occasions (the current depiction is agriculture, another could be tourism, or the river), or a different image to reference particular areas across the municipality (Attachment 7 and 8).

Attachment 9 depicts the illumination of option 3 with a single solar panel.

Attachment 10 is an alternate recognition of our indigenous community.



**STRATEGIC IMPLICATIONS:**

The Boundary signs are the visitor's first impression of the character of the district and enhance the image and brand of Edward River Council.

**BUDGETARY IMPLICATIONS:**

The approximate costs excluding Council labour for refurbishment and installation are:

Option 1 \$5000;

Option 2 \$15,000; and

Option 3 \$25,000.

The cost would be eligible for "merger funding".

**CONCLUSION:**

Following the merger of Deniliquin Council and Conargo Shire Council in May 2016, there is a need to produce a boundary sign that reflects the pride of the current population in the district.

**ATTACHMENTS:**

1. Council boundary with main road entrances marked;
2. Elements of the sign;
- 3&4 Existing signs reused;
- 5&6 Partial reuse with additional messages;
- 7&8 New signs;
9. is an alternate recognition of our indigenous community and;
10. Option 3 with the addition of Illumination.

**10. SUBJECT: DRAFT TOWN PLANNING POLICY 5.12  
CONTAMINATED LAND MANAGEMENT POLICY**

**FROM: ACTING DIRECTOR ECONOMIC DEVELOPMENT  
AND BUSINESS  
John Harvie**

**Recommendation/s:**

That Council:

- a Place the draft Town Planning Policy 5.12 – Contaminated Land Management Policy on public exhibition for 28 days.
- b Receive a further report on the draft Town Planning Policy 5.12 – Contaminated Land Management Policy upon completion of the public exhibition.

**Background**

Draft Town Planning Policy 5.12 Contaminated Land Management Policy has been prepared for consideration by Council. It is proposed that the draft Policy be placed on exhibition for a period of 28 days.

**Comment**

The Riverina and Murray Regional Organisation of Councils (RAMROC) and the Riverina Eastern Regional Organisation of Councils (REROC) developed the draft Policy under their Regional Contaminated Land Management Project funded by the NSW Environmental Protection Agency and the NSW Environmental Trust.

This project developed a policy and procedure for each participating Council which was guided by a Working Group established under the project and with advice of Kell Moore (solicitors based in Albury). The Working Group included a representative of the former Deniliquin Council.

Under the Environmental Planning and Assessment Act a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination. Decisions must then be made as to whether the land should be remediated, or its use be restricted, in order to manage the risk. State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55) addresses potential land contamination when preparing a planning proposal, assessing development applications and determines categories of remediation work (work that does/does not require development consent).

The draft Policy applies to all land within the Edward River Council area and includes a procedure. The document has been developed under the provisions of the Contaminated Land Management Act, SEPP 55 and the Managing Land Contamination – Planning Guidelines (issued by the Department of Planning and Environment). The draft Policy provides a framework to guide and control the management of land contamination in

Council's land use planning and development control functions. Specifically, the draft Policy:

- Clearly defines the role and responsibility of Council for regulatory processes that underpin the management of contaminated and potential contaminated land in NSW;
- Outlines steps necessary to consider land contamination in planning functions (ie operating procedures and checklists);
- Ensures that decisions regarding land use and changes in land use are suitable and appropriate to the contamination risk; and
- Outlines assessment and information management processes.

It is proposed that the draft Policy be placed on exhibition for a period of 28 days and that a further report be considered by Council upon completion of exhibition.

**Strategic Implications:**

The draft Policy provides a framework for making planning decisions.

**Budgetary Implications:**

There are no budgetary implications.

**Policy Implications:**

This is a new policy of Council which will be known as Town Planning Policy 5.12 Contaminated Land Management Policy.

**Legislative Implications:**

The policy will assist Council with planning decisions in relation to potentially contaminated land.

**Risk Assessment:**

***What can happen?***

Council can adopt the draft Policy to assist with planning decisions in relation to potentially contaminated land.

***How can it happen?***

Adoption of the draft Policy.

***What are the consequences of the event happening?***

Council policy to assist with planning decisions.

***What is the likelihood of the event happening?***

High.

***Adequacy of existing controls?***

Council currently relies on the Managing Land Contamination – Planning Guidelines and relevant legislation for decision making.

***Treatment options to mitigate the risk?***

Exhibit the draft Policy.

**Conclusion:**

It is recommended to Council that the draft Policy be exhibited for 28 days and Council consider a further report following completion of exhibition.

**Attachments:**

1. Attachment 1 – Draft Policy 5.12 Contaminated Land Management Policy  
– 71 pages
-

**11. SUBJECT: CERTIFICATE OF AUTHORITY FOR STAFF – SWIMMING POOLS**

**FROM: ACTING DIRECTOR ECONOMIC DEVELOPMENT AND BUSINESS  
John Harvie**

**Recommendation/s:**

That Council authorise the affixing of the Council Seal to the Certificate of Authority to be issued under the Swimming Pools Act 1992 to the Health and Building Surveyor – Nathan O’Connell.

**Background:**

With the appointment of a Health and Building Surveyor, Council must resolve to affix the Council seal to a Certificate of Authority to be issued under the Swimming Pools Act 1992.

**Comment**

Section 27 of the Swimming Pools Act 1992 allows Council to appoint any of its employees to be authorised officers. Those authorised officers are empowered to enter premises, inspect swimming pools and seek search warrants in the event an offence is being committed.

The Swimming Pools Act 1992 stipulates that an authorised officer must, on demand by any person in or on the premises produce their certificate of identification for inspection by that person. The Certificates of Authority under the Swimming Pools Act 1992 are unique in that they require the photo of the authorised person, their signature and the Council seal to be affixed.

**Strategic Implications:**

Nil.

**Budgetary Implications:**

Nil.

**Policy Implications:**

Nil.

**Legislative Implications:**

The affixing of the Council Seal to the Certificates of Authority is in accordance with the Swimming Pools Act 1992.

**Risk Assessment:**

***What can happen?***

Inspections may occur without delegation.

***How can it happen?***

Not providing required delegation.

***What are the consequences of the event happening?***

Inspections may not be carried out.

***What is the likelihood of the event happening?***

Low if delegation is issued.

***Adequacy of existing controls?***

There is no existing Certificate of Authority for this position.

***Treatment options to mitigate the risk?***

Issue Certificate of Authority.

**Conclusion:**

It is recommended to Council that the Certificate of Authority be issued to Council's Health and Building Surveyor.

**Attachments:**

There are no attachments to this report

---

**12. SUBJECT: NATURAL GAS FEASIBILITY STUDY FINAL REPORT**

**FROM: MANAGER ECONOMIC AND BUSINESS DEVELOPMENT  
John Harvie**

**RECOMMENDATION:**

That Edward River Council resolves;

1. Accept the Natural Gas Feasibility Study Final Report and
2. Accept GHD's offer to reduce the agreed fee by \$10,000 to \$63,000

**BACKGROUND:**

In July 2016 Edward River Council commissioned GHD Pty Ltd, Melbourne to undertake a feasibility study to identify gas network options available to connect Deniliquin to existing gas networks in Victoria or New South Wales.

The study also sought to understand the constraints posed by each option and rank each for its suitability. Suitability was gauged by the ability of the option to service the energy and economic needs of the community with a cost-effective and sustainable solution.

The study was to provide cost estimates for each of the available connection points. Costs account for elements such as:

- Residential demand in areas along the line path
- Industrial and Commercial activity that may be encouraged by the creation of a pipeline
- Towns to be connected
- Gas loading forecasting
- Revenue forecasting
- Capital and operating costs of prospective supply lines

The study was to advise on the most useful and economically viable option for the connection of Deniliquin to local gas lines or, if unfeasible, recommend a new method for local gas storage in Deniliquin itself.

**COMMENT**

The Report concluded that the task to supply Deniliquin and its industry with natural gas is not currently feasible. Without the ethanol plant to provide the demand, a \$50 million pipeline will not prove feasible. Given lack of capacity in the system, Deniliquin and much of rural northern Victoria and southern NSW are caught between two extremes.

High construction costs require a high demand to allow line owners to recoup their costs. Given supply constraints, this high demand cannot be accommodated on the line at present.

If these system constraints disappear, Deniliquin will have a chance to secure a viable energy connection that ensures continued economic growth and wellbeing into the future, at a reasonable cost.

**STRATEGIC IMPLICATIONS:**

The current lack of natural gas supply in south east Australia will inhibit large scale industrial development in communities who do not have access to this cheaper form of energy.

The opportunity to develop value adding industries, associated with the regions agricultural commodity output, may be severely limited by the lack of a natural gas supply to Deniliquin and the wider region.

**CONCLUSION:**

The study has concluded that the cost to provide a natural gas supply connection to Deniliquin combined with the current lack of supply to meet the expected demand, created by the construction of the Dongmun Greentec ethanol plant, the project is not feasible.

The study also concludes that should the natural gas supply side issues be resolved at some time in the future then a natural gas supply to the region may become feasible.

**ATTACHMENTS:**

1. GHD Pty Ltd, Deniliquin Natural Gas Feasibility Study Final Report (35 pages)
  2. GHD email offer to reduce the budget by \$10,000 (1 page)
-



**13. SUBJECT: PURCHASE OF HIGHWAY FLAGS**

**FROM: MANAGER ECONOMIC AND BUSINESS DEVELOPMENT**  
**John Harvie**

**RECOMMENDATION:**

That council resolve to;

- I. Allocate \$9,000 from the 2016/17 council budget to purchase 4 sets of 15 highway flags.

**BACKGROUND:**

Council has previously installed 15 highway flag poles for the purpose of promoting local and regional events to locals, visitors and in particular highway traffic.

**COMMENT**

Councils generic flags were recently destroyed following two high wind events that hit the area.

There are insufficient funds in the current budget to purchase new flags to replace those that were destroyed.

The cost to replace the 15 flags is \$3,000 including GST.

However, it would be better if council had at least three sets of branded flags that could be used in an alternating manner to promote events and the region and to have spare flags in the event of further high wind events.

**STRATEGIC IMPLICATIONS:**

**BUDGETARY IMPLICATIONS:**

The purchase of the flags has not been included in the 2016/17 or 2017/18 council budgets

**POLICY IMPLICATIONS:**

Nil

**LEGISLATIVE IMPLICATIONS:**

Nil

**CONCLUSION:**

To ensure the on-going use of the promotional flagpoles council should have access to alternative flags should an unforeseen event occur.

**ATTACHMENTS: NIL**

14.       **SUBJECT:     ENVIRONMENTAL SERVICES REPORT  
                          (March 2017)**

**FROM:         MANAGER ECONOMIC DEVELOPMENT AND  
                          BUSINESS  
                          John Harvie**

**RECOMMENDATION**

That Council note the information in the Environmental Services report for March 2017.

**SUMMARY**

The report details the activities of Environmental Services for March 2017.

### Current Applications at 31 March 2017

Application	Date Rec'd	Applicant	Location	Proposal	Status
<b>Development Applications/Construction Certificates</b>					
DA2050	25/09/13	F & R Lindsay Field	Lot 26 DP877116, 81 Boundary Street	Change of use to a tourist facility	Awaiting advice from the applicant
CC164	04/11/13	Murray Constructions	Lot 11 DP1157999, 3 Wenbern Court	Retaining wall	Awaiting advice from the applicant
CC 23/14	14/07/14	Precise Build	Lot B & D, DP163080 & DP407394	Alterations & additions to WIRED Entertainment	Awaiting advice from the applicant
DA 68/14 CC 49/14	20/10/14	Jesse Soding	Lot 10 DP242452, 114 Wyatt Street	Verandah	Awaiting advice from the applicant
CC55/14	10/11/14	Jamie Park/JNP Architecture & Associates Pty Ltd	Lot 272 DP756325, 234 Barham Road	Erection of a shed for use as 'rural industry' (maintenance & construction shed for the proposed ethanol plant)	Awaiting advice from the applicant
DA1/16 CC1/16	4/1/2016	Tikaro Pty Ltd	Lot 21 DP1063042, 356 Augustus Street	Shed	Awaiting advice from applicant
CC18/16	11/04/2016	M Wilson	Lot 6 Sec 17 DP758913, 124-126 End Street	Enclosing of existing loading area to form office	Awaiting advice from applicant
DA 64/16		Sue-Anne Shellie	Lot 1 DP933754, 115 End Street	Part change of use to a 'food & drink premises' (front shop on ground floor)	Awaiting payment of fees and submission of additional information
DA65/16 CC36/16	30/08/16	Hilet Constructions Pty Ltd	Lot 21 DP1005648 & Lot 1 DP613334 being 93-97 & 99-101 Davidson Street	Extension of existing fertilizer storage depot onto neighboring lot	Awaiting advice from applicant
DA 83/16 CC 51/16	18/11/16	Eugene Blurton	Lot 53 DP707606, 17 Norris Court	Shed	Awaiting advice from applicant
CC 47/16	31/10/16	P&A Society of Deniliquin	Lot 487 DP731813, Memorial Park	Demountable office building	Awaiting advice from applicant
CC 57/16	8/12/16	St. Michael's School	Lot 15, DP449684, 372 Poitiers Street	Pergola, toilet block and render sports shed	Awaiting advice from applicant

DA 1/17	11/01/17	Murray Constructions	Lot 1 DP264653, 34 Burton Street	Replacement of timber retaining walls	Awaiting advice from applicant
DA 2/17	11/01/17	Murray Constructions	Lots 11 & 12 DP1018080, 475-477 George Street	Replacement of existing concrete retaining walls including an extension of jetty	Awaiting advice from applicant
DA 3/17	11/01/17	Murray Constructions	Lot 101 DP831207, 144 Riverview Drive	Extension of existing retaining wall	Awaiting advice from applicant
DA 12/17 CC 7/17 S68 12/17	10/03/17	Decentralised Demountables Pty Ltd	Lot 92 DP758913, 418 (B) Charlotte Street	New dwelling	Under assessment
DA 13/17 CC 8/17 S68 13/17	10/03/17	Decentralised Demountables Pty Ltd	Lot 91 DP758913, 418(A) Charlotte Street	New dwelling	Under assessment
DA 15/17 CC 10/17 S68 14/17	20/03/17	Precise Build	Lot 5, Sec 27 DP758913, 478 Cressy Street	Renovation and addition to existing house	Under assessment
DA 16/17	24/03/17	Multi Arts Centre Committee of Management	Lot 1, Sec 208 DP758913, 46-58 Edwardes Street	Extension of amenities area to provide a new kitchen area	Under assessment
DA 17/17 CC 11/17 S68 15/17	24/03/17	Precise Build	Lot 4 DP285832,316 Wakool Road	New dwelling	Under assessment
DA 18/17 CC 12/17	24/03/17	Brock & Felicity Ezard	Lot 5 DP1227113, 599-605 Ochertyre Street	Shed	Under assessment
DA 19/17 CC 13/17 S68 16/17	28/03/17	Gerard Herrick	Lots 14 & 15 DP1134284, 14-18 Napier Street	Fitout of vacant shop to chemist shop	Under assessment
DA 20/17 CC 14/17	27/03/17	Brunker Fabrications	Lots 38 & 2 DP1158909 & DP564408, Lot 38 Cemerery Road	Cattleyard cover	Under assessment
DA 21/17 S68 20/17	23/03/17	JG King Homes	Lot 23 DP9064, 69 Junction Street	New dwelling	Under assessment
CC 15/17 S68 17/17	28/03/17	John Holschier	Lot 4 DP286169, 410 George Street	New dwelling	Under assessment

CC 16/17 S68 18/17	28/03/17	John Holschier	Lot 5 DP286169, 410 George Street	New dwelling	Under assessment
<b>Complying Development Certificates</b>					
CDC 6/17	20/3/17	Deniliquin Golf Club	Lot 223 DP1014016, Golf Club Road	Solar panels	Under assessment
<b>S68 Applications</b>					
S68 29/14	4/12/14	Betta Home Living	Lot 1 DP112530, 340 George Street	Display of articles on footpath	Under assessment
S68 5/17	1/02/17	Dennis Family Homes	Lot 5 DP1201532, 599-615 Ochertyre Street	Water and sewer connection	Under assessment

### Applications Determined March 2017

Application	Property Description	Applicant	Development	Amount
DA 90/16	Lot 3, DP1213955, 234 Barham Road	Edward River Council	2 lot subdivision	\$10,000.00
DA 7/17	Lot 52 DP1189132, Cemetery Road	Troy Fava (The Cruising Nationals)	Temporary use being the "Cruising Nationals" event	-
DA 9/17 CC 5/17	Lot 13 DP1092026, 2/69 Davidson Street	David & Danielle O'Brien	Remove existing windows at front and side, infill walls and windows in existing openings in external fabric	\$20,000.00
DA 10/17 CC 6/17	Lot 5 DP259433, 2 Mazamet Court	Hawley Concreting & Construction Pty Ltd	Storage shed	\$13,400.00
DA 11/17 CC 9/17	Lot 1 DP744814, 403 Harfleur Street	John Nolan	New shed and carport	\$9,500.00
DA 14/17	Lots 1 & 2, DP742654, 249 Cressy Street	Deniliquin Newsagency & Bookstore	Alterations to existing signage and façade, including additional signage	\$4,500.00
DA 56/14A	Lot 26, DP877146, 81 Boundary Road	Murray Constructions Pty Ltd	Modification of DA 56/14 being upper retaining wall (stage 1), lower retaining wall, mooring poles & steel frame landing with floating pontoon (stage 2). The modification being applied for is to alter the construction of the lower retaining wall from timber to concrete -	-

			this forms part of stage 2. (Stage 1 is complete)	
CC 4/17 S68 5/17	Lot 5 DP1201532, 599-615 Ochtertyre Street	Brock & Felicity Ezard (Jmanda Pty Ltd)	New single dwelling	\$285,321.00
CDC 3/17	Lot 3 DP264253, 38 Burton Street	Kevin Cairns	Pergola	\$10,000.00
CDC 4/17	Lot 223 DP845841, 44 Carew Street	Sivad Five Pty Ltd	Inground pool	\$42,160.00
CDC 5/17	Lot 18 DP259052, 211 Burchfield Avenue	Tracey Whittakers	Shed	\$12,000.00
S68 6/17	Lot 10 DP1226489, 130-138 Pakenham Street	Craig Woolston & Kate Sherwin	Water and sewer connection	-
S68 11/17	Lots 1 & 2 DP111997, 402 Cressy Street	Anna Hanson	Water and sewer connection	-

#### Processing Times for March 2017

Application Type	Mean Gross Days	Mean Net Days
DA	27	27
Mod (S96) of DA & DA/CC	259	97
CDC	19	19
CC	16	16
S68 Applications	20	20

#### Value and Number of Applications Determined 2016 and 2017

Month	DAs 2016	DAs 2017	CDCs 2016	CDCs 2017	S68 2016	S68 2017	Value 2016	Value 2017
January	7	6	2	2	0	0	\$273 900	\$953,130
February	8	4	3	1	3	9	\$1 012 520	\$1,121,555
March	12	7	3	3	4	3	\$1 115 107	\$436,881
April	7		2		1		\$177 000	
May	9		5		3		\$454 134	
June	8		1		4		\$113 400	
July	7		3		3		\$86 541	

<b>August</b>	6		3		3		\$1 030 615	
<b>September</b>	4		2		3		\$586 326	
<b>October</b>	5		1		1		\$205 645	
<b>November</b>	5		5		1		\$438 022	
<b>December</b>	5		3		3		\$830 806	
<b>TOTALS</b>	<b>83</b>	<b>17</b>	<b>33</b>	<b>6</b>	<b>29</b>	<b>12</b>	<b>\$6 324 016</b>	<b>\$2,511,566.00</b>

Notes: numbers of application determined does not include construction certificates, modifications and applications determined by private certifiers. Value of application determined does not include the value of work for s68 applications.

### Section 149 Certificates/Sewerage Drainage Diagrams

There were 24 Section 149 Certificates completed and 14 Sewerage Drainage Diagrams issued in March 2017.

### Swimming Pool Inspection Program

Month	1 <sup>st</sup> Inspection	2 <sup>nd</sup> Inspection	3 <sup>rd</sup> Inspection
March 2017	-	-	-

### Status of Environmental Services Projects – March 2017

Project	Status
Planning Proposal 7 - Kyalite Stables	Maps and section 59 report is being prepared.
Rural Residential Strategy	Comments received from consultant. Council to respond.
Local Heritage Fund	Awaiting finalisation of projects for this financial year.
Land Register Review	Register has been transferred to excel. The cross checking of the register with Council records has been completed. Classifications currently being determined. Planning proposal being prepared.  New mapping layer in MapInfo has been created. Continuing to create documents to be uploaded to the intranet which will be linked to MapInfo.
Draft Planning Proposal – Dahwilly and North Deniliquin	A planning proposal is being drafted to amend the Deniliquin Local Environmental Plan 2013. This planning proposal will address unresolved submissions from the Office of Environment and Heritage and Crown Lands relating to North Deniliquin and Dahwilly.
Floodplain Risk Management Study and Plan	Floodplain Risk Management Committee meeting scheduled for 10 May 2017 to consider draft study and plan and the work completed on the October 2016 flood.

Review of Standard Conditions	Review and redrafting of standard conditions applied to development consents and complying development certificates.
Planning Proposal 6 – Listing of state heritage item	Awaiting mapping from the Department of Planning and Environment.
Planning Proposal 8 – Barham Road	Department of Planning have been advised of the deletion of one lot from the planning proposal. Awaiting gateway determination.
Disability Inclusion Action Plan	Draft plan received.
Development Manual	Consultant to meet with Council staff on 9 May 2017.
Open Space Strategy	Open space strategy brief has been amended to incorporate the BMX Park and Scotts Park concept designs. Expressions of interest from consultants have been requested.
Public Space Strategy	Expressions of interest from consultants have been requested.

**Environmental Services Projects Completed – March 2017**

<b>Project</b>	<b>Status</b>



**15. SUBJECT: CONFIDENTIAL REPORTS**  
**FROM: INTERIM GENERAL MANAGER**  
**Barry Barlow**

Section 10A(4) of the Local Government Act provides as follows:-

A council, or committee of a council, may allow members of the public to make representations to or at a meeting, before any part of the meeting is close to the public, as to whether that part of the meeting should be closed.

**RECOMMENDATION:**

That the Council consider the following reports while the meeting is closed to the public as it contains information that is considered confidential pursuant to Section 10A (2) (c) of the Local Government Act 1993, which permits the meeting to be closed to the public for business relating to the following:

10A(2) (a) personnel matters concerning particular individuals (other than Councillors)

10A(2) (c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,

10A(2) (d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of the council, or
- (iii) reveal a trade secret

On balance, the public interest in preserving confidentiality of these matters outweighs the public interest in openness and transparency of Council decision making as public disclosure of the information at this stage may adversely affect those proposed activities.