



**Edward  
River**  
COUNCIL

# **MINUTES**

**Ordinary Council Meeting**

**20 December 2018**

**MINUTES OF EDWARD RIVER COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIKUIN  
ON THURSDAY, 20 DECEMBER 2018 AT 9AM**

**PRESENT:** Cr Norm Brennan (Mayor), Cr Pat Fogarty (Deputy Mayor), Cr Peta Betts, Cr Marg Bull, Cr Ashley Hall, Cr Norm McAllister, Cr Peter McCrabb, Cr Nick Metcalfe, Cr Mac Wallace

**IN ATTENDANCE:** Adam McSwain (General Manager), Oliver McNulty (Director Infrastructure) Anthony Smith (Interim Corporate Services Director), Cian Middleton (Communications and Governance Officer)

**GALLERY:** 2

**ACKNOWLEDGEMENT OF COUNTRY**

**STATEMENT OF PURPOSE**

**APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

Nil

**2018/306 DISCLOSURE OF INTEREST**

The following Councillors declared pecuniary interests:-

Cr Hall Item 11.23 – Trial for Seal Extension

Cr Wallace Item 11.13 Environmental Services Report and 11.24 Rural Fire Service Tanker Trailer Units.

Cr McCrabb Item 11.24 Rural Fire Service Tanker Trailer Units

Cr Bull Item 11.24 Rural Fire Service Tanker Trailer Units

The following Councillor declared a non-pecuniary interest:-

Cr Metcalfe Item 11.24 Rural Fire Service Tanker Trailer Units

**2018/307 CONFIRMATION OF MINUTE FROM PREVIOUS MEETING**

**RESOLUTION**

That the minutes of the Ordinary Council Meeting held on 15 November 2018 be confirmed.

Moved: Cr McCrabb

Seconded: Cr Metcalfe

**CARRIED**

**CORRESPONDENCE**

**2018/308 MINUTES OF THE EDWARD RIVER CONCERT BAND COMMITTEE**

That the minutes of the Edward River Concert Band Committee meeting held 4 December 2018 be confirmed.

Moved: Cr Fogarty  
Seconded: Cr Bull

**CARRIED**

**2018/309 MINUTES OF THE TIDY TOWNS COMMITTEE**

The the minutes of the Edward River Council Tidy Towns Committee meeting held 11 December 2018 be confirmed.

Moved: Cr Fogarty  
Seconded: Cr Bull

**CARRIED**

**REPORTS FROM OFFICERS**

**2018/310 MAYOR AND GENERAL MANAGER MEETINGS**

**RESOLUTION**

That Council note the Mayor and General Manager meetings for November 2018.

Moved: Cr Wallace  
Seconded: Cr Fogarty

**CARRIED**

**2018/311 RESOLUTIONS OF COUNCIL**

**RESOLUTION**

That Council note the information in the Resolutions of Council December 2018 update.

Moved: Cr Betts  
Seconded: Cr Metcalfe

**CARRIED**

**2018/312 MINUTES FROM THE AIRPORT PROJECT STEERING COMMITTEE****RESOLUTION**

That Council

1. Note and receive the Minutes from the Deniliquin Airport Expansion Steering Committee for the following meetings:
  - (a) 23 October 2018
  - (b) 20 November 2018
  - (c) 27 November 2018
2. Note and consider in a separate confidential report to the December Council meeting the RESOLUTION from the Deniliquin Airport Expansion Steering Committee meeting on 27 November 2018;

*That the Airport Steering Committee recommend to Council that a staged approach to developing the runway be the preferred option for the airport project, subject to additional information from Redwater and McKinna consulting*

Moved: Cr McCrabb

Seconded: Cr Bull

**CARRIED**

**2018/313 APPOINTMENT OF ACTING GENERAL MANAGER****RESOLUTION**

That Council:

1. Note that the General Manager, Mr Adam McSwain, will be on annual leave from Tuesday, 2 January to Monday, 21 January 2019.
2. Temporarily appoint the Director Infrastructure, Mr Oliver McNulty, to act in the role of General Manager for the period Tuesday, 2 January to Monday, 21 January 2019.
3. Delegate the powers, authorities, duties and functions set out in the Instrument of Delegations to the General Manager, contained at Attachment A, to Mr McNulty for the period Tuesday, 2 January to Monday, 21 January 2019.

Moved: Cr Hall

Seconded: Cr Metcalfe

**CARRIED**

**2018/314 STRATEGIC REVIEW OF COMMITTEE FRAMEWORK AND COMMUNITY FACILITY MANAGEMENT MODEL****RESOLUTION**

That Council:

1. Undertake a strategic review of its committee framework and community facility management model.
2. Notify all section 355 committees of the purpose of the strategic review and advise that committees will be consulted in the preparation of the review.

Moved: Cr Bull

Seconded: Cr Fogarty

**CARRIED**

**2018/315 INVESTMENT REPORT AS AT 30 NOVEMBER 2018****RESOLUTION**

That Council:

1. Note and receive the Report on Investments totaling \$45,491,518 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of November 2018 was \$144,560.
3. Note that accrued interest earned to 30 November 2018 but not yet received was \$269,140.
4. Note that Council's loan liability as at 30 November 2018 was \$2,239,027.

Moved: Cr McCrabb

Seconded: Cr Fogarty

**CARRIED**

**2018/316 EARLY REPAYMENT OF LOANS****RESOLUTION**

That Council:

1. Approve the early repayment of Councils loans prior to 31 December 2018
2. Repay the loans from the following funds:
  - (a) Sewer Effluent Re-Use Facility loan to be paid from the Sewerage Services Fund
  - (b) Library loan to be paid from the Library reserve
  - (c) Aerodrome loan to be paid from the Airport Development reserve
  - (d) Remaining loans to be repaid from unrestricted funds.
3. Note the saving of \$48,169.15 that Council will generate through the early repayment of these loans

Moved: Cr McAllister

Seconded: Cr McCrabb

**CARRIED**

**2018/317 INVESTMENT POLICY (REVIEWED)****RESOLUTION**

That Council:

1. Rescind the existing Investment Policy, Attachment A
2. Adopt the Draft Investment Policy, Attachment B

Moved: Cr McAllister

Seconded: Cr Fogarty

**CARRIED**

**2018/318 DENILQUIN TOWN HALL REVITALISATION PROJECT REFERENCE GROUP****RESOLUTION**

That Council:

1. Establish a Project Reference Group to oversee the Deniliquin Town Hall Revitalisation Project.
2. Adopt the Deniliquin Town Hall Revitalisation Project Reference Group Constitution, contained at Attachment A.
3. Appoint Councillors Peta Betts, Margaret Bull and Mac Wallace as the three Councillor representatives on the Deniliquin Town Hall Revitalisation Project Reference Group, pursuant to clause 6.1 of the Constitution.
4. Invite representatives of Outback Theatre for Young People, South West Arts Inc. and South West Music Regional Conservatorium to serve as the three industry representatives on the Deniliquin Town Hall Revitalisation Project Reference Group, pursuant to clause 6.2 of the Constitution.

Moved: Cr McCrabb

Seconded: Cr Metcalfe

**CARRIED**

**2018/319 DENILQUIN WATER TOWER PROJECT - REALLOCATION OF BUDGET****RESOLUTION**

That Council:

1. Note that the cost of completing the Deniliquin Water Tower Project is estimated to cost up to \$35,000.
2. Allocate a further \$15,000 from Stronger Communities Major Projects - Arts and Culture Precinct Budget to the Deniliquin Water Tower Project budget.

Moved: Cr Betts

Seconded: Cr McAllister

**CARRIED**

**2018/320 REQUEST FOR WATER TRANSFERS****RESOLUTION**

That Council

- 1) Approve providing a water transfer to the Racecourse Reserve and Deniliquin Golf Club
- 2) Approve the linking of work approval 50CA501687 to Councils Water Access Licence to allow the water transfer to take place.
- 3) Approve the previous action taken by Council officers to link the work approval for the Deniliquin Golf Club with the Water Access Licence
- 4) Set the water transfers at the following levels:
  - a) Racecourse Reserve – 35 ML
  - b) Golf Club – 180 ML
- 5) Provide the water to the Golf Club and Racecourse free of charge and only pass on to either group administrative charges as incurred in establishing the water transfer
- 6) Note that this approval is a once off approval and that Council may not be able to provide this support in future years if increased water restrictions are applied
- 7) Request further information from Riverview Estate and Lawson Supply on future plans for water sustainability for each estate and previous water management practices including any water bought or sold.

Moved: Cr McAllister

Seconded: Cr Metcalfe

**CARRIED**

**2018/321 SOUTH WEST MUSIC REQUEST FOR FUNDING ASSISTANCE FOR CONCEPT DESIGNS****RESOLUTION**

That Council

1. Support providing \$10,000 funding to South West Music Regional Conservatorium from Council's Stronger Communities Fund – Merger Funding for the development of concept plans for a permanent Conservatorium to be based in Deniliquin
2. Refer this request to the Stronger Communities Fund Assessment Panel for their consideration
3. Note that this support is based on:
  - (a) The important regional role of South West Music
  - (b) The social and economic benefits that South West Music and a permanent Conservatorium would provide to the broader community
  - (c) The diverse and varied cultural offering that South West Music provide

Moved: Cr Fogarty

Seconded: Cr Hall

**CARRIED**

Cr Wallace left the Chambers at 9.55am

**2018/322 ENVIRONMENTAL SERVICES REPORT (NOVEMBER 2018)****RESOLUTION**

That Council note the Environmental Services report for November 2018.

Moved: Cr McCrabb

Seconded: Cr Fogarty

**CARRIED**

Cr Wallaced returned to the Chambers at 9.57am

**2018/323 ENVIRONMENTAL SERVICES PROJECT QUARTERLY REPORT (DECEMBER 2018)****RESOLUTION**

That Council note the Environmental Services Project Quarterly Report (December 2018).

Moved: Cr Wallace

Seconded: Cr McCrabb

**CARRIED**

**2018/324 ROADSIDE GRAZING****RESOLUTION**

That Council:

1. Note the report on roadside grazing; and
2. Grant concurrence in accordance with section 78 of the Local Land Services Act for the issuing of roadside grazing permits until 21 February 2019.

Moved: Cr McAllister

Seconded: Cr Metcalfe

**CARRIED**

**2018/325 DRAFT DENILIQVIN MASTERPLAN****RESOLUTION**

That Council:

1. Receive and note the draft Deniliquin Masterplan Public Exhibition Feedback Summary, contained at Attachment 1.
2. Adopt the Deniliquin Masterplan, contained at Attachment 2.

Moved: Cr Bull

Seconded: Cr McAllister

**CARRIED**



**2018/326 MINUTES - OPEN AND PUBLIC SPACE STRATEGIC WORKING GROUP****RESOLUTION**

That Council note the minutes from the meeting of the Open and Public Space Strategic Working Group held on 19 November 2018.

Moved: Cr Betts  
Seconded: Cr McCrabb

**CARRIED****2018/327 MINUTES - ACCESS COMMITTEE****RESOLUTION**

That Council:

1. Receive and note the minutes of the Access Committee meeting held 5 December 2018, contained at Attachment A.
2. Allocate the \$30,000 contained in Council's 2018/19 Budget for implementation of Council's Disability Inclusion Action Plan to delivering items 1.3, 2.2 and 2.3, as recommended by the Access Committee.

Moved: Cr Fogarty  
Seconded: Cr McCrabb

**CARRIED**

**2018/328 DEVELOPMENT APPLICATION 56/18 - TEMPORARY USE BEING THE DENILIQUN RSL FISHING CLASSIC EVENT****RESOLUTION/S**

That Council: -

- 1 Approve in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 development application 56/18 for a temporary use being the 'Deniliquin RSL Fishing Classic' event, on Lot 7012 DP1120697 (Crown Reserve 79140) and Lot 2 DP1176349 (Crown Reserve 79158), Davidson Street, Deniliquin dated 24 September 2018 as shown on plan numbered DA56/18-1 and 2 for the following reasons:
  - (a) The proposed development is consistent with the zone and existing character of the area.
- 2 Impose the following conditions on DA56/18

**CONDITIONS OF CONSENT:****1. General**

- 1.1 The development shall take place in accordance with the approved plans and documentation, including any notations marked by Council thereon, as referenced in Schedule 1 – List of approved plans attached to DA No. 56/18, and the conditions of consent.

Reason: To clarify the terms of the approval.

- 1.2 This development consent is issued for a period of one (1) year and one (1) event only, scheduled for Saturday 16 February and Sunday 17 February 2019.

Reason: To clarify the terms of the approval.

- 1.3 Overnight accommodation is not permitted on the site, including camping in tents, cars or otherwise.

Reason: To clarify the terms of the approval.

- 1.4 No advertising sign and/or structure other than that which is permissible without consent is to be erected as part of the approved development unless a formal application has been submitted to Council and a development consent has been issued.

Reason: To advise that unless shown as part of the development proposal separate development consent is required for any advertising sign and/or structures.

- 1.5 The Applicant is to contact Council at least 7 days prior to the event to make arrangements for the inspection of the site, **24 hours prior to the commencement of the event.**

Reason: To clarify the terms of the approval.

**2. Insurance Requirements**

- 2.1 **Prior to the commencement of the event** evidence shall be provided to Council that public liability coverage for a minimum of \$20,000,000 for any one occurrence has been obtained. The following organisations must be noted on the policy as an insured or interested party for their respective rights and interests:

- The State of New South Wales;
- NSW Roads and Maritime Services;
- NSW Police; and

- Edward River Council.

Reason: To clarify the terms of the approval.

- 2.2 **Prior to the commencement of the event** evidence shall be provided to Council that a volunteer workers insurance policy has been obtained. The level of coverage shall include public liability coverage of a minimum of \$20,000,000 for any one occurrence and shall be a separate policy than the general public liability policy.

Reason: To clarify the terms of the approval.

### 3. Plans of Management

- 3.1 A Plan of Management for the event is to be submitted to Council no later than **fourteen (14) days prior to the event** incorporating the following:

- Event Management Plan;
- Emergency Management Plan;
- Traffic Management Plan; and
- Waste Management Plan.

Reason: To ensure safe operation of the event.

- 3.2 The Plan of Management is to incorporate an Event Management Plan including the installation, operation and decommissioning of the event and providing for the following:

- Anticipated number of entrants and officials at the event;
- Details regarding how the event shall be managed,
- Details of volunteer management procedures including numbers of volunteers, roles and responsibilities, volunteer amenity including break times and provision of drinking water;
- Details of entrant management measures, including provision of adequate portable toilet facilities, security, traffic and parking control (with reference to the Traffic Management Plan) seating, first aid and emergency management (with reference to the Emergency Management Plan), management of lost children and other measures relating to entrant management and comfort;
- Details of vendor and stall management including exact numbers and locations as well as proof of compliance with the requirements of the 'Food Handling Guidelines for Temporary Events';
- Proof of all licenses and approvals from other agencies and organisations;
- Contingency plan in the event of heavy rain;
- Details indicating that access and facilities for persons with disabilities are in accordance with AS 1428.1 – Design for Access and Mobility and Part D3 of the Building Code of Australia;
- Details on the keeping of a complaint register which shall be kept by the organiser and be available for viewing by an authorised officer of Council upon request. All complaints must be recorded in the register and include relevant details such as the nature of the complaint, time, date and person making the complaint and contact details of the person making the complaint; and
- Details of the number and location of security staff.

Reason: To ensure the installation, operation and decommissioning of the event is consistent with the Event Management Plan.

- 3.3 The Plan of Management incorporating the Emergency Management Plan is to detail the emergency measures (including preventative and response) for all situations, including but not limited to:

- Injury (both minor and serious) to any person (including entrants, staff and volunteers) and first aid;
- Notification of the intended event, including the Plan of Management, to each of the following no later than fourteen (14) days before the event:
  - The officer-in-charge of the nearest police station to the event site;
  - The officer-in-charge of the nearest ambulance station to the event site; and
  - The officer-in-charge of the nearest Fire and Rescue NSW station to the event site.

Reason: To ensure emergency measures are in place for the event.

3.4 The Plan of Management incorporating the Traffic Management Plan is to detail the proposed treatment of traffic, both vehicle and pedestrian, at the event site and along the public roads leading to the event site. The Traffic Management Plan must have consideration for the following:

- Vehicle access to and from the site;
- Access to and from entrant vehicle parking areas;
- Location of the bus drop off area (this should be located at the rear of the site near the proposed parking area to remove the need for pedestrians near the carriageway of the Cobb Highway);
- Measures to ensure emergency vehicle access to, and within, the subject site during the event are to be addressed;
- Measures for the management of traffic to provide for vehicle and pedestrian access to and around the event, particularly directional signage for way finding for motorists.

Reason: To ensure the treatment of traffic is suitable for both vehicles and pedestrians in and around the event.

3.5 The Plan of Management incorporating the Waste Management Plan is to detail the proposed methods for management of waste generated by the event. The Waste Management Plan must have consideration for the following:

- Method for collection of waste containers from the site;
- Measures for ensuring that glass is not brought onto the site;
- Measures to address post-event waste management with the Edward River Oval grounds; and
- Details of on-site garbage storage areas that are readily accessible and serviceable by the waste contractor.

Reason: To ensure that treatment of waste is suitable for the event.

3.6 The Event Management Plan is to detail the management of alcohol during the event.

Reason: To ensure the safety of all participants, volunteers and spectators.

3.7 A minimum of **fourteen (14) days prior to the event** being held the event organiser shall notify Council details of food businesses that will be trading at your event / market including the following details:

- Business name;
- Business contact details including phone numbers, postal address and e-mail address;
- Trading location;
- Owners details including names, residential address and phone numbers; and
- The nature of the business. This shall include the type of stall (eg) mobile van/ marquee and a description of the nature / type of food to be sold).

Reason: This information is required to be provided in accordance with the provisions of the NSW Food Act & Regulation to provide information for investigation in the incidence of a foodborne illness outbreak.

3.8 All temporary food stalls and mobile food vans are to be constructed and located and have minimum facilities as outlined on the NSW Food Authority website under

the headings of Markets and Temporary Events and Mobile Food Vendors.

Reason: To ensure all foods meet the minimum standards necessary for the safe handling of food in accordance with the Food Act & Regulation.

- 3.9 All food businesses operating mobile food vending vehicles, with the exception of volunteer organisations must appoint a NSW Food Safety Supervisor (FSS) if the food they prepare and serve is:

- ready-to-eat
- potentially hazardous (ie needs temperature control)
- not sold and served in the supplier's original package.

The business must ensure the FSS certificate is available in the temporary stall / mobile food vending vehicle before commencement of operation and upon request by an authorised officer under the Food Act.

Note: Information can be obtained from the Food Safety Supervisor section of the NSW Food Authority website for information on how to obtain a certificate.

Reason: To comply with the requirements of the NSW Food Act and Regulation.

- 3.10 Any temporary structure such as a tent, marquee, booth having a floor area of more than 300m<sup>2</sup> or a stage having a floor area of more than 50m<sup>2</sup> shall have separate consent from Council. Any temporary structure having a floor area less than that specified shall be located on the site and be designed and constructed in accordance with the development standards specified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

Reason: To comply with the NSW SEPP's Code for Exempt and Complying Development.

#### 4. **Damage to the Edward River Oval**

- 4.1 **Prior to the commencement of the event** a Pre-Event Dilapidation Report will be prepared by Council. The report shall provide detail regarding the pre-event condition of the Edward River Oval. The applicant shall be responsible for all costs involved with this report and any subsequent actions as required.

Reason: To clarify the terms of the approval.

- 4.2 **Immediately following the event** an inspection by Council staff shall be undertaken to ensure that the Edward River Oval is in sufficient condition to be re-opened to the public. The Applicant shall be responsible for all costs involved with this inspection and any subsequent actions as required.

Reason: To clarify the terms of the approval.

- 4.3 **Within seven (7) days of the event** a Post Event Dilapidation Report will be prepared by Council. The report shall provide details regarding the post event condition of the Edward River Council. The Applicant shall be responsible for all costs involved with these costs involved with this report and any subsequent actions as required.

Reason: To clarify the terms of the approval.

- 4.4 The Applicant shall be responsible for the repair of any damage to the Edward River Oval due to the event or activities associated with the event.

Reason: To clarify the terms of the approval.

Moved: Cr Hall  
Seconded: Cr Fogarty

**CARRIED**

In Favour: Crs Norm Brennan, Pat Fogarty, Peta Betts, Marg Bull, Ashley Hall, Norm McAllister, Peter McCrabb, Nick Metcalfe and Mac Wallace

Against: Nil

**CARRIED 9/0**

**2018/329 DEVELOPMENT APPLICATION 51/18 - INSTALLATION OF A SINGLE MOORING.****RESOLUTION**

That Council approve: -

1. The development application 51/18 for the installation of a single mooring, on Lot 7012 DP1120697, Davidson Street, Deniliquin dated 7 September 2018 as shown on plans numbered DA51/18-1 and 2, as described in details accompanying the Development Application be **APPROVED** in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reasons:
  - (a) The proposed development is generally compliant with the key planning provisions contained in the Deniliquin Local Environmental Plan 2013 and Development Control Plan 2016. The proposed development is consistent with the zone and the desired future character of the area.
2. Impose the following conditions on DA51/18:

**CONDITIONS OF CONSENT:****1. GENERAL**

- 1.1 The development shall take place in accordance with the approved plans and documentation, including any notations marked by Council thereon, as referenced in Schedule 1 - List of approved plans attached to DA No. 51/18 and the conditions of consent.

Reason: To clarify the extent of the consent.

**2. ROADS AND MARITIME SERVICES (RMS) - CONDITIONS**

- 2.1 Each mooring pole must be painted white above the mean high water mark or have a white cone shaped cap placed on top of each pole (or equivalent).

Reason: To provide for safe navigation of vessels by providing visibility to passing vessels.

- 2.2 Occupation of NSW waters by any vessel at the location must be subject to a mooring licence administered by RMS and moored parallel to the riverbank.

Reason: To comply with NSW Marine legislation relating to the occupation of vessels on NSW waters.

**3. OFFICE OF ENVIRONMENT AND HERITAGE (OEH) - CONDITIONS**

- 3.1 If any Aboriginal object is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:

1. Not further harm the object,
2. Immediately cease all work at the particular location,
3. Secure the area so as to avoid further harm to the Aboriginal object,
4. Notify OEH as soon as practical on 131555, providing any details of the Aboriginal object and its location, and
5. Not recommence any work at the particular location unless authorised in writing by OEH.

Reason: To comply with the requirements of the Office of Environment and Heritage.

**Advising:** *It is the responsibility of the applicant to ensure that all reasonable precautions are taken to prevent the occurrence of damage to Aboriginal objects. Applicants should be aware that if any Aboriginal objects are harmed during works they could be liable to prosecution under the strict liability offence of the National Parks and Wildlife Act 1974, unless they can demonstrate they have followed the "Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW". Further information on the code is available at the Office of Environment and Heritage (OEH) website: [www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf](http://www.environment.nsw.gov.au/resources/cultureheritage/ddcop/10798ddcop.pdf)*

**4. DEPARTMENT OF PRIMARY INDUSTRIES – FISHERIES (DPI FISHERIES) – CONDITIONS**

- 4.1 The applicants will need to obtain a permit under the *Fisheries Management Act* or the *Water Management Act* if there is to be any excavation within, or filling of the waterway.

- Reason: To comply with the requirements of DPI.
- 4.2 If any ground disturbance is to take place, erosion and sediment mitigation devices are to be erected in a manner consistent with currently accepted Best Management Practice (ie Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition Landcom, 2004) to prevent the entry or sediment into the waterway prior to any earthworks being undertaken. These are to be maintained in good working order for the whole duration of the works and subsequently until the site has been stabilised and the risk of erosion and sediment movement from the site is minimal.
- Reason: To ensure that sediment generated by the exposure of soil is not transported into the main water body.
- 4.3 On completion of works, the site is to be rehabilitated and stabilised. Surplus construction materials and temporary structures (other than silt fences and other erosion and sediment control devices) installed during the course of the works are to be removed.
- Reason: To ensure that habitats are restored as quickly as possible, public safety is not compromised and aesthetic values are not degraded.
- 4.4 Machinery is not to enter, or work from the waterway unnecessarily.
- Reason: To ensure minimal risk of water pollution from oil or petroleum products and to minimise disturbance to the streambed substrate.
- 4.5 No snags (tree trunks, root balls, limbs, branches or other woody debris) in the channel or on the bank of the river other than the one identified in the application and plans, are to be moved, removed or otherwise interfered with either during the construction phase of at any time subsequently, without the concurrence of Fisheries NSW.
- Reason: "Removal of Large Woody Debris" is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994 and there are significant penalties for harming the habitat of threatened species.
- 4.6 Native vegetation (including trees such as River Red Gum, Black Box and River Coobah, shrubs, reeds such as Phragmites and grasses) on or adjacent to the river bank is not to be cleared, modified or otherwise harmed at any time during the construction or at any time subsequently. This does not include control of noxious or other recognised weeds.
- Reason: "Decline in native riparian vegetation" is listed as a Key Threatening Process under the provisions of the Fisheries Management Act 1994 and there are significant penalties for harming the habitat of threatened species.
- 4.7 Trees are not to be used for tying up or securing vessels.
- Reason: Continued use of trees for mooring can damage the bark of the tree and lead to its death.
- 4.8 The District Fisheries Officer at Deniliquin (Telephone: 03 5881 9928, Mobile: 0427 897 145, Fax: 03 5881 3719, Email: [shaun.burke@industry.nsw.gov.au](mailto:shaun.burke@industry.nsw.gov.au)) **is to be notified at least 3 days prior to the commencement of construction** (email or fax preferred).
- Reason: To ensure that the local Fisheries Officer is aware that work on the river bank is about to commence.
- 4.9 DPI Fisheries is to be notified immediately if any fish kills occur in the vicinity of the works. In such as case all works are to cease until the issue is rectified and approval is given to proceed.
- Reason: DPI Fisheries needs to be aware of fish kills so that is can assess the cause and mitigate any further incidents in consultation with relevant authorities. They are also potentially contentious incidents from the public perspective. Work practices may need to be modified to reduce the impacts upon the aquatic environment.

Moved: Cr Betts

Seconded: Cr Hall

**CARRIED**

In Favour: Crs Norm Brennan, Pat Fogarty, Peta Betts, Marg Bull, Ashley Hall, Norm McAllister, Peter McCrabb, Nick Metcalfe and Mac Wallace

Against: Nil

**CARRIED 9/0**

**2018/330 STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COMMUNITIES PROGRAM - DECEMBER PROGRESS REPORT****RESOLUTION**

That Council note the Stronger Communities Fund- Major Projects Program and the Stronger Country Communities Program- Progress Report for December 2018

Moved: Cr McCrabb

Seconded: Cr Wallace

**CARRIED**

Michael Todd, Assets and Procurement Administrator entered the Chambers at 10.15am

**2018/331 DENILIQVIN NORTH TENNIS COURTS****RESOLUTION**

That Council:

1. Inform the North Deniliquin Tennis Club that Council do not support the re-introduction of tennis at the North Deniliquin Tennis Courts.
2. Request Officers to commence work to plan for future use and beautification of the site.

Moved: Cr Hall

Seconded: Cr McAllister

**CARRIED**

In Favour: Crs Norm Brennan, Peta Betts, Ashley Hall, Norm McAllister, Peter McCrabb, Nick Metcalfe and Mac Wallace

Against: Crs Pat Fogarty and Marg Bull

**CARRIED 7/2**

Cr Hall left the Chambers at 10.34am

**2018/332 TRIAL FOR SEAL EXTENSION****RESOLUTION**

That Council carry out a low-cost seal trial;

- a. Construct a 4 m wide seal on Sloane Street from Blackett Street to the River and on Wyatt Street between Henry Street and Harfleur Street utilising existing road base material.
- b. Prior to commencing work review costings to ensure no over-run in Sloane Street.
- c. Place signage on each of these roads identifying that Council are carrying out a low-cost seal trial and monitor for four years

Moved: Cr Wallace

Seconded: Cr Metcalfe

**CARRIED**

In Favour: Crs Norm Brennan, Pat Fogarty, Peta Betts, Marg Bull, Ashley Hall, Norm McAllister, Nick Metcalfe and Mac Wallace

Against: Cr Peter McCrabb

**CARRIED 8/1**

Cr Hall returned to the Chambers at 10.57am



Cr Bull, Cr McCrabb and Cr Wallace left the Chambers at 10.57am after having declared an interest in the report.

### **2018/333 RURAL FIRE SERVICE TANKER TRAILER UNITS**

#### **RESOLUTION**

That Council

1. Approve disposal of all the Council-controlled Tanker Trailer Units.
2. Seek expressions of interest for the sale of Tanker Trailer Units from the public.
3. Utilise the following selection criteria in the expression of interest process:
  - a. Price – The price that an applicant is willing to pay for the trailer
  - b. Strategic Location – Location across the Edward River Local Government Area (LGA). Council's intention is to have an equitable spread of the units across the LGA.
  - c. Availability for fighting fires – Applicants must demonstrate their willingness to register and insure the fire trailer and that they would contribute to the broader community by assisting with fighting fires if required

Moved: Cr McAllister

Seconded: Cr Metcalfe

**CARRIED**

Cr Bull, Cr McCrabb and Cr Wallace turned to the Chambers at 11.04am.

Michael Todd, Assets and Procurement Administrator left the Chambers at 11.04am and did not return.

### **2018/334 RETIREMENT LIVING PROJECT OVERSPEND**

#### **RESOLUTION**

That Council;

1. Note the overspend of \$95,000 of the funded allocation to complete enabling works at the retirement living site between Poitiers Street, Harfleur, Hardinge and Napier Streets.
2. Ratify that the funds to be transferred from the following areas to offset this cost overrun
  - (a) \$35,000 from the \$60,000 carried forward from 2017/18 for surface water drainage works
  - (b) \$50,000 from the \$100,000 allocated to sewer manhole refurbishment in the 2018/19 budget
  - (c) \$10,000 from the contractor roads budget in the 2018/19 budget

Moved: Cr Wallace

Seconded: Cr Fogarty

**CARRIED**

**2018/335 ADJORNMENT**

Council adjourned for a fifteen minute break.

Moved: Cr McCrabb

Seconded: Cr Fogarty

**CARRIED**

**2018/336 CONFIDENTIAL MATTERS****RESOLUTION**

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 10A(2) of the Local Government Act 1993:

**15.1 Contract 2.19.273 - Reconstruction of Intersection of Barham Road and Abattoir Road**

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**15.2 Dongmun Greentec - Repayment of Loan**

This matter is considered to be confidential under Section 10A(2) - g of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**15.3 PURCHASE OF PLANT - FORKLIFT**

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**15.4 Purchase of Councils Customer Service Building**

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**15.5 Deniliquin Airport Project**

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**15.6 Contract 2.19.266 - Deniliquin Swim Centre - Changerooms and Amenities Refurbishment**

This matter is considered to be confidential under Section 10A(2) - d(i) of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Moved: Cr Betts

Seconded: Cr McCrabb

**CARRIED**

**2018/337 CONTRACT 2.19.273 - RECONSTRUCTION OF INTERSECTION OF BARHAM ROAD AND ABATTOIR ROAD****RESOLUTION**

That Council:

1. Accept the tender submitted by Riverina Earthworks Pty Ltd for Contract 2.19.273 – Reconstruction of Intersection of Barham Road and Abattoir Road for the lump sum tender price of \$352,032.77 + GST;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract 2.19.273 – Reconstruction of Intersection of Barham Road and Abattoir Road.

Moved: Cr McAllister

Seconded: Cr Wallace

**CARRIED**

**2018/338 DONGMUN GREENTEC - REPAYMENT OF LOAN****RESOLUTION**

That Council

1. Approve the commencement of legal proceedings against Dongmun Greentec Pty Ltd for the necessary orders for possession of the property and removal of the freehold caveat on the land in Gheringhap that Council hold first mortgage on
2. Note that legal costs incurred will be added to the final amount payable by Dongmun Greentec on discharge of the mortgage

Moved: Cr McAllister

Seconded: Cr McCrabb

**CARRIED**

**2018/339 PURCHASE OF PLANT - FORKLIFT****RESOLUTION**

That Council

1. Accept the tender submitted by Mackin Forklifts for the purchase of a Clark C50SD Forklift for the contract price of \$63,184.50 excluding GST.
2. Prior to purchasing this piece of equipment, the existing hiring costs be investigated.
3. Approve an increase in budget of \$3,184.50 excluding GST for the purchase of the forklift from \$60,000 to \$63,184.50 which will be reallocated from the \$50,000 budgeted for miscellaneous plant in 2018/19.

Moved: Cr McCrabb

Seconded: Cr Metcalfe

**CARRIED**

**2018/340 PURCHASE OF COUNCILS CUSTOMER SERVICE BUILDING****RESOLUTION**

That Council

1. Purchase the Customer Service Building from Decentralised Demountables at a cost of \$436,953.46 ex GST
2. Utilise Council's unrestricted cash reserve to fund the purchase
3. Note that further work will be undertaken to confirm if the building will remain in its current location or be relocated to the North Depot

Moved: Cr Fogarty

Seconded: Cr Betts

**CARRIED**

**2018/341 DENILQUIN AIRPORT PROJECT****RESOLUTION**

That Council

1. Note the RESOLUTION from the Deniliquin Airport Expansion Steering Committee meeting on 27 November 2018;

*That the Airport Steering Committee recommend to Council that a staged approach to developing the runway be the preferred option for the airport project, subject to additional information from Redwater and McKinna consulting*

2. Note that Council view the project as a long term asset for the region, continue with option one and await additional information from the consultants currently working on the project.

Moved: Cr McAllister

Seconded: Cr Fogarty

**CARRIED**

Cr Metcalfe left the Chambers at 12.05pm and did not return

**2018/342 CONTRACT 2.19.266 - DENILQUIN SWIM CENTRE - CHANGEROOMS AND AMENITIES REFURBISHMENT****RESOLUTION**

That Council

1. Approve the revised scope of works for the changerooms and amenities refurbishment project to include
  - (a) The removal of the existing roof over the dressing rooms and reception area
  - (b) Construction of a new roof over the dressing rooms and reception area
  - (c) The replacement of the chain fencing along Macauley Street from the Swim Club, Club Rooms to the rear of the community garden
2. Authorise additional funding of \$110,000 to be allocated from the unallocated Stronger Communities Funding to increase the project total budget amount to \$407,000.
3. Accepts the tender from Precise Building PTY LTD for Contract 2.19.266 – Deniliquin Swim Centre – CHANGEROOMS AND AMENITIES REFURBISHMENTS for the total lump sum of \$366,485.94 including GST;
4. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract 2.19.266 – Deniliquin Swim Centre – Changerooms and Amenities Refurbishment; and
5. Approve the appointment of a fencing contractor at a cost of approximately \$8,500 to replace the fence along the Macauley Street boundary.

Moved: Cr McCrabb

Seconded: Cr Bull

**CARRIED**

**2018/343 RESOLUTION**

That Council moves out of Closed Council into Open Council.

Moved: Cr McCrabb

Seconded: Cr Hall

**CARRIED**

**CLOSE OF MEETING**

**The Meeting closed at 12.10pm.**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 February 2019.**

.....  
**CHAIRPERSON**