



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

18 April 2019

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIKUIN
ON THURSDAY, 18 APRIL 2019 AT 9AM**

PRESENT: Cr Norm Brennan (Mayor), Cr Pat Fogarty (Deputy Mayor), Cr Peta Betts, 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) Trish Kirkland (Director Corporate Services), Julie Rogers, Mark Dalzell, Cian Middleton

GALLERY 1

ACKNOWLEDGEMENT OF COUNTRY

STATEMENT OF PURPOSE

APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

RESOLUTION 2019/04/70

Moved: Cr Peta Betts
Seconded: Cr Mac Wallace

That the apology received from Councillor Bull be accepted.

CARRIED

DISCLOSURE OF INTEREST

Nil

CONFIRMATION OF MINUTE FROM PREVIOUS MEETING

RESOLUTION 2019/04/71

Moved: Cr Peta Betts
Seconded: Cr Nick Metcalfe

That the minutes of the Ordinary Council Meeting held on 21 March 2019 and the Extraordinary Council Meeting held on 4 April 2019 be confirmed.

CARRIED

MINUTES OF THE TIDY TOWNS COMMITTEE

RESOLUTION 2019/04/72

Moved: Cr Pat Fogarty
Seconded: Cr Ashley Hall

That the minutes of the Tidy Towns Committee Meeting held 9 April 2019 be confirmed.

CARRIED

MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 4 APRIL 2019**RESOLUTION 2019/04/73**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council receive and note the Minutes of the Audit Risk and Improvement Committee Meeting held on 4 April 2019, contained at Attachment A.

CARRIED**MINUTES OF THE DENILIQUN PROMOTION ADVISORY GROUP AND VISIT DENI BRANDING REFRESH****RESOLUTION 2019/04/74**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That Council:

1. Receive and note the minutes of the Deniliquin Promotion Advisory Committee held 3 April 2019, contained at Attachment A.
2. Note and approve the Edward River Promotion Advisory Committee's endorsement of a revised *Visit Deni* tourism campaign brand contained at Attachment B.

t*CARRIED*DENILIQUN COMMUNITY GARDEN MEETING****RESOLUTION 2019/04/75**

Moved: Cr Peter McCrabb

Seconded: Cr Pat Fogarty

That Council receive and note the minutes from the meeting of the Deniliquin Community Gardens held on 7 April 2019.

CARRIED**ROADSIDE GRAZING****RESOLUTION 2019/04/76**

Moved: Cr Norm McAllister

Seconded: Cr Nick Metcalfe

That Council:

1. Note the report on roadside grazing; and
2. Consider granting concurrence in accordance with section 78 of the Local Land Services Act for the issuing of roadside grazing permits until 16 May 2019.

CARRIED

DEVELOPMENT APPLICATION 10/19**RESOLUTION 2019/04/77**

Moved: Cr Pat Fogarty
Seconded: Cr Peter McCrabb

That Council:

1. **APPROVE** development application 10/19 for the installation of a mural, on part Lot 7026 DP1023926, 421-439 Poitiers Street, Deniliquin dated 8 March 2019 as shown on plan numbered DA01 Location Plan and DA02 Plan of Mural and described in details accompanying the development application, in accordance with section 4.16 of the *Environmental Planning and Assessment Act 1979* and subject to the following reason/s:

(a) The proposal is appropriate given the site and character of the area.

And impose the following conditions on development application 10/19:

CONDITIONS OF CONSENT**1 Development as per Plans**

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 10/19 and the conditions of consent.

Reason: To clarify the extent of the consent.

2 Maintenance

The artwork shall be maintained to the satisfaction of Council.

Reason: To prevent adverse visual impact.

3 Waste

The applicant is to provide an on-site waste bin for waste material generated during construction or waste is to be removed from the site to an EPA approved waste depot on a daily basis.

Reason: To protect public health and the amenity of the area.

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

Against: Nil

CARRIED 8/0

DRAFT RURAL RESIDENTIAL STRATEGY**RESOLUTION 2019/04/78**

Moved: Cr Pat Fogarty
Seconded: Cr Ashley Hall

That Council place the draft Rural Residential Strategy on exhibition for a period of 28 days and receive a further report detailing the outcome of this exhibition.

CARRIED

ENVIRONMENTAL SERVICES REPORT (MARCH 2019)**RESOLUTION 2019/04/79**

Moved: Cr Norm McAllister

Seconded: Cr Nick Metcalfe

That Council note the Environmental Services report for March 2019.

CARRIED

DEVELOPMENT APPLICATION 18/19**RESOLUTION 2019/04/80**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council:

1. Subject to section 4.16(3) of the Environmental Planning and Assessment grant deferred commencement consent to Development Application 18/19 for a four lot subdivision and public road, on Lot 1 DP1235420 (227 Cemetery Road); part Lot 3 DP1235420 being Crown reserve 150007 (193-225 Cemetery Road), and the Cobb Highway road reserve, Deniliquin dated 16 April 2019 as shown on plan numbered DA18/19 Subdivision Layout and Proposed Works and 2957/R01 to R07 Issue B Intersection with Cobb Highway (and plans required to be submitted as part of the satisfaction of the deferred commencement condition) and described in details accompanying the Development Application and subject to the following reasons:

- (a) The application generally complied with the applicable planning controls and has demonstrated to have satisfactory impact on the environment;
- (b) The proposal is consistent with the zone and desired future character of the area;
- (c) The proposal will provide infrastructure for the future industrial development of the land.

And impose conditions on DA18/19 as detailed in attachment 2.

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

Against: Nil

CARRIED 8/0

Cr Hall left the Chambers at 9.45am

Staff Members Julie Rogers, Michelle Cobb and Mark Dalzell left the meeting at 10.45am

INVESTMENT REPORT AS AT 31 MARCH 2019**RESOLUTION 2019/04/81**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council:

1. Note and receive the Report on Investments totalling \$48,236,609 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of March 2019 was \$76,442.
3. Note that accrued interest earned to 31 March 2019 but not yet received was \$329,367.

CARRIED

CORPORATE CARD MANAGEMENT POLICY**RESOLUTION 2019/04/82**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That the Corporate Card Management Policy be adopted.

CARRIED

**COMBINED DELIVERY PROGRAM 2018-2021 AND OPERATIONAL PLAN 2018-2019
PROGRESS REPORT****RESOLUTION 2019/04/83**

Moved: Cr Pat Fogarty

Seconded: Cr Mac Wallace

That Council receive and note the combined Delivery Program 2018-2021 and Operational Plan 2018-2019 Progress Report, contained at Attachment A.

CARRIED

MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS**RESOLUTION 2019/04/84**

Moved: Cr Peta Betts

Seconded: Cr Pat Fogarty

That Council note the Mayor, Councillor and General Manager meetings for March 2019.

CARRIED

RESOLUTIONS OF COUNCIL**RESOLUTION 2019/04/85**

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

That Council note the information in the Resolutions of Council to 1 April 2019.

CARRIED

MAY COUNCIL MEETING**RESOLUTION 2019/04/86**

Moved: Cr Peter McCrabb

Seconded: Cr Pat Fogarty

1. That Council:

1. Defer its Ordinary Meeting scheduled to be held at 9.00am on Thursday, 16 May 2019 to 9.00am on Thursday, 23 May 2019.
2. Pursuant to section 9 of the *Local Government Act 1993*, provide public notice of the date, time and venue of the Ordinary Meeting scheduled for 9.00am on Thursday, 23 May 2019.

CARRIED

DELEGATION OF APPOINTMENT OF ACTING GENERAL MANAGER**RESOLUTION 2019/04/87**

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council:

1. Pursuant to section 351(1)(a) of the *Local Government Act 1993*, approve the Director Infrastructure, Mr Oliver McNulty, or Director Corporate Services, Ms Trish Kirkland, to act in the role of General Manager during periods of approved leave by the incumbent, Mr Adam McSwain.
2. Delegate the powers, authorities, duties and functions set out in the Instrument of Delegation to the General Manager, contained at Attachment A, to Mr McNulty and Ms Kirkland during periods in which they are appointed to act in the role of General Manager.

CARRIED

APPOINTMENT OF SENIOR STAFF**RESOLUTION 2019/04/88**

Moved: Cr Pat Fogarty
Seconded: Cr Peter McCrabb

That Council, pursuant to section 332(1)(a) of the *Local Government Act 1993*, determine the positions of Director Corporate Services and Director Infrastructure within Council's organisation structure to be senior staff positions.

CARRIED

CODE OF CONDUCT AND PROCEDURES FOR THE ADMINISTRATION OF THE CODE OF CONDUCT**RESOLUTION 2019/04/89**

Moved: Cr Pat Fogarty
Seconded: Cr Peter McCrabb

That Council:

1. Pursuant to section 440(3) of the *Local Government Act 1993* and clause 180(1) of the Local Government (General) Regulation 2005, adopt the draft Code of Conduct, contained at Attachment A.
2. Pursuant to section 440AA(3) of the *Local Government Act 1993* and clause 181 of the Local Government (General) Regulation 2005, adopt the draft Procedures for the Administration of the Code of Conduct, contained at Attachment B.
3. Repeal the Code of Conduct and Procedures for the Administration of the Code of Conduct adopted 19 October 2017.

Cr Hall returned to Chambers at 10.15am

Cr McAllister left the Chambers at 10.27am and returned at 10.30am.

CARRIED

CODE OF CONDUCT REVIEWERS PANEL**RESOLUTION 2019/04/90**

Moved: Cr Peter McCrabb
Seconded: Cr Pat Fogarty

That Council, pursuant to clause 3.1 of the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW*, appoint the Riverina and Murray Joint Organisation's Regional Panel of Conduct Reviewers as its Panel of Code of Conduct Reviewers until 30 June 2021.

CARRIED

APPOINTMENT OF DESIGNATED PERSONS**RESOLUTION 2019/04/91**

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That Council:

1. Identify the following positions in Council's organisational structure as designated persons, in accordance with clause 4.8(c) of the *Model Code of Conduct for Local Councils in NSW*:
 - a. Manager Community and Economic Development;
 - b. Manager Engineering and Assets;
 - c. Manager Environmental Services;
 - d. Manager Finance;
 - e. Manager Information Management;
 - f. Manager Operations;
 - g. Manager People and Customer Service;
 - h. Assets and Procurement Coordinator;
 - i. Building and Health Surveyor;
 - j. Health and Building Trainee;
 - k. Planning Officer;
 - l. Ranger;
 - m. Relief Ranger; and
 - n. Supervisor Fleet, Depots and Special Projects.
2. Identify the Audit, Risk and Improvement Committee as a committee of Council whose members are designated persons, in accordance with clause 4.8(d) of the *Model Code of Conduct for Local Councils in NSW*.

CARRIED

CODE OF MEETING PRACTICE**RESOLUTION 2019/04/92**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council:

1. Pursuant to section 361 of the *Local Government Act 1993*, place the draft Code of Meeting Practice, contained at Attachment A, on public exhibition for 28 days and provide members of the public 42 days in which to comment.
2. Receive a further report following the public exhibition period.

CARRIED

COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT POLICY**RESOLUTION 2019/04/93**

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That Council:

1. Place the draft Councillor Induction and Professional Development Policy, contained at Attachment A, on public exhibition for 28 days.
2. Receive a further report following the public exhibition period, or if no submissions are received, adopt the draft Councillor Induction and Professional Development Policy as exhibited.

CARRIED

Cian Middleton left the Chambers at 11.06am

STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COMMUNITIES PROGRAM - APRIL PROGRESS REPORT**RESOLUTION 2019/04/94**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

That Council note the Stronger Communities Fund- Major Projects Program and the Stronger Country Communities Program- Progress Report for April 2019

CARRIED

C2019/05 - CHARLOTTE STREET WATERMAINS REFURBISHMENT**RESOLUTION 2019/04/95**

Moved: Cr Peter McCrabb

Seconded: Cr Pat Fogarty

That Council ratifies variations to the contract price for C2019/05 – Charlotte Street Watermains Refurbishment of \$31,292.78 + GST.

CARRIED

EDWARD RIVER COUNCIL DRAFT WASTE STRATEGY**RESOLUTION 2019/04/96**

Moved: Cr Peta Betts

Seconded: Cr Mac Wallace

That Council;

1. Place the draft Edward River Waste Strategy on exhibition for a minimum period of 28 days; and
2. Receive a report on the outcome of the exhibition of the Edward River Waste Strategy

CARRIED

CONFIDENTIAL MATTERS**RESOLUTION 2019/04/97**

Moved: Cr Pat Fogarty

Seconded: Cr Mac Wallace

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:

Purchase Approval for a New Sweeper Truck

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.

Retirement Living Development

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.

Deniliquin Industrial Park - Intersection Upgrade

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.

Council moved into Confidential Business at 11.22am

CARRIED

PURCHASE APPROVAL FOR A NEW SWEEPER TRUCK**RESOLUTION 2019/04/98**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council;

1. Accept the tender submitted by Rosmech for the purchase of a Rosmech sweeper body on Hino FG truck for the contract price of \$328,897.00 excluding GST and that optional extras of hardwired CCTV camera with recording capability and shovel holder be included at a price of \$1,211 Ext GST, giving a total purchase price of \$330,108 Ex GST.
2. Approve the reallocation of \$5,108.00 from the miscellaneous plant budget of \$50,000 to the budget for the purchase of the Rosmech sweeper body on Hino FG truck
3. Approve that FM40 be disposed of by way of trade in to Rosmech for a price of \$33,522

CARRIED

RETIREMENT LIVING DEVELOPMENT**RESOLUTION 2019/04/99**

Moved: Cr Mac Wallace

Seconded: Cr Nick Metcalfe

That Council

1. Note that Southern Cross Care (NSW & ACT) will not proceed with the Retirement Living development on the Harfleur and Poitiers Street site in Deniliquin
2. Decline to accept any submissions from the Expression of Interest process 'Seniors Housing Development Opportunity Deniliquin NSW'
3. Approve the engagement of Equity 1 at a cost of \$15,000 to further develop project options for the Retirement Living development
4. Fund the \$15,000 from Councils Land Development Reserve

CARRIED

DENILIQUN INDUSTRIAL PARK - INTERSECTION UPGRADE

RESOLUTION 2019/04/100

Moved: Cr Norm McAllister

Seconded: Cr Pat Fogarty

That Council

1. Subject to a compliant tender being received within the available budget of \$350,000 ex GST, delegate to the General Manager approval to accept the preferred tender for contract No 2019/09 Construction of entrance to Intermodal Terminal, Cobb Highway, Deniliquin
2. Delegate the General Manager to decline to accept any of the tenders and enter into negotiations with the preferred tenderer to enable works to proceed within the available budget, if tenders received exceed the project budget of \$350,000 ex GST.
3. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract No 2019/09 Construction of entrance to Intermodal Terminal, Cobb Highway, Deniliquin
4. Delegate the Contract Superintendent to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site

CARRIED

RESOLUTION 2019/94/101

Moved: Cr Ashley Hall

Seconded: Cr Peter McCrabb

That Council moves out of Closed Council into Open Council.

CARRIED

THE MEETING CLOSED AT 11.56AM

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 May 2019.

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CHAIRPERSON