



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

18 October 2018

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIQUN
ON THURSDAY, 18 OCTOBER 2018 AT 9AM**

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

IN ATTENDANCE: Adam McSwain (General Manager), Caroline Wallis (Director Corporate Services), Oliver McNulty (Director Infrastructure), Warwick Newell, Colleen O'Connor, Erica Laing

GALLERY: 4

ACKNOWLEDGEMENT OF COUNTRY

STATEMENT OF PURPOSE

2018/233 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Moved: Cr Wallace
Seconded: Cr McCrabb

That the apology tendered for non-attendance from Councillor Norm McAllister be accepted.

2018/234 DISCLOSURE OF INTEREST

Cr Fogarty declared an interest in report 11.3 Deniliquin Boat Club

2018/235 CONFIRMATION OF MINUTE FROM PREVIOUS MEETING

RESOLUTION

Moved: Cr Betts
Seconded: Cr Wallace

That the minutes of the Ordinary Council Meeting held on 20 September 2018 be confirmed.

CARRIED

2018/236 PUBLIC FORUM**SPEAKERS –**

Mr Greg McNamara, 32 Tuppal Street, Finley – Roadside Grazing

Mr Peter Thomson, “Malvern”, 2871 Mayrung Road, Mayrung – Roadside Grazing

Mr Michael Byrne, Riverview Drive, Deniliquin – Deniliquin Boat Club Request.

Mr Michael Byrne left the Chambers at 9.15am

REPORTS FROM OFFICERS**2018/237 MAYOR AND GENERAL MANAGER MEETINGS****RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Bull

That Council note the information.

CARRIED

2018/238 RESOLUTIONS OF COUNCIL**RESOLUTION**

Moved: Cr Betts

Seconded: Cr Metcalfe

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

CARRIED

Cr Fogarty left the room at 9.17am after having declared an interest.

2018/239 DENILIKUIN BOAT CLUB REQUEST**RESOLUTION**

Moved Cr Hall

Seconded: Cr Betts

Council resolved to pay 50% - being \$3,500 plus GST from the Stronger Communities Funding

CARRIED

Cr Fogarty returned to the Chambers at 9.28am

2018/240 ROADSIDE GRAZING POLICY**RESOLUTION**

Moved: Cr Wallace

Seconded: Cr Fogarty

That Council provide concurrence in accordance with section 377 of the Local Government Act 1993 to the issuing of a roadside grazing permit on a road vested in Council in accordance with section 78 of the Local Land Services Act, for a four week period and that Council update the policy to reflect neighbours agreement.

CARRIED

9.35am IT Manager, Mark Siena, entered the Chambers

9.40am Manager People & Customer Service, Helen Flisher entered the Chambers

2018/241 DROUGHT ASSISTANCE PROGRAM - SUPPORTING SEVERELY DROUGHT STRICKEN FARMERS**RESOLUTION**

Moved: Cr Wallace

Seconded: Cr Fogarty

Council elected to provide support in a different manner and will consider at a further workshop.

CARRIED

Mr Greg McNamara and Mr Peter Thomson left the Chambers at 9.42am.

Crs Brennan, Hall and Bull declared an interest and left the Chambers at 9.43am.

2018/242 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2018**RESOLUTION**

Moved: Cr Wallace

Seconded: Cr Metcalfe

Council resolved to approve the Mayor Councillor Norm Brennan, Councillor Margaret Bull, Councillor Ashley Hall, and the General Manager to attend the Local Government NSW Annual Conference from 21 – 23 October 2018 being held at the Albury Entertainment Centre.

Moved Cr Wallace, Cr Metcalfe

CARRIED

Crs Brennan, Hall and Bull returned to the Chambers at 9.44am.

2018/243 AUDIT, RISK AND IMPROVEMENT COMMITTEE MINUTES OCTOBER 2018 MEETING**RESOLUTION**

Moved: Cr McCrabb
Seconded: Cr Betts

That Council

1. Receive and note the minutes of the Edward River Council Audit, Risk and Improvement Committee meeting held on Tuesday 12 October 2018
2. Note the following motion passed by the Audit, Risk and Improvement Committee regarding the 2017/18 financial statements:

The Edward River Council Audit, Risk and Improvement Committee endorse to Council the 2017/18 Edward River Council financial statements

CARRIED

2018/244 RIVERINA AND MURRAY JOINT ORGANISATION OF COUNCILS - DISTRIBUTION OF FUNDS**RESOLUTION**

Moved: Cr McCrabb
Seconded: Cr Bull

That Council

1. Agree to re-contribute its share of the distribution of unused Riverina and Murray Regional Organisation of Councils (RAMROC) funds back to Riverina and Murray Joint Organisation of Councils (RAMJO) for the purpose of establishing a sound level of working capital
2. That Council's commitment under point one (1) above be subject to a majority of RAMJO member Councils making a similar commitment
3. Council note the minutes of the Board Meeting of RAMJO held on 5 September 2018

CARRIED

2018/245 HEADWORKS CHARGES - REQUEST FOR PAYMENT OVER MULTIPLE YEARS - BIG 4 DENILQUIN**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Bull

That Council

1. Approve the request by Big 4 Denilquin for the Headworks Charges of \$183,000 associated with the current 43 site expansion to be paid in annual instalments over a five-year period
2. Approve the General Manager to negotiate with Big 4 Denilquin to agree the payment plan across the five-year period
3. Note that annual CPI increases will be applied to outstanding balances until paid in full

CARRIED**2018/246 LEGAL COSTS ASSOCIATED WITH THE APPEAL OF LAND AND ENVIRONMENT COURT RATING****RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Betts

That Council consider the request for financial assistance of \$1,899.73 from Local Government NSW. Council considered the request and will not provide financial assistance.

CARRIED**2018/247 FINANCIAL STATEMENTS 2017-2018****RESOLUTION**

Moved: Cr Betts

Seconded: Cr McCrabb

That Council, having satisfied itself in relation to the preparation of its financial reports and special schedules resolves to:-

1. Refer its financial statements to the auditors for the audit report
2. Notify the public of Council's intention to present its audited financial reports at its meeting to be held on Thursday 15th November 2018
3. Sign the attached General Purpose Financial Report "Statement by Councillors and Management" and the Special Purpose Financial Report "Statement by Councillors and Management"
4. Delegate to the General Manager the authority to submit the Financial Statements to the Office of Local Government and the Australian Bureau of Statistics

CARRIED

2018/248 INVESTMENT REPORT 30 SEPTEMBER 2018**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Fogarty

That Council

1. Note and receive the Report on Investments totalling \$45,355,621 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of September 2018 was \$123,810.
3. Note that accrued interest earned to 30 September 2018 but not yet received was \$356,259.

CARRIED**2018/249 DEBT RECOVERY AND HARDSHIP POLICY****RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr McCrabb

That Council:

1. Rescinds all previous versions of the Debt Recovery and Hardship Policy, or any version of a hardship or debt policy; and
2. Adopt the Debt Recovery and Hardship Policy as attached to this report.

CARRIED**2018/250 COUNCILLOR APPOINTMENT TO COMMITTEES****RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr McCrabb

That Council reviewed the current Councillor appointments to committees and determined the following changes for the period October 2018 to October 2019.

- a) Additional Audit Risk Committee - Cr McAllister & Cr McCrabb
- b) Additional Cemetery Committee – Cr Wallace
- c) Edward River Concert Band Committee – Cr Bull
- d) Tidy Towns Committee (to include villages) – Cr Fogarty
- e) Billabong Creek Committee be removed
- f) DBEC Committee be removed

CARRIED

2018/251 PASSWORD POLICY**RESOLUTION**

Moved: Cr Betts

Seconded: Cr Hall

That Council resolves to adopt the Password Policy as attached to this report.

CARRIED

2018/252 INTERNET EMAIL AND COMPUTER USE POLICY**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Bull

That Council resolves to adopt the Internet, Email and Computer Use Policy as attached to this report.

CARRIED

2018/253 MEDIA POLICY**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Metcalfe

That

1. Council rescinds all previous versions of the Media Policy; and
2. Council adopt the reviewed and amended Media Policy attached to this report.

CARRIED

IT Manager, Mark Siena, left the Chambers at 10.28am

2018/254 UNION PICNIC DAY**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Wallace

That Tuesday 6 November 2018 be approved for the purpose of Union Picnic Day holiday as allowed under the Local Government State Award 2017.

That the Customer Service Centre, Works Depot and Central Murray Regional Library be closed for the day.

CARRIED

Manager People & Customer Service, Helen Flisher, left the Chambers at 10.30am
Design & Projects Engineer, Michael Williams, entered the Chambers at 10.35am

2018/255 VISIT DENI CAMPAIGN - 2018/2019 MARKETING AND PROMOTIONAL CAMPAIGN AND REQUEST FOR ADDITIONAL FUNDING FOR DROUGHT RELATED MARKETING PROGRAM**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Metcalfe

That Council

1. Support the 2018/19 Visit Deni campaign implementation program as outlined in this report
2. Approve an additional \$25,000 for the TV and media famil to boost visitor numbers to alleviate the effects of the current drought.
3. Support the Christmas Activation Plan implementation
4. Approve an additional \$10,000 for long-term Christmas decorations to boost community and business morale

CARRIED

Cr McCrabb made mention of the high quality and research of this report.

Economic Development Officer, Erica Laing, left the Chambers at 10.39am

2018/256 ENVIRONMENTAL SERVICES REPORT (SEPTEMBER 2018)**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Betts

That Council notes the Environmental Services report for September 2018.

CARRIED

2018/257 ALCOHOL FREE ZONES**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Wallace

That Council;

1. In accordance with section 644B of the Local Government Act establish an alcohol free zone on all public roads and public car parks within the area outlined in red on the map titled "Proposed AFZ 2018-2022" in the attachment of this report to operate for a period of four years, commencing at 12am, 1 November 2018;
2. In accordance with section 644C of the Local Government Act place a notice in the local media advising of Council's decision; and
3. Advise all licensees within or adjoining the proposed AFZ, the Edward River Liquor Accord, the Deniliquin Local Aboriginal Land Council, Yarkuwa Indigenous Knowledge Centre and the NSW Police of Council's decision.

CARRIED

2018/258 STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COUNTRY COMMUNITIES PROGRAM - OCTOBER PROGRESS REPORT**RESOLUTION**

Moved: Cr Wallace

Seconded: Cr Betts

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

CARRIED

Cr McCrabb left the Chambers at 10.52am and returned at 10.55am

2018/259 RUSSELL STREET KERB AND GUTTER REPLACEMENT**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Metcalfe

That Council

1. Approve the replacement of the kerb and gutter and associated drainage works along the north-western side of Russel Street, between Sloane Street and Wood Street as part of the 2018/19 kerb replacement program.
2. Approve the transfer of \$50,000 from the infrastructure reserve to the Russel Street kerb and drainage project.
3. Note that any funds left will be returned to the infrastructure reserve

CARRIED

2018/260 DENILIQUN SWIM CENTRE**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr McCrabb

That Council

1. Agrees to the request from Deniliquin Outdoor Pools Inc to amend conditions 3.9.2 to read the following;

3.9.2 Availability of Lanes for Swimming Club

The Contractor shall make available two (2) lanes in the 50m pool and one (1) lane in the 20m pool for use by the Deniliquin Amateur Swimming & Lifesaving Club for the following time periods:

Days – Monday, Tuesday, Wednesday, Thursday and Friday;

Time – 4.30pm to 6.30pm.

Additional lane space and/or lane availability outside these times may be provided to the Deniliquin Amateur Swimming & Lifesaving Club as agreed to by both parties. If the numbers of swimmers exceed 15 students in each lane, DOPI are to provide an additional third lane for use at these times by the swim club. At times where there are no lap swimmers in the pool at the designated Swim Club times DOPI can agree to allow the club to use this lane.

2. Authorise the General Manager to sign the amendment to condition 3.9.2 of Contract 2.19.224 - Operation and Management of Deniliquin Swim Centre
3. Write to Deniliquin Amateur Swimming & Life Saving Club Inc and Deniliquin Outdoor Pools Inc to inform them of this decision.

CARRIED

Design & Projects Engineer, Michael Williams, left the Chambers at 11.04am

2018/261 WEED MANAGEMENT**RESOLUTION**

Moved: Cr Hall

Seconded: Cr McCrabb

That Council approve the project plan for weed management as outlined and commence the process to advertise the funding that is available.

CARRIED

2018/262 CONFIDENTIAL MATTERS**RESOLUTION**

Moved: Cr Hall

Seconded: Cr McCrabb

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:

16.1 Contract 2.19.263 - Blighty Netball, Tennis and Community Sporting Facility

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.

16.2 Contract 2.19.265 - Scotts Park Destination Playground Upgrade

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 into closed council at 11.08am

CARRIED

2018/263 CONTRACT 2.19.263 - BLIGHTY NETBALL, TENNIS AND COMMUNITY SPORTING FACILITY**RESOLUTION**

Moved: Cr Wallace

Seconded: Cr Bull

That Council:

1. Not accept any tender submissions for Contract 2.19.263 – Blighty Netball, Tennis and Community Sporting Facility, in accordance with Clause 178(1)(b) of the *Local Government (General) Regulations*, since all submitted tender prices were greater than the grant funding for the project;
2. Authorise the General Manager to negotiate with Precise Builds with a view to entering into a contract to deliver the work at a reduced price, in accordance with Clause 178(3)(e) of the *Local Government (General) Regulations*;
3. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract 2.19.263 – Blighty Netball, Tennis and Community Sporting Facility following the completion of negotiations; and
4. Declare the reasons for not entering a fresh tender process being that the tender submissions were of a suitable quality but exceeded the allowable budget.

CARRIED

2018/264 CONTRACT 2.19.265 - SCOTTS PARK DESTINATION PLAYGROUND UPGRADE**RESOLUTION**

Moved: Cr Betts
Seconded: Cr McCrabb

That Council:

1. Not accept any tender submissions for Contract 2.19.265 – Scotts Park Destination Playground Upgrade, in accordance with Clause 178(1)(b) of the *Local Government (General) Regulations*, since all submitted tender prices were greater than the grant funding for the project;
2. Authorise the General Manager to negotiate with B Green Constructions Pty Ltd, with a view to entering into a contract to deliver the contract at a reduced price, in accordance with Clause 178(3)(e) of the *Local Government (General) Regulations*;
3. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract 2.19.265 – Scotts Park Destination Playground Upgrade following the completion of negotiations; and
4. Declare the reasons for not entering a fresh tender process being that tender submissions received were of a suitable quality but exceeded the allowable budget for the project.

CARRIED

2018/265 RESOLUTION

Moved: Cr Betts
Seconded: Cr Metcalfe

That Council moves out of Closed Council into Open Council at 11.45am.

CLOSE OF MEETING

The Meeting closed at 11.45am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 November 2018.

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CHAIRPERSON