



**Edward  
River**  
COUNCIL

# **MINUTES**

**Ordinary Council Meeting**

**21 February 2019**

**MINUTES OF EDWARD RIVER COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIKUIN  
ON THURSDAY, 21 FEBRUARY 2019 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:** Mr Adam McSwain (General Manager), Ms Trish Kirkland (Director Corporate Services), Mr Oliver McNulty (Director Infrastructure), Mrs Julie Rogers (Manager Environmental Services), Ms Michelle Cobb (Manager Community and Economic Development), Mr Cian Middleton (Governance and Communications Officer), Mrs Belinda Perrett (Minutes Clerk).

**ACKNOWLEDGEMENT OF COUNTRY**

*The Chair read the Acknowledgement of Country*

**STATEMENT OF PURPOSE**

*The Chair read the Statement of Purpose*

**APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE**

Nil

**2019/02/03 DISCLOSURE OF INTEREST**

The following Councillors declared pecuniary interests: -  
Cr McCrabb – 15.2 Weed Management

The following Councillors declared a non-pecuniary interest:  
Cr Metcalfe – 11.20 Deniliquin Golf Club – Request for Additional Water

**CONFIRMATION OF MINUTE FROM PREVIOUS MEETING**

**RESOLUTION 2019/02/04**

Moved: Cr Pat Fogarty  
Seconded: Cr Peta Betts

That the Minutes of the Ordinary Council Meeting held on 20 December 2018 be confirmed.

**CARRIED**

**RESOLUTION 2019/02/05**

Moved: Cr Peta Betts  
Seconded: Cr Pat Fogarty

That the Minutes of the Extraordinary Council Meeting held on 7 February 2019 be confirmed, subject to Resolution 2019/02/01 being amended to reflect Cr Peter McCrabb's apologies being received and subsequently accepted and leave of absence granted.

**CARRIED**

**DEPUTATIONS**

Nil

**CORRESPONDENCE**

Nil

**MAYORAL MINUTES**

Nil

**MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS**

**RESOLUTION 2019/02/06**

Moved: Cr Ashley Hall  
Seconded: Cr Mac Wallace

That Council note the Mayor, Councillor and General Manager meetings for December 2018 and January 2019.

**CARRIED**

**RESOLUTIONS OF COUNCIL**

**RESOLUTION 2019/02/07**

Moved: Cr Pat Fogarty  
Seconded: Cr Peter McCrabb

That Council note the information in the Resolutions of Council to 7 February 2019.

**CARRIED**

**INVESTMENT REPORT AS AT 31 JANUARY 2019**

**RESOLUTION 2019/02/08**

Moved: Cr Peter McCrabb  
Seconded: Cr Norm McAllister

That Council:

1. Note and receive the Report on Investments totaling \$41,504,888 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of January 2019 was \$59,725.
3. Note that accrued interest earned to 31 January 2019 but not yet received was \$303,497.

**CARRIED**

**INVESTMENT REPORT AS AT 31 DECEMBER 2018**

**RESOLUTION 2019/02/09**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That Council:

1. Note and receive the Report on Investments totaling \$43,070,566 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of December 2018 was \$68,774.
3. Note that accrued interest earned to 31 December 2018 but not yet received was \$276,984.
4. Note that Council paid out loan liability as at 31 December 2018.

**CARRIED**

**QUARTERLY BUDGET REVIEW FOR DECEMBER 2018**

**RESOLUTION 2019/02/10**

Moved: Cr Ashley Hall

Seconded: Cr Marg Bull

That Council receive and note the report.

**CARRIED**

**2018 WORK HEALTH AND SAFETY UPDATE**

**RESOLUTION 2019/02/11**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That the 2018 Work Health and Safety Update be noted

**CARRIED**

**MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 20 DECEMBER 2018****RESOLUTION 2019/02/12**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council:

1. Receive and note the minutes of the Audit Risk and Improvement Committee Meeting held on 20 December 2018, contained at Attachment A.

**CARRIED**

**COUNCILLOR EXPENSES REPORT****RESOLUTION 2019/02/13**

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That Council:

1. Receive and note the Councillor Expenses Report for the period 01 July 2018 to 31 December 2018, contained at Attachment A.
2. Note that the Councillor Expenses Report will be published to Council's website in accordance with clause 15.2 of the Councillor Expenses and Facilities Policy.

**CARRIED**

**COMBINED DELIVERY PROGRAM 2018-2021 AND OPERATIONAL PLAN 2018-2019  
PROGRESS REPORT****RESOLUTION 2019/02/14**

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That Council:

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

**CARRIED**

**ENVIRONMENTAL SERVICES REPORT (DECEMBER 2018)****RESOLUTION 2019/02/15**

Moved: Cr Nick Metcalfe

Seconded: Cr Peta Betts

That Council note the Environmental Services report for December 2018.

**CARRIED**

**ENVIRONMENTAL SERVICES REPORT (JANUARY 2019)**

**RESOLUTION 2019/02/16**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council note the Environmental Services report for January 2019.

**CARRIED**

**DRAFT FLOOD PLANNING LEVELS POLICY**

**RESOLUTION 2019/02/17**

Moved: Cr Marg Bull

Seconded: Cr Mac Wallace

That Council:

1. Repeal Town Planning Policy 5.9 Flood Planning Levels; and
2. Adopt the draft Flood Planning Levels Policy

**CARRIED**

**ROADSIDE GRAZING**

**RESOLUTION 2019/02/18**

Moved: Cr Norm McAllister

Seconded: Cr Nick Metcalfe

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 March 2019.

**CARRIED**

**MINUTES OF THE DENILQUIN PROMOTION ADVISORY GROUP**

**RESOLUTION 2019/02/19**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council:

1. Receive and note the attached minutes of the Denilquin Promotion Advisory Group for the October 2018 and January 2019 meetings, contained at Attachment A and Attachment B, respectively.
2. Note the Committee's recommendation that Council appoint Vicky Lowry, Kerry-Anne Jones, Janet Renehan and Sivonne Binks as members of the Committee.
3. Appoint Vicky Lowry, Kerry-Anne Jones, Janet Renehan and Sivonne Binks to the Denilquin Promotion Advisory Group for an eight-month term, February 2019 to September 2019.
4. Note that this shortened term is to align with the review of all Committees that Council is currently undertaking and is expected to be completed by September 2019.

**CARRIED**

**DENILQUIN WATER TOWER PROJECT – ARTIST TENDER**

**RESOLUTION 2019/02/20**

Moved: Cr Peter McCrabb

Seconded: Cr Pat Fogarty

That Council endorse the recommendation of the Water Tower project advisory committee and award the tender to Adnate (represented by the Juddy Roller group) for a price of \$28,820

**CARRIED**

**STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COMMUNITIES PROGRAM - FEBRUARY PROGRESS REPORT**

**RESOLUTION 2019/02/21**

Moved: Cr Peta Betts

Seconded: Cr Pat Fogarty

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

**CARRIED**

**MCLEAN CARAVAN PARK - ELECTRICAL SUPPLY****RESOLUTION 2019/02/22**

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council

1. Approve the reallocation of \$35,000 from the \$62,000 allocated towards works in Waring Gardens to the costs associated with the emergency electrical work as required at McLeans Beach Caravan Park,
2. Approve any unexpended allocated budget from the emergency work and any balance from the \$62,000 towards works in Waring Gardens will be returned into Councils general reserve,
3. Approve that the works identified in 2017/18 Operational Plan at Waring Garden and carried forward into 2018/19 will now be completed through the \$640,000 funding received through the Stronger Communities Fund,
4. Note the works were completed in line with the Director Infrastructure delegated authority of emergency work,
5. Note that the costs associated with these works will be capitalised for the renewal of assets at McLeans Beach Caravan Park.

**CARRIED**

**DROUGHT RELIEF****RESOLUTION 2019/02/23**

Moved: Cr Mac Wallace

Seconded: Cr Nick Metcalfe

That Council approve the extension of the Drought Relief period for a further 6 months – 15 August 2019

**CARRIED**

**NOTIFICATION OF NATIVE TITLE MANAGER****RESOLUTION 2019/02/24**

Moved: Cr Peter McCrabb

Seconded: Cr Ashley Hall

That Council notifies the Minister for Lands and Forestry that Mr Michael Todd, Council's Assets and Procurement Co-ordinator, has been delegated responsibility as Council's Native Title Manager in accordance with the *Crown Land Management Act 2016*.

**CARRIED**

**DENILQUIN GOLF CLUB - REQUEST FOR ADDITIONAL WATER****RESOLUTION 2019/02/25**

Moved: Cr Pat Fogarty  
Seconded: Cr Norm McAllister

That Council

1. Approve an additional transfer of 50ML of water to the Deniliquin Golf Club
2. Provide the water to the Golf Club free of charge and only pass on the administrative charges as incurred in establishing the water transfer
3. 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

**CARRIED**

**SOUTHERN LIGHTS PROJECT****RESOLUTION 2019/02/26**

Moved: Cr Peter McCrabb  
Seconded: Cr Pat Fogarty

That Council

1. Support the business case for funding of the smart street lighting program by the NSW Govt at a cost of \$61.4M and seek support for the project from the member for Murray, Austin Evans MP
2. Support the rollout of LED lighting with smart technology capability for all street lights in the local government area

**CARRIED**

**LAGOONS BRIDGE WORKS- REQUEST FOR REIMBURSEMENT****RESOLUTION 2019/02/27**

Moved: Cr Peter McCrabb  
Seconded: Cr Peta Betts

That Council Approve

1. The reimbursement of \$1,431.60 to the Lagoons Committee for the cost to purchase materials for the construction of the footbridge at Fish Park.
2. That this \$1,431.60 would be made available from Councils Capital works budget of \$150,000 for works to bridges across the municipal area

**CARRIED**

**DISASTER RELIEF FUNDING ARRANGEMENTS****RESOLUTION 2019/02/28**

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council:

1. Approve the 'Opt-In Co-funding' option for the Disaster Recovery Funding arrangements.

**CARRIED**

**APPLICATION FOR MEMORIAL IN PUBLIC PLACE****RESOLUTION 2019/02/29**

Moved: Cr Pat Fogarty

Seconded: Cr Norm McAllister

That Council:

1. Defer this report.
2. Request officers undertake further work on options for an Edward River Council Memorial in Public Place policy and bring this to the April Council Workshop for discussion.

**CARRIED**

**REPORTS FROM COUNCIL COMMITTEES****MOTIONS OF WHICH NOTICE HAS BEEN GIVEN**

Mayor, Cr Brennan left the Chambers at 10.25am. Deputy Mayor, Cr Fogarty took the chair.

**NOTICE OF MOTION - REIMBURSEMENT OF EXPENSES****MOTION**

Moved: Cr Peter McCrabb

Seconded: Cr Ashley Hall

That Council:

1. Approve the payment of \$764.24 in expenses incurred by Mrs Linda Brennan in November 2018, comprising:
  - a. Return flights from Melbourne to Sydney, valued at \$436.24.
  - b. Attendance at the NSW Tourism Awards on 22 November 2018, valued at \$140.00;  
and
  - c. Attendance at the NSW Business Chamber State Business Awards on 23 November 2018, valued at \$188.00.

The motion was **lost**.

Mayor, Cr Brennan returned to the Chambers at 10.35am.

**CONFIDENTIAL MATTERS****RESOLUTION 2019/02/30**

Moved: Cr Peta Betts  
Seconded: Cr Pat Fogarty

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 2.19.274 - Reconstruction of Napier Street between Cressy Street and Charlotte Street**

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.

**15.2 Weed Management**

This matter is considered to be confidential under Section 10A(2) - a 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 personnel matters concerning particular individuals (other than councillors).

Council moved into Confidential consideration at 10.36am and members of the gallery left the Chambers.

**CARRIED**

**CONTRACT 2.19.274 - RECONSTRUCTION OF NAPIER STREET BETWEEN CRESSY STREET AND CHARLOTTE STREET****RESOLUTION 2019/02/31**

Moved: Cr Norm McAllister  
Seconded: Cr Peter McCrabb

That Council:

1. Not accept any tender submissions for Contract 2.19.274 – Reconstruction of Napier Street between Cressy Street and Charlotte Street, in accordance with Clause 178(1)(b) of the *Local Government (General) Regulations*, since all submitted tender prices were greater than the funding for the project;
2. Authorise the General Manager to negotiate with all tenderers 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*;  
*Amended to read – Authorise the General Manager to negotiate with all suitable contractors.*
3. Declare the reasons for not entering a fresh tender process being that the tender submissions exceeded the allowable budget;
4. Receive a further report regarding the evaluation of tenders for this project.

**CARRIED**

Cr McCrabb left the Chambers at 10.55am having declared an interest in 15.2 Weed Management.

Cr Hall left the Chambers at 10.55am and did not return.

**WEED MANAGEMENT**

**RESOLUTION 2019/02/32**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council

1. Approve the recommendation, as set out in Table 1 of this report, for the distribution of the \$40,000 noxious weeds grant
2. Note that correspondence will be sent to each applicant informing them of their grant allocation and the condition on how this will be reimbursed
3. Note that correspondence will be sent to Local Land Services (LLS) requesting an extension to the deadline for the utilisation of this grant funding until a more suitable time to complete the works as outlined

**CARRIED**

**RESOLUTION 2019/02/33**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council moves out of Closed Council into Open Council.

**CARRIED**

**CLOSE OF MEETING**

**The Meeting closed at 10.56am.**

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

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**CHAIRPERSON**