



**Edward
River**
COUNCIL

I hereby give notice that an Ordinary Meeting of Council will be held on:

Date: Thursday, 21 March 2019
Time: 9am
Location: Council Chamber 180 Cressy Street
Deniliquin

BUSINESS PAPER

Ordinary Council Meeting

21 March 2019

**Adam McSwain
General Manager**

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- 1 ACKNOWLEDGEMENT OF COUNTRY**
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- 4 DISCLOSURE OF INTEREST**
- 5 CONFIRMATION OF MINUTES FROM PREVIOUS MEETING**

Ordinary Council Meeting - 21 February 2019



**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 Denilikuin 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.

.....
CHAIRPERSON

6 BUSINESS ARISING FROM MINUTES

7 DEPUTATIONS

Nil

8 CORRESPONDENCE

8.1 MINUTES OF THE TIDY TOWNS COMMITTEE

Author: Belinda Perrett, Executive Assistant

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council note the attached Tidy Town Committee minutes for their February 2019 meeting

BACKGROUND

The Deniliquin Tidy Towns Committee meets bi-monthly.

Minutes from the last meeting held 12 February 2019 are attached for review.

ATTACHMENTS

- 1. Tidy Towns Committee Meeting Minutes 12 February 2019**

MEMBERS PRESENT:

Mr Geoff Riley, Mrs Dawn Hetherington, Mrs Mary O. Roberts, Mrs Pam Jarrett

COUNCIL STAFF PRESENT:

Nicole Rogers

CHAIRPERSON OF MEETING:

Mr Geoff Riley chaired the meeting and welcomed members present.

1. APOLOGIES

An apology was tendered for the non-attendance of Mrs Judy Bond, Joan McCalman and Mrs Ginny Bult

Moved Mrs Dawn Hetherington
That the apologies be accepted.
Seconded Mrs Mary O. Roberts

CARRIED

2. CONFIRMATION OF MINUTES OF PREVIOUS MEETING – 11 DECEMBER 2019

Moved Mrs Mary O Roberts
That the Minutes of the Tidy Towns Committee meeting held on 11 December 2018 be confirmed as a true and accurate record.
Seconded Mrs Pam Jarrett

CARRIED

3. MATTERS ARISING FROM PREVIOUS MINUTES

- (a) Correction to No 5 previous minutes – Julie and Rodney Spinks – names not as written (Jillian and Roger).
- (b) Noted that the Tortured Willow near the Skate Park has now gone – blown down in a storm and removed by Council

Moved Mrs Mary O.Roberts
Seconded Mrs Dawn Hetherington

4. CORRESPONDENCE

Nil

5. TIDY TOWNS GARDEN OF THE MONTH AWARDS**February Awards**

Suggest

Lee & Charmaine Marshall – 368 Henry Street – Garden of Month
Greg & Samantha Haines – 229 Burchfield Ave - Encouragement

GENERAL BUSINESS

- (a) As part of the Main Street Masterplan are there plans to remove the deadwood out of the already existing trees prior to planting new?

- (b) The Salmon Gum (Waring Gardens) opposite the Catholic Church requires trimming
 - (c) Willow tree opposite the Anglican Church requires trimming
 - (d) Cnr of Hardinge and Cressy Street – who owns it? Needs cleaning up
 - (e) Old KFC – who owns it? – needs cleaning up and maintaining
 - (f) Can a letter of thanks be sent to MITRE 10 for their continued sponsorship of the Garden of the Month. This was missed out of previous thank you letters
 - (g) Cressy Street – line marking for parking spaces is wearing off.
 - (h) Blake Park – Under the impression from Clr Fogarty that it was under control, but it appears that nothing has been done.
 - (i) Civic Place – concerns about the look of the back of businesses.
-

7. NEXT MEETING

Will be held Tuesday 9 April 2019 at the Deniliquin Library commencing at 4.00pm.

8. CLOSURE OF MEETING – 4.30 pm

9 MAYORAL MINUTES

Nil

10 PUBLIC FORUM

11 REPORTS FROM OFFICERS**11.1 MINUTES - ACCESS COMMITTEE**

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council receive and note the minutes of the Access Committee meeting held on 27 February 2019.

BACKGROUND

The Access Committee met on 28 February 2019. Attachment 1 is the minutes of the meeting.

ISSUE/DISCUSSION

Nil.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Nil.

ATTACHMENTS

1. Access Committee Minutes 27 February 2019

MINUTES OF THE MEETING OF THE ACCESS COMMITTEE HELD IN COUNCIL CHAMBER, 180 CRESSY STREET, DENILQUIN ON WEDNESDAY, 27 FEBRUARY 2019, COMMENCING AT 9AM

PRESENT:

Mayor, Cr Norm Brennan, Ms Wendy Johnston, Mrs Denise Thomas,

COUNCIL STAFF PRESENT:

Mr Oliver McNulty (Director Infrastructure), Mrs Julie Rogers (Manager Environmental Services), Ms Michelle Cobb (Manager Tourism and Economic Development)

ATTENDEES:

Nil.

APOLOGIES

Mrs Zena Wahanui, Ms Jenny Hogan, Mr Adam McSwain (General Manager)

CHAIR OF MEETING:

The meeting was opened by the Chair, Mayor, Cr Norm Brennan.

DECLARATION OF MEETING OPEN AND WELCOME TO MEMBERS

The meeting was formally declared open at 9.07am and the members of the Committee were welcomed.

This is page No 1 of the Meeting Minutes of the Access Committee held on 27 February 2019

Chairperson

MINUTES OF THE ACCESS COMMITTEE – 27 FEBRUARY 2019

1 APOLOGIES

Apologies were received from Mrs Zena Wahanui, Ms Jenny Hogan, Mr Adam McSwain (General Manager).

RECOMMENDATION

Moved Mrs Denise Thomas

That the apologies be accepted.

Seconded Ms Wendy Johnston

CARRIED

2 CONFIRMATION OF MINUTES**RECOMMENDATION**

Moved Mrs Denise Thomas

That the minutes of the Access Committee meeting held on 5 December 2019 be confirmed as a true and accurate record.

Seconded Ms Wendy Johnston

CARRIED

5. BUSINESS ARISING FROM PREVIOUS MINUTES

Ability Links program “Access at a Glance” – Council, Intereach and the Business Chamber are meeting today at 10am to discuss the program.

6. REPORTS**Disability Inclusion Action Plan (DIAP) Implementation Program 2019/2020**

Council is currently preparing operational plan actions and “budget bids” for the 2019/2020 budget and should include actions from the DIAP. The following budget bids will be submitted:

- Recommendation 2.2 DIAP – Installation of two kerb ramps. Location to be determined by Council in consultation with the Access Committee;
-

This is page No 2 of the Meeting Minutes of the Access Committee meeting held on 27 February 2019

Chairperson

MINUTES OF THE ACCESS COMMITTEE – 27 FEBRUARY 2019

- Recommendation 2.4 DIAP – Access audit as part of the redevelopment of Waring Gardens;
- Recommendation 2.4 DIAP – Preparation of audit documents for internal use by Council to ensure consideration and inclusion of access and inclusion requirements for Council projects; and
- Recommendation 4.2 DIAP – Review and update of Council's website.

The budget bids will be considered by Council as part of its budget deliberations.

Update on DIAP Implementation in 18/19 Financial Year

Item	Recommendation	Project	Progress
1.3	Incorporate an understanding of the needs of people with a disability and inclusion into orientation for Council staff.	Prepare documentation to be included in induction program and staff orientation to heighten the understanding of the needs of people with a disability.	A brief is being prepared and quotes to be requested.
2.2	Incorporate those kerb ramps and crossings that have been identified as high risk and high use into works programs	Provide 2 x kerb ramps and crossings in George Street (between Hardinge and Napier Streets)	Review of design being undertaken to ensure compliance with Australian Standard.
2.3	Review and audit access and facilities at the Deniliquin Swimming Pool and develop a plan for upgrades to ensure best possible access by all people within four years.	Audit of access for the 50m pool at the Deniliquin Swimming Pool facility and preparation of designs for ramp access into this pool.	Awaiting information about an access auditor.

7. GENERAL BUSINESS

- Scott's Park – Mr McNulty to review surfaces for footpaths as part of the redevelopment of Scott's Park;
- Lagoon walk thresholds – to be completed over the coming months;

This is page No 3 of the Meeting Minutes of the Access Committee meeting held on 27 February 2019

Chairperson

MINUTES OF THE ACCESS COMMITTEE – 27 FEBRUARY 2019

- Peppin Heritage Centre – access from the disabled parking spaces to the footpath via the kerb ramp is difficult due to the pooling of water from the sprinklers in the kerb ramp. Complaints related to this issue need to be made to Council. Further investigation required for a solution to this issue.
 - Peppin Heritage Centre – issue related to the ramp into the centre has been fixed.
 - Peppin Heritage Centre – access to public toilets (at the rear of the building) is via a brick path and this surface is slippery.
 - Water tower mural (cnr Whitelock/Russell Streets) – the question was asked if there would be a path to the bottom of the water tower allowing people to “get up close” to the mural. Mr McNulty advised that there is an existing footpath in that area and its location will not be changed.
-

CLOSURE OF MEETING

The meeting closed at 9.40am.

This is page No 4 of the Meeting Minutes of the Access Committee meeting held on 27 February 2019

Chairperson

11.2 MINUTES - OPEN AND PUBLIC SPACE STRATEGIC WORKING GROUP

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council receive and note the minutes of the Open and Public Space Strategic Working Group on 1 March 2019.

BACKGROUND

The Open and Public Space Strategic Working Group met on 1 March 2019. Attachment 1 is the minutes of the meeting.

ISSUE/DISCUSSION

Nil.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Nil.

ATTACHMENTS

1. Open and Public Space Strategic Working Group Minutes 1 March 2019

MINUTES OF THE MEETING OF THE OPEN AND PUBLIC SPACE STRATEGIC WORKING GROUP HELD IN COUNCIL CHAMBER, 180 CRESSY STREET, DENILQUIN ON FRIDAY 1 MARCH 2019, COMMENCING AT 12PM

PRESENT:

Mayor, Cr Norm Brennan, Cr Marg Bull, Ms Janet Burne, Ms Kate Smith, Mrs Pam Wettenhall

COUNCIL STAFF PRESENT:

Mrs Julie Rogers (Manager Environmental Services), Mr Oliver McNulty (Director Infrastructure), Mr Wayne Bennett (Major Projects Co-ordinator)

ATTENDEES:

Mr John Holland (GroupGSA)

APOLOGIES

Mr Adam McSwain (General Manager), Mrs Kellie Crossley, Mr Frank White, Mrs Felicity Michael, Mr John Conallin, Ms Michelle Cobb (Manager Tourism and Economic Development), Mrs Justine Keech

CHAIR OF MEETING:

The meeting was chaired by the acting Chair, Mayor, Cr Norm Brennan.

DECLARATION OF MEETING OPEN AND WELCOME TO MEMBERS

The acting Chair, Mayor, Cr Norm Brennan formally declared the meeting open at 12pm and welcomed members to the meeting. Mr Wayne Bennett was introduced to the group

This is page No 1 of the Meeting Minutes of the Open and Public Space Strategic Working Group held on 1 March 2019

Chairperson

MINUTES OF THE OPEN AND PUBLIC SPACE STRATEGIC WORKING GROUP – 1 MARCH 2019

1 APOLOGIES

Mr Adam McSwain (General Manager), Mrs Kellie Crossley, Mr Frank White, Mrs Felicity Michael, Mr John Conallin, Ms Michelle Cobb (Manager Tourism and Economic Development), Mrs Justine Keech.

RECOMMENDATION

Moved Ms Kate Smith

That the apologies be accepted.

Seconded Cr Marg Bull

CARRIED

2 CONFIRMATION OF MINUTES

Moved Cr Marg Bull

That the Minutes of the Open and Public Space Strategic Working Group meeting held on 19 November 2018 be confirmed as a true and accurate record.

Seconded Ms Kate Smith

4. BUSINESS ARISING FROM PREVIOUS MINUTES

- Proposed trees to be planted in median strip in Napier Street between George and Cressy Streets – the change (removing trees from the median and replacing with lomandra) has been incorporated into the Masterplan. However, GroupGSA will change the image on page 27 to reflect this.
- The two California Fan Palms proposed for the central median to CBD entrance (Napier Street between Davidson and George Streets) – these have been removed from the design and proposed to be replaced with Illawarra Flame Trees. There was further discussion about using the Illawarra Flame Tree and maybe it should be replaced with either Brush Box, Pin Oak or Chinese Elm.
- Masterplan priorities for design – GroupGSA to present design plans at this meeting.
- Capital Works Projects – Mr Wayne Bennett will provide a report at this meeting on the major projects

This is page No 2 of the Meeting Minutes of the Open and Public Space Strategic Working Group 1 March 2019

Chairperson

MINUTES OF THE OPEN AND PUBLIC SPACE STRATEGIC WORKING GROUP – 1 MARCH 2019

5. REPORTS

Detailed Designs

GroupGSA presented the draft of the detailed designs that form part of this project.

Project	Comments
Napier Street reconstruction	<ul style="list-style-type: none"> ▪ Considering changing the footpath material from asphalt to coloured concrete. Colours to be advised by GroupGSA. ▪ Existing Gleditsia in Napier Street are to be retained. GroupGSA to incorporate appropriate detail in the design.
Cressy Street design	<ul style="list-style-type: none"> ▪ Trees are proposed for median strip. Working group in general support of this. Trees can be placed to minimise the opportunity for vehicles to reverse into them. ▪ Trees will need some sort of protection (bollards) from cars. ▪ Council still discussing with Essential Energy the opportunity to underground the power in Cressy Street.
Riverfront west	<ul style="list-style-type: none"> ▪ RMS consultation will be required. ▪ Considering changes to the draft design for access to the Ute on the Pole carpark. ▪ Considering moving the crossing point closer to IGA so that there is direct pedestrian access from the Ute on the Pole carpark and the area at the rear of IGA.
Riverfront east	No changes discussed.
Treeplanting for Crispe, Hardinge and Napier Streets	No changes discussed.
Town entries	No changes discussed.
Public Domain Technical Manual	No changes discussed.

Major Projects Update

Project	Comments
Napier Street redevelopment	Mr Oliver McNulty discussed the process to date including the issues with the scope of the project and the project budget vs actual cost. Advised likely to be a 3-4 month construction process. Will be using Project

This is page No 3 of the Meeting Minutes of the Open and Public Space Strategic Working Group 1 March 2019

Chairperson

MINUTES OF THE OPEN AND PUBLIC SPACE STRATEGIC WORKING GROUP – 1 MARCH 2019

	HQ approximately 2 days/week. Project management process being finalised.
Scott's Park	Work has commenced.
Water Tower	Artist has been appointed.
Waring Gardens	Council to determine what designs will be required for the project.

North Deniliquin Tennis Courts

Council has prepared a request for quotation for a landscaped design for North Deniliquin Tennis Courts.

6. GENERAL BUSINESS**Repainting of the Edward River bridge**

RMS have agreed to Council painting the handrails and light poles on the bridge and colours need to be selected. Colours for the handrails include two variations on charcoal and a 'Jasper' type of colour. Working group members should look at the bridge over the next week and there will be a further discussion on paint colours.

Tree Maintenance

Ms Janet Burne requested that the gum trees on the Cobb Highway entrance to Deniliquin near Decentralised Demountables and on the Riverina Highway at the entry to Deniliquin require tidying up.

CLOSURE OF MEETING

The meeting closed at 1.35pm.

This is page No 4 of the Meeting Minutes of the Open and Public Space Strategic Working Group 1 March 2019

Chairperson

11.3 MINUTES FROM THE DENILIQVIN AIRPORT EXPANSION STEERING COMMITTEE**Author:** Adam McSwain, General Manager**Authoriser:** Adam McSwain, General Manager**RECOMMENDATION**

That Council

1. Note and receive the minutes from the Deniliquin Airport Expansion Steering Committee for the following meetings:
 - (a) 22 January 2019
 - (b) 5 March 2019
2. Note and consider in a separate report to the March Council meeting the following resolution from the Deniliquin Airport Expansion Steering Committee 5 March 2019 meeting:

The Deniliquin Airport Expansion Steering Committee recommend that Council:

1. *Shift the focus to incremental improvement opportunities at the Deniliquin Airport. The work undertaken by the Committee has shown that airfreight out of Deniliquin is uneconomical at this time.*
2. *Note the importance of the runway to the community and that it supports critical services in the areas of health, medical and fire emergencies.*
3. *Acknowledge the work and investment by Council through this process*
4. *Endorse the McKinna report to be presented to Council*
5. Note that while the airport was the original focus for this project, the opportunities identified, and work completed lend themselves to a bigger perspective and will provide substantial long-term benefit to Council and the region

BACKGROUND

The Deniliquin Airport Expansion Steering Committee (Committee) was established by Council to be an Advisory Committee to Council on the proposed airport expansion project.

ISSUE/DISCUSSION

1. The Committee have been active across December 2018 to March 2019 to progress the development of the project. Meetings have been held on 22 January 2019 (Attachment 1) and 5 March 2019 (Attachment 2).

At the March meeting of the Committee, the consultants undertaking further work on the project, Redwater and McKinna, attended and presented their reports.

Following the presentations from the consultants the Committee passed the following resolution for Councils consideration:

The Deniliquin Airport Expansion Steering Committee recommend that Council:

1. *Shift the focus to incremental improvement opportunities at the Deniliquin Airport. The work undertaken by the Committee has shown that airfreight out of Deniliquin is uneconomical at this time.*

2. *Note the importance of the runway to the community and that it supports critical services in the areas of health, medical and fire emergencies.*
3. *Acknowledge the work and investment by Council through this process*
4. *Endorse the McKinna report to be presented to Council*
5. *Note that while the airport was the original focus for this project, the opportunities identified, and work completed lend themselves to a bigger perspective and will provide substantial long-term benefit to Council and the region*

A separate report addressing this recommendation has been included in the Business Papers of this Council meeting (March 2019).

STRATEGIC IMPLICATIONS

Identified in separate report

COMMUNITY STRATEGIC PLAN

The Airport project aligns with Outcome 2 – A prosperous and vibrant economy and the target that ‘our economy is strong and diverse’.

FINANCIAL IMPLICATIONS

The consultant work completed to date has been completed with budget allocated in Councils 2018/19 budget.

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

1. **Minutes - Airport Expansion Steering Committee meeting 22 January 2019**
2. **Minutes - Airport Expansion Steering Committee 5 March 2019**



Deniliquin Airport Expansion Steering Committee

22/01/2019

5.30pm-7pm, Edward River Council Offices

Minutes

Attendees: Mayor Cr Norm Brennan, Cr Ashley Hall, Bruce Simpson (Chairman), Warren Jose, Adam McSwain, Michael Renehan and Nigel Wettenhall

Apologies: Dennis Gleeson, Paul Fellows and Shane McNaul

1. Welcome
2. Previous meeting Minutes

The minutes from the previous meeting, 27 November 2018, were confirmed.

3. Business arising from Minutes

Adam updated that Redwater have provided a draft report that has been provided to the Committee and is listed for discussion on this meeting agenda. McKinna have also commenced and held a number of meetings pre-Christmas. They are now working with contacts provided by Council and MIL. These meetings are expected to take place in January 2019 with a draft report by mid-February 2019.

- a. Any other items?

Nil

4. Draft report from Redwater Consulting

Discussion took place amongst the Committee on the draft report.

In summary it was agreed that it was a good report that had met the intended project scope.

Given the report outcomes there was discussion amongst the Committee about the opportunity for modifying the project to also include road freight and link this with the business park component.

Within the budget allocated for Redwater to complete their report **there is funding for a 'stage 3' which has not yet been completed.** Originally this was planned to focus on the layout of the business park. It was agreed by the Committee that given where the project is currently at it would be better to use this funding to get Redwater to complete a modified project element.

It was agreed that Redwater would complete the following:

- Undertake a market assessment to evaluate and pursue additional businesses/activities that could be based/occur at the airport. These may include:
 - Flight training academy
 - Expanded aeronautical businesses (maintenance and repair, manufacturing etc.)
 - Non-aeronautical businesses
 - Defence/air force
 - Industries that service the airline industry with potential for Deniliquin

Adam to discuss with Redwater and confirm project scope with Committee.

5. Initial thoughts and findings from McKinna consulting

Initial meetings were held by McKinna prior to Christmas. Further meetings will take place in January and February 2019.

A draft report is expected to be received in mid-February 2019.

6. Any other business

Suggestion that General Manager and Nigel Wettenhall attend the Avalon air expo in March.

Convene a meeting inviting both Redwater and McKinna to attend and 'workshop' ideas.

7. Meeting close – 7pm



Deniliquin Airport Expansion Steering Committee

5/3/2019

10am-12pm, Edward River Council Offices

Minutes

Attendees: Mayor Cr Norm Brennan, Cr Ashley Hall, Cr Peter McCrabb, Bruce Simpson (Chair), Warren Jose, Adam McSwain, Dennis Gleeson, Michelle Cobb and Nigel Wettenhall

Apologies: Michael Renehan, Shane McNaul and Cr Mac Wallace

Presenters: Catherine Wall, David McKinna, Anthony Cicuttini and Kateryna Hess

1. Welcome
2. Previous meeting Minutes

Recommended that the Minutes from the January 2019 meeting be adopted

Moved - Norm Brennan

Seconded - Nigel Wettenhall

3. Business arising from Minutes

- a. Avalon Air Expo

Adam and Nigel considered attending but following discussion believed the benefits may not be great for 2019

- b. *Engage Redwater for modified Stage 3 project scope*

Complete

- c. *Convene workshop with Redwater and McKinna*

Complete

d. Any other items?

Nil

4. Presentation and discussion from Redwater and McKinna.

Proposed order of presentation:

- a. McKinna to update on work completed
- b. Redwater to present on findings from Stage 3 of their project
- c. Summary discussion as group

All presentations received and considered by the Committee.

Acknowledgement of the great work by both McKinna and Redwater consulting was provided.

5. Funding update

Advice to date is that the funding applications through both State and Federal Governments will not be successful. Formal advice is still to be received.

6. Committee discussion about next steps for project and any recommendations to go to Council

The Committee discussed the presentations from both consultants and provided the following advice for Council:

That Council:

1. Shift the focus to incremental improvement opportunities at the Deniliquin Airport. The work undertaken by the Committee has shown that airfreight out of Deniliquin is uneconomical at this time.
2. Note the importance of the runway to the community and that it supports critical services in the areas of health, medical and fire emergencies.
3. Acknowledge the work and investment by Council through this process

4. Endorse the McKinna report to be presented to Council
5. Note that while the airport was the original focus for this project, the opportunities identified, and work completed lend themselves to a bigger perspective and will provide substantial long term benefit to Council and the region

The Committee also discussed the possible development of a food and fibre strategy. Council officers to consider this further and consider opportunities for this to be undertaken either on a local or regional basis. Discussion **centered around ensuring the document, if developed, wasn't politicised** and focused on the opportunities available.

Further discussion also to be had with McKinna consulting about whether a presentation to the community would be possible that focuses on the opportunities identified.

6. Any other business

Nil

7. Meeting close

11.4 DENILIQVIN AIRPORT PROJECT**Author: Adam McSwain, General Manager****Authoriser: Adam McSwain, General Manager****RECOMMENDATION**

That Council

1. Note the following recommendation of the Deniliquin Airport Expansion Steering Committee from its meeting held 5 March 2019:

The Deniliquin Airport Expansion Steering Committee recommend that Council:

- (a) *Shift the focus to incremental improvement opportunities at the Deniliquin Airport. The work undertaken by the Committee has shown that airfreight out of Deniliquin is uneconomical at this time.*
- (b) *Note the importance of the runway to the community and that it supports critical services in the areas of health, medical and fire emergencies.*
- (c) *Acknowledge the work and investment by Council through this process*
- (d) *Endorse the McKinna report to be presented to Council*
- (e) *Note that while the airport was the original focus for this project, the opportunities identified, and work completed lend themselves to a bigger perspective and will provide substantial long-term benefit to Council and the region*

2. Receive and note the following confidential reports from Redwater Consulting and McKinna Consulting:

- (a) Redwater – Airfreight Analysis and Recommendations (Attachment 3)
- (b) Redwater – Market Review and Opportunity Assessment (Attachment 4)
- (c) McKinna -

3. Approve the following approach for the Deniliquin Airport Project:

- (a) Discontinue attempts to airfreight agricultural produce out of Deniliquin until such time as it is proven to be viable
- (b) Discontinue attempts to receive funding for the construction of a 2 kilometre runway and associated infrastructure at the Deniliquin Airport until a viable economic opportunity to support this expansion is confirmed.
- (c) Support the shift to incremental improvement opportunities at the Deniliquin Airport.
- (d) Request Officers to consider the renewal of existing runways at the Deniliquin Airport in line with Council's Asset Management Strategy and Plans and if required include the renewal within Council's Long-Term Financial Plan.
- (e) Support Officers to continue attempts to attract funding to renew the existing infrastructure at the Deniliquin Airport
- (f) Update Council's Advocacy Strategy to reflect clauses 3(a), (b), (c), (d) and (e) of this resolution.

4. Request McKinna Consulting attend a Council Workshop to present to Council their detailed findings.

5. Discontinue the Deniliquin Airport Expansion Steering Committee and thank outgoing committee members for their contribution to the Deniliquin Airport expansion project.

BACKGROUND

At Council's 20 December 2018 meeting the following resolution was passed [2018/341]:

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.*

The additional information identified in point two of that recommendation has now been received and is the focus of this report.

Attached as confidential reports are the following reports from Redwater and McKinna:

- Redwater – Airfreight Analysis and Recommendations (Attachment 1)
- Redwater – Market Review and Opportunity Assessment (Attachment 2)
- McKinna – Deniliquin Airport Expansion Agrifood Assessment (Attachment 3)

These reports were presented to the Deniliquin Airport Expansion Steering Committee at its 5 March 2019 meeting and the following resolution was passed by the Committee:

The Deniliquin Airport Expansion Steering Committee recommend that Council:

1. *Shift the focus to incremental improvement opportunities at the Deniliquin Airport. The work undertaken by the Committee has shown that airfreight out of Deniliquin is uneconomical at this time.*
2. *Note the importance of the runway to the community and that it supports critical services in the areas of health, medical and fire emergencies.*
3. *Acknowledge the work and investment by Council through this process*
4. *Endorse the McKinna report to be presented to Council*
5. *Note that while the airport was the original focus for this project, the opportunities identified, and work completed lend themselves to a bigger perspective and will provide substantial long-term benefit to Council and the region*

ISSUE/DISCUSSION

The scope of the consultant's work that has been undertaken over the past six months is outlined below:

- Redwater: Redwater were engaged for their mix of aviation and economics expertise. The scope of their work was to complete due diligence on the viability of air freight from Deniliquin, continue discussions with Wellcamp airport and undertake an assessment of an aviation business park/freight hub at the Deniliquin airport. Through the project the scope was modified to not complete the business park analysis and instead complete a market review and opportunity assessment. This work has now been completed.
- McKinna: McKinna were engaged for their mix of agriculture, economics and export expertise. The scope of their work was to look at the make-up of the agricultural sector within two hours of Deniliquin and the ability for this to support a supply chain for the export of produce through the Deniliquin airport and into Asia. This work has now been completed.

At a high level both Redwater and McKinna have identified similar concerns regarding the viability of the Airport Project in its current format.

Redwater has indicated that there are significant challenges to developing air freighter services at Deniliquin under the current proposal, noting that dedicated freighter services would compete with the existing, and relatively inexpensive, supply chain. As a result, the high freight rates needed to sustain services require high-yielding freight capable of offsetting these costs.

Further investigation has been undertaken by McKinna into the availability of high-yielding freight capable of offsetting these costs.

McKinna have then recommended that it is highly unlikely there would be sufficient high-value and time sensitive agrifood freight in the medium term to support a scheduled airfreight service.

These two issues, lack of supply and prohibitive costs, have meant that the project in its current format is not viable at this time.

Both reports identify that an incremental approach that looks at building demand for the airport through smaller scale actions e.g. increasing use by flight schools, attracting more recreational flyers etc. would then flow through to enhanced economic outcomes.

As a result of the work completed by the consultants and the recommendation by the Committee, Officers are recommending to Council that a modified approach to the Airport Project is taken. This modified approach is outlined in the proposed Recommendation.

STRATEGIC IMPLICATIONS

The airport expansion project was seen as an opportunity to support the agricultural sector, create economic stimulus for the region and upgrade ageing infrastructure at the Deniliquin Airport.

The work completed by Redwater and Mckinna has led the Committee to recommend to Council that airfreight of agricultural produce out of Deniliquin is uneconomical at this time and that an incremental approach to upgrading the airport is required.

This is a strategic shift in comparison to the current approach, however still provides opportunity for Council to continue to explore ways of upgrading the airport to increase usage and to find alternative projects to support the agricultural sector.

COMMUNITY STRATEGIC PLAN

The Airport project aligns with Outcome 2 – A prosperous and vibrant economy and the target that ‘our economy is strong and diverse’.

FINANCIAL IMPLICATIONS

The consultant work completed to date has been completed with budget allocated in Councils 2018/19 budget.

If the Recommendation provided in this report is adopted by Council, then the modified project approach will be modelled as part of Councils Long-Term Financial Plan.

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

1. Redwater - Airfreight Analysis and Recommendations - Confidential
2. Redwater - Market Review and Opportunity Assessment - Confidential
3. McKinna - Deniliquin Airport Expansion Agrifood Assessment - Confidential

11.5 MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS**File Number:****Author:** Belinda Perrett, Executive Assistant**Authoriser:** Adam McSwain, General Manager**RECOMMENDATION**

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

BACKGROUND

The report details meetings undertaken by the Mayor, Councillors and General Manager on behalf of Council during February 2019.

Mayor and General Manager meetings February 2019			
Date	Participants	Topic	Council Reps
01 Feb	RAMJO	General Managers	General Manager
05 Feb	Murray Irrigation	Insights Breakfast	Mayor, General Manager
05 Feb	Rex Harris Ratepayer	Water Issues	Mayor, General Manager
06 Feb	GP Attraction – Dr Campbell, Dr Liebenberg, Dr Magee, Dr Paul, Dr James, Ochre Practice Manager, Leanne Dickinson, Manager Health Service Deniliquin Hospital, David Jackson	Strategic Forum	Mayor General Manager, Manager Tourism & Economic Development, Community & Economic Development Project Officer, Executive Assistant.
08 Feb	Murray Regional Strategy Group	Technical Meeting	Mayor
10 Feb	South West Music	Concert	Cr Bull
12 Feb	Edward River Concert Band	Committee Meeting	Cr Bull
13 Feb	RAMJO Board Meeting	Board Meeting	Mayor, General Manager
14 Feb	Seniors Week Movie	Welcome	Cr Fogarty
21 Feb	Australia Day Committee	Post Event	Mayor Brennan, Cr Fogarty, Cr Bull
21 Feb	Peppin Heritage Centre	Exhibition Opening	Cr Bull
24 Feb	Deniliquin Community Garden	On Site Meeting	Cr Fogarty
26 Feb	Murray River Council Mayor, General Manager, Cr Weyrich	Passenger Train	Mayor, General Manager

26 Feb	RAMJO Bridgett Leopold	Priorities and Working Groups	Mayor, General Manager
27 Feb	Town Hall Revitalisation	Committee Meeting	Cr Betts, Cr Bull, Cr Wallace
28 Feb	Funeral Brigadier Wayne Dunbar	Eulogy	Cr Fogarty
28 Feb	South West Music	Committee Meeting	Cr Bull
28 Feb	Murray River Tourism Board	Board Meeting	General Manager

ISSUE/DISCUSSION

Nil

STRATEGIC IMPLICATIONS

Nil

COMMUNITY STRATEGIC PLAN

Nil

FINANCIAL IMPLICATIONS

Nil

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

Nil

11.6 RESOLUTIONS OF COUNCIL

Author: Belinda Perrett, Executive Assistant

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council note the information in the Resolutions of Council to 22 February 2019.

BACKGROUND

The attached report details the status of open Resolutions of Council.

ISSUE/DISCUSSION

Monthly report to update Councillors and community members on the progress of Council Resolutions.

STRATEGIC IMPLICATIONS

As outlined in the status updates.

COMMUNITY STRATEGIC PLAN

This report aligns with Outcome 5 – A community working together to achieve its potential. Particularly it supports outcome 5.3, our local government is efficient, innovative and financially sustainable.

FINANCIAL IMPLICATIONS

Not applicable

LEGISLATIVE IMPLICATIONS

Not applicable

ATTACHMENTS

- 1. Resolutions of Council to 22 February 2019**

21 February 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/02/05	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	Executive Assistant	Completed	Completed
2019/02/13	Councillor Expenses Report 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.	Communications Officer	Completed	Completed
2019/02/17	Draft Flood Planning Levels Policy That Council: 1. Repeal Town Planning Policy 5.9 Flood Planning Levels; and 2. Adopt the draft Flood Planning Levels Policy	Manager Environmental Services	Completed	Completed
2019/02/18	Roadside Grazing 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.	Manager Environmental Development	Completed	Completed
2019/02/23	Drought Relief That Council approve the extension of the Drought Relief period for a further 6 months – 15 August 2019	Director Infrastructure	Completed	Completed
2019/02/24	Notification of Native Title Manager 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 <i>Crown Land Management Act 2016</i> .	Director Infrastructure	Completed	Completed
2019/02/25	Deniliquin Golf Club – Request for Additional Water That Council	Director Infrastructure	Now awaiting approval of	30 March 2019

	<ol style="list-style-type: none"> 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 		180ML + 50ML. Paperwork complete.	
2019/02/26	<p>Southern Lights Project That Council</p> <ol style="list-style-type: none"> 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 	General Manager	Letter requesting support delivered to Member for Murray Austin Evans MP	Completed
2019/02/27	<p>Lagoons Bridge Works – Request for Reimbursement That Council Approve</p> <ol style="list-style-type: none"> 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 	Director Infrastructure	Public Notice inserted. Written submissions invited until close of business 22 March 2019.	22 March 2019
2019/02/28	<p>Disaster Relief Funding Arrangements That Council:</p> <ol style="list-style-type: none"> 1. Approve the 'Opt-In Co-funding' option for the Disaster Recovery Funding arrangements. 	Director Infrastructure	Completed	Completed
2019/02/29	<p>Application for Memorial in Public Place That Council:</p> <ol style="list-style-type: none"> 1. Defer this report. 2. Request officers undertake further work on options for an 	General Manager	A further report will be taken to the April Council Workshop for discussion.	30 April 2019

	Edward River Council Memorial in Public Place policy and bring this to the April Council Workshop for discussion.			
2019/02/31	<p>Contract 2.19.274 – Reconstruction of Napier Street between Cressy Street and Charlotte Street That Council:</p> <ol style="list-style-type: none"> 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 <i>Local Government (General) Regulations</i>, since all submitted tender prices were greater than the funding for the project; 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 <i>Local Government (General) Regulations</i>; <i>Amended to read – Authorise the General Manager to negotiate with all suitable contractors.</i> Declare the reasons for not entering a fresh tender process being that the tender submissions exceeded the allowable budget; Receive a further report regarding the evaluation of tenders for this project. 	Director Infrastructure	Ongoing negotiations underway. A further report to March Council meeting.	30 March 2019
2019/02/32	<p>Weed Management That Council</p> <ol style="list-style-type: none"> Approve the recommendation, as set out in Table 1 of this report, for the distribution of the \$40,000 noxious weeds grant Note that correspondence will be sent to each applicant informing them of their grant allocation and the condition on how this will be reimbursed Note that correspondence will be sent to Local Land Services (LLS) requesting an extension to the deadline for the utilisation 	Director Infrastructure	Correspondence sent.	30 June 2019

	of this grant funding until a more suitable time to complete the works as outlined			
7 February 2019	Resolution	Responsibility	Status	Expected Date of Completion
2019/02/02	Request from Deniliquin Racecourse Land Manager That Council: 1. Receive and note the correspondence from the Deniliquin Racecourse Trust, contained at Attachment A. 2. Pursuant to section 356(1) of the Local Government Act 1993, approve the Deniliquin Racecourse Trust's request for financial assistance up to a maximum of \$25,000 to underwrite the Murray Irrigation Limited loan of 30ML of water. 3. Pursuant to section 356(2) of the Local Government Act 1993, provide 28 days' public notice of its proposal to provide financial assistance to the Deniliquin Racecourse Trust through the purchase of 30ML of water. 4. Subject to Council receiving no submissions during the 28-day public notice period, provide the financial assistance to the Deniliquin Racecourse Trust. 5. Approve the financial assistance to be reallocated in Council's 2018/19 budget from the Urban Drainage cost centre. 6. Note that if the application for the Water Access Licence and subsequent water transfer is approved then no direct financial assistance will be provided.	General Manager	Racecourse Land Manager had been informed. Public Notice published 8 February 2019.	8 March 2019
20 December 2018	Resolution	Responsibility	Status	Expected Date of Completion
314/18	Strategic Review of Committee Framework and Community Facility Management Model - That Council: 1. Undertake a strategic review of its committee framework and community facility management model.	Corporate Services Director	Committees have been notified. Quotes received from consultants	June 2019

	<p>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.</p>		to under the project.	
318/18	<p>Deniliquin Town Hall Revitalisation Project Reference Group That Council:</p> <ol style="list-style-type: none"> 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 as 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. 	Manager Tourism and Economic Development	<p>Reference Group established.</p> <p>First meeting 27 February 2019</p>	June 2019
319/18	<p>Deniliquin Water Tower Project That Council:</p> <ol style="list-style-type: none"> 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. 	Manager Tourism and Economic Development	Report to Council 21 February 2019	February 2019 Project is on track.
320/18	<p>Request for Water Transfers That Council</p> <ol style="list-style-type: none"> 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: 	General Manager	A further report to Council 21 February 2019	21 February 2019

	<p>a) Racecourse Reserve – 35 ML b) Golf Club – 180 ML</p> <p>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</p> <p>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</p> <p>7) Request further information from Riverview Estate and Lawson Supply on future for water sustainability for each estate and previous water management practices including any water bought or sold.</p>			
321/18	<p>South West Music Request for Funding Assistance for Concept Designs That Council</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> (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 	<p>Manager Tourism and Economic Development</p>	<p>Funding Agreement signed.</p>	<p>30 June 2019</p>
327/18	<p>Minutes – Access Committee That Council:</p> <ol style="list-style-type: none"> 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 	<p>Manager Environmental Development</p>	<p>Briefs being prepared.</p>	<p>30 June 2019</p>

	Plan to delivering items 1.3, 2.2 and 2.3, as recommended by the Access Committee.			
332/18	<p>Trial for Seal Extension That Council carry out a low-cost seal trial;</p> <ol style="list-style-type: none"> 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 	Director Infrastructure	Final design costings have commenced. This work is programmed to be completed in April 2019.	April 2019
333/18	<p>Rural Fire Service Tanker Trailer Units That Council</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 	Director Infrastructure	E.O.I. Process will be advertised by March 2019.	March 2019
338/18	<p>Dongmun Greentec – Repayment of Loan That Council</p> <ol style="list-style-type: none"> 1. Approve the commencement of legal proceedings against 	General Manager	Legal action proceeding.	30 June 2019

	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			
339/18	Purchase of Plant – Forklift 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.	Director Infrastructure	Further information to be provided to Council.	March 2019
18 October 2018	Resolution	Responsibility	Status	Expected Date of Completion
241/18	Drought Assistance Program – Supporting Severely Drought Stricken Farmers. Council considered whether to donate to the ‘Buy a Bale’ foundation or other appropriate contribution in line with Riverina and Murray Joint Organisation of Councils (RAMJO). Council elected to provide support in a different manner and will consider at a further workshop.	General Manager	Will be re-tabled for discussion at February 2019 Council Workshop and Meeting	February 2019
245/18	Headworks Charges – Request for Payment over Multiple Years – Big4 Deniliquin. That Council 1. Approve the request by Big 4 Deniliquin for the Headworks Charges of \$183,000 associated with the current 43 site expansion to be paid in annual instalments over a five-year	General Manager	Agreement being drawn up	March 2019

	<p>period</p> <ol style="list-style-type: none"> 2. Approve the General Manager to negotiate with Big 4 Deniliquin 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 			
263/18	<p>Contract 2.19.263 – Blighty Netball, Tennis and Community Sporting Facility. That Council:</p> <ol style="list-style-type: none"> 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 <i>Local Government (General) Regulations</i>, since all submitted tender prices were greater than the grant funding for the project; 2. Authorise the General Manager to negotiate 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 <i>Local Government (General) Regulations</i>; 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. 	Director Infrastructure	Currently being built. Expected completion date May 2019.	May 2019
264/18	<p>Contract 2.19.265 – Scotts Park Destination Playground Upgrade That Council:</p> <ol style="list-style-type: none"> 1. Not accept any tender submissions for Contract 2.19.265 – Scotts Park Destination Playground Upgrade, in accordance 	Director Infrastructure	Work commenced on site 11 February 2019.	June 2019

	<p>with Clause 178(1)(b) of the <i>Local Government (General) Regulations</i>, since all submitted tender prices were greater than the grant funding for the project;</p> <ol style="list-style-type: none"> 2. Authorise the General Manager to negotiate 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 <i>Local Government (General) Regulations</i>; 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. 			
20 September 2018	Resolution	Responsibility	Status	Expected Date of Completion
211/18	<p>That Council in the event that the Central Murray County Council is wound up</p> <ol style="list-style-type: none"> 1. Resolve to deliver its weed control authority responsibilities as an internal Council service 2. Requests that the following equipment be provided: <ul style="list-style-type: none"> • The Deniliquin Depot including sheds and demountables and all equipment, fixtures and fittings contained therein • Two Ranger utes based in Deniliquin • Two quick spray units • One Canter Truck – BE34DL • Two rearing cages • Two motion tablets • Software for tablets • Two kestrel wind meters • Two mobile phones 3. Requests that the two Deniliquin CMCC staff be transferred to 	General Manager	Complete - Resolution provided to Central Murray County Council	September 2019

	<p>Council</p> <p>4. Resolve that any financial return to Council be established in an internally restricted 'weeds authority' reserve</p> <p>5. Requests Council Officers investigate other plant items held by the County Council, and if the cost benefit of having the plant is positive, that Officers bring a further report to Council for consideration.</p>			
16 August 2018	Resolution	Responsibility	Status	Expected Date of Completion
179/18	<p>Section 355 Funding</p> <p>1. Provide funding to the following Committees for the sole purpose of delivering the activities outlined in the submissions received: -</p> <ul style="list-style-type: none"> a. Conargo Memorial Hall Committee \$8,000 b. Wanganella Advancement Committee \$1,300 c. The Long Paddock Committee \$12,006.50 d. Deniliquin Airport Advisory Committee \$19,929 e. Edward River Concert Band \$6,725 <p>2. Seek further clarification on the submissions received from: -</p> <ul style="list-style-type: none"> a. Booroorban Sporting & Social Club \$15,000 b. Deniliquin Multi Arts Centre \$6,600 c. Blighty Advancement Committee \$10,000 <p>3. Delegate approval to the General Manager to sign off on these grants once additional information has been confirmed and the grants are suitable for approval</p> <p>4. Not provide funding to the Deniliquin Yard Dog Association nor the Edward River Society of Model Engineers as they are not directly Section 355 Committees</p> <p>5. Provide funding of \$10,000 for improved entrance and wayfinding signage for Memorial Park</p>	General Manager	Letters of advice forwarded. Governance Officer to obtain details for reporting and acquittals.	June 2019
19 July 2018	Resolution	Responsibility	Status	Expected Date of Completion
155/18	Conargo Hall Committee Incorporation	Director Corporate	Ongoing.	2019

	<p>That Council work with the Conargo Memorial Hall and Recreation Ground Committee and explore the opportunity to change its status from a Section 355 Committee of Council to an Incorporated Body.</p>	<p>Services</p>	<p>Draft agreement updated following discussions with the Committee. Councillors further briefed in relation to the matter 6 December 2018. Further work to occur in relation to Council's Section 355 Committees prior to finalising.</p>	
<p>163/18</p>	<p>Sale and Development Former Council Depot 143-147 Hardinge Street Deniliquin That Council Determine that the former Council Depot (South Depot) at 143-147 Hardinge Street, Deniliquin, Lot 261 DP634603 is surplus to Council requirements and approve the sale of this land; Allocate a budget of approximately \$50,000 from the Infrastructure Reserve to undertake soil and contamination investigations at 143-147 Hardinge Street, Deniliquin on both Lot 261 DP634603 and Lot 27 DP756325; Once site rectification works are complete, approve an Expression of Interest process for the sale of Lot 261 DP634603 that places a focus on supporting business expansion, job creation and economic development as the preferred outcome; Approve that upon completion of sale of the property, all costs associated with the above investigations will be reallocated to the Infrastructure Reserve; Note that the sale won't be finalised until all Council required equipment and shedding is removed from the site; Note that Lot 27 DP756325 is Crown Land leased by Council and as such won't be included as part of the land sale; Note that the relocation of sheds at</p>	<p>Manager Tourism & Economic Development</p>	<p>EOI to be advertised March 2019. EOI at solicitors.</p>	<p>March 2019 Project is on tract</p>

	the back of the site used by local service groups will need to be relocated to a suitable site and that the costs to do this will be funded through the proceeds from the sale of the land			
171/18	<p>Contract 2.19.254 – Road Reconstruction/Rehabilitation Program Works</p> <p>That Council not accept the tender submissions for Contract 2.19.254 – Road Reconstruction/ Rehabilitation Program, in accordance with Clause 178(1) of the <i>Local Government (General) Regulations</i>, since submitted tender price was very much greater than the grant funding for the project; In accordance with Clause 178(3)(e) of the <i>Local Government (General) Regulations</i>, enter negotiations with contractors in relation to the subject matter of the tender. Approve that General Manager can enter a sign contract with a single contractor or multiple contractors to ensure that the works related to in this tender are delivered. In accordance with clause 178 (4)(b) of the <i>Local Government (General) Regulations</i>, Council note the reasons for following this process are;</p> <p>(a)Due to the lack of interest from contractors in the initial tender process</p> <p>(b)The timeframes imposed by the funding authority for the delivery of this work restrict the ability to progress through a full tender process and complete all the works</p>	Director Infrastructure	In discussion with contractors to progress delivery of this work.	June 2019
15 March 2018	Recommendation	Responsibility	Status	Expected Date of Completion
47/18	<p>Central Murray Regional Library Draft Deed of Agreement.</p> <p>That council receive the report</p> <p>And agree to adopt and sign the draft Central Murray Regional Library Deed of Agreement</p>	Manager Tourism & Economic Development	Deed is at Solicitors	November 2018 June 2019
49/18	<p>Deniliquin Airport Project Business Case Report</p> <p>That Council: Receive the Deniliquin Airport Project Final Report prepared by KPMG.</p>	Manager Tourism & Economic	State Government grant	Ongoing

	<p>2.Lodge an E.O.I seeking \$10 million funding in the Regional Growth Fund and seek matching State funding. 3.Commence discussions with state and federal government in relation to the project. 4.Commence discussions with Brisbane West Wellcamp Airport regarding terms of agreement for the link between Deniliquin Airport and Brisbane West Wellcamp Airport should council proceed with the proposed upgrade. 5.Commence discussions with stakeholders identified in the KPMG report and any other stakeholders that may be identified through this process. 6.Seek formal letters of support from commercial partners and investors. 7.Further develop the phased approach regarding construction of a business par in the airport precinct. This should include site planning for a large indoor farming operation. 8.Develop a detailed risk management plan for the project to address or mitigate all identified risks. 9.Further develop financial modelling for the project to understand project costs depending on the level of government or private funding able to be received. 10.Request a further report be prepared for council updating on the outcome of each of the above items prior to further progressing the project.</p> <p><i>Project Steering Committee Appointed. Project Manager Currently being appointed.</i></p>	Development	application for \$10 million in funding submitted. Federal Government seeking \$10 million in funding submitted	
26 July 2017	Recommendation	Responsibility	Status	Expected Date of Completion
	Consolidation of Operational Depots That Council submit a DA for the expansion of the existing	Infrastructure	DA approved for the removal	June 2019

	<p>depot site and receive a further report regarding detailed layout and costings following further consultation with staff.</p>		<p>of the houses.</p> <p>DA for removal of South Depot sheds and relocation to North Depot to be submitted by end of February.</p> <p>DA for new sheds at the depot – excluding the accommodation block to be submitted.</p>	
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11.7 QUARTERLY BUDGET REVIEW STATEMENT FOR THE PERIOD 1 OCTOBER 2018 TO 31 DECEMBER 2018**Author:** Rindayi Matienga, Financial Accountant**Authoriser:** Trish Kirkland, Director Corporate Services**RECOMMENDATION**

That Council

1. receives the December 2018 financial review of the 2018-19 Operational Plan as adopted at the Council meeting on 21 June 2018
2. Approves the budget variations detailed in this report.

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 they consider the review indicates council to be in a satisfactory financial position (as compared 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.

ISSUE/DISCUSSION

A review of Council's income, operating expenditure and capital expenditure has been undertaken and Council's financial position has been deemed satisfactory.

The review has identified that variations for the December 2018 quarter are required to be made against the original budget due to:

- Net increase in other expenses, as detailed in the attached notes, of \$124K due to under-budgeting and omission of non-discretionary expenditure from the budget and adjustment to carry forward balance of the following:
 - Noxious weeds project
 - Business promotion levy
- ***Variations approved via Council resolution***

The budget has also been revised to include those items resolved outside of the Quarterly Budget Review Process (QBRs) via Council meeting:

- Replacement of kerb and gutter associated drainage works along the north-western side of Russell Street, between Sloan Street and Wood Street funded from infrastructure reserve.

Actual results

The overall financial performance of Council is considered to be satisfactory and reflects sound management of income and expenditure. 49.5% of the projected year end operational expenditure (revised) budget has been spent to end of December 2018.

Notable achievements in the December 2018 quarter include:

- \$5.5M capital expenditure including RFS Fire Control Centre project, stronger communities' projects and purchase of portable office building
- Repayment of \$2.3M loans
- Receipt of \$649K second quarter financial assistance grant

A comprehensive review of capital expenditure budget will be carried out at the March 2019 quarterly review to reflect achievable capital works to financial year end.

The Rates, Annual Charges & Interest Outstanding ratio is currently at 7.88%. This figure is expected to decrease as the year progresses and more instalments are paid. Reminder notices have been sent for all outstanding rates debt.

The Quarterly Budget Review is attached, providing detailed information regarding:

- Movements in the operational budget
- Movements in the capital budget
- Council's projected cash position at 30 June 2019
- Contracts entered into during the period with a value of \$50-\$150K
- Consultancy and legal expenses year to date.
- Key performance indicators.

STRATEGIC IMPLICATIONS

Nil

COMMUNITY STRATEGIC PLAN

Nil

FINANCIAL IMPLICATIONS

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

LEGISLATIVE IMPLICATIONS

The preparation of a quarterly budget review statement is required under Clause 203(1) of the Local Government (General) Regulation 2005.

ATTACHMENTS

1. **Quarterly Budget Review 31 December 2018**


Report by Responsible Accounting Officer Budget Review Statement for Edward River Council for the quarter ending 31 December 2018

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Edward River Council for the quarter ended 31 December 2018 indicates that Council's projected financial position at 30/6/19 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

In summary, operational budget movements for the Quarter are as follows:

Opening Operational Budget - As Adopted by Council	\$'000	(1,264) Deficit
Add:		
September 2018 Qtr Variations	4,391	
December 2018 Qtr Variations	(205)	
Add:		
Variations Other Than By QBRS	62	
September 2018 Qtr Budget Review	-	
December 2018 Qtr Movements	-	
September 2018 Qtr Movements	-	
Capital Budget Movements	-	
Reserve Movements	-	
Amended Operational Budget	<u>2,984</u>	<u>Surplus</u>

Signed:  date: 8/03/2019
 Rindayi Matienga
 Responsible Accounting Officer

Income & Expenses Budget Review Statement for Edward River Council for the quarter ending 31 December 2018

	Original Budget 1/07/18 to 30/6/19	Approved Changes			Revised Budget 18/19 \$'000	Variations for Dec 18 Qtr \$'000	Projected Year End Result \$'000	Actuals 1/07/18 to 31/12/18
		Sept 18 Review \$'000	Dec 18 Review \$'000	Other than QBRs by QBRs				
Income from continuing operations								
Rates and annual charges	12,521	-	-	-	12,521	-	12,521	6,645
User charges and fees	3,238	-	-	-	3,238	-	3,238	1,397
Interest and investment revenue	804	-	-	-	804	-	804	576
Other revenues	410	-	-	-	410	-	410	205
Gains from the disposal of assets	361	-	-	-	361	-	361	149
Grants and contributions provided for operating purposes	8,599	11	-	-	8,610	20	8,630	3,365
Grants and contributions provided for capital purposes	-	4,931	-	-	4,931	-	4,931	1,296
Total income from continuing operations	25,932	4,942	-	-	30,873	20	30,893	13,632
Expenses from continuing operations								
Employee benefits and on-costs	8,560	25	-	62	8,523	25	8,498	4,737
Borrowing costs	147	-	-	-	147	-	147	131
Materials and contracts	6,604	403	-	-	7,007	73	7,080	2,577
Depreciation and amortisation	8,610	-	-	-	8,610	-	8,610	4,305
Loss on revaluation	-	-	-	-	-	-	-	-
Other expenses	3,274	123	-	-	3,397	177	3,574	2,065
Total expenses from continuing operations	27,196	551	-	62	27,684	225	27,909	13,815
Net operating result from continuing operations	-	1,264	-	62	3,189	205	2,984	183

Notes to Income & Expenses Review Statement Variations

Reference	Amount	Commentary	Funding Source
1	\$0K	Increase to budget for consultants by \$13K for staff preventative skin cancer checks funded from \$13K savings in workers compensation premium for 2018/19 less than original budget	Nil impact
2	\$20K	Increase to budget for consulting by \$20k for growing local economies project funded from a new \$20k grant receipt	Specific purpose grant
2	-20K	Increase to budget in grant income for growing local economies	Specific purpose grant
3	-\$12K	Reduction in worker's compensation premium budget to fund capital expenditure for 7 defibrillators	Unrestricted cash
4	-\$62K	Reduction in employee on-costs for Waring Garden to fund \$35K capital expenditure for electrical repairs to McLean Beach Caravan Park and balance \$27K returned to untied cash reserves	Unrestricted cash
5	\$113K	Increase to budgeted Bad debts write-off prior year write-off of bad debt already \$13K over budget. Anticipate additional \$100K through Council resolutions.	Unrestricted cash
5	\$25K	Additional bank fees and charges for Australia Post billing and Bpay/Bpoint fees not recovered, if not paid by credit cards	Unrestricted cash
5	\$26K	Additional increase in insurance budget due to greater premium increase than anticipated	Unrestricted cash
6	\$29K	Increase in donations budget for Rover Clubrooms funded from unexpended grant received in 16/17	Unexpended specific purpose grants
7	\$40K	Carry forward of Noxious Weed Project from 17/18 budget	Unexpended specific purpose grants
7	-\$16K	Reduction in promotion levy carry forward request approved at Sept QBRS from \$52,000 to \$36,450 after 17/18 end of year movements	Unrestricted cash

Capital Activity Review Statement for Edward River Council for the quarter ending 31 December 2018

	Original Budget 18/19 \$'000	Approved Changes			Revised Budget 18/19 \$'000	Variations for this Dec Qtr \$'000	Note	Projected Year End Result \$'000	Actual YTD figures \$'000
		Carry Forwards \$'000s	Sep18 QBRs \$'000s	Other than by QBRs \$'000s					
Capital Expenditure									
New Assets									
Plant & equipment	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Office equipment	\$ 8	\$ -	\$ -	\$ -	\$ 8		\$ 8	\$ 8	\$ -
Land & buildings	\$ -	\$ 1,278	\$ -	\$ -	\$ 1,278		\$ 1,278	\$ 1,278	\$ 616
Software	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Library resources	\$ 40	\$ -	\$ -	\$ -	\$ 40		\$ 40	\$ 40	\$ -
Roads, bridges, footpaths, K&G, Drainage	\$ -	\$ 100	\$ -	\$ -	\$ 100		\$ 100	\$ 100	\$ -
Water infrastructure	\$ 255	\$ -	\$ -	\$ -	\$ 255		\$ 255	\$ 255	\$ 17
Other Assets/Infrastructure	\$ -	\$ 296	\$ -	\$ -	\$ 296		\$ 296	\$ 296	\$ 24
Stronger Communities Projects	\$ 7,890	\$ -	\$ -	\$ -	\$ 7,890		\$ 7,890	\$ 7,890	\$ 1,013
IT equipment	\$ 20	\$ -	\$ -	\$ -	\$ 20		\$ 20	\$ 20	\$ -
Sewer infrastructure	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Renewal Assets (replacements)									
Plant & equipment	\$ 2,010	\$ 458	\$ -	\$ -	\$ 2,468	12	\$ 2,480	\$ 2,480	\$ 363
Office equipment	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Land & buildings	\$ 836	\$ 2,081	\$ 1,861	\$ -	\$ 4,778		\$ 4,778	\$ 4,778	\$ 2,567
Software	\$ 917	\$ -	\$ -	\$ -	\$ 917		\$ 917	\$ 917	\$ 309
Library resources	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Roads, bridges, footpaths, K&G, Drainage	\$ 3,628	\$ 990	\$ -	\$ 50	\$ 4,668	2	\$ 4,668	\$ 4,668	\$ 2,256
Water Infrastructure	\$ 1,373	\$ 738	\$ -	\$ -	\$ 2,111		\$ 2,111	\$ 2,111	\$ 83
Other Assets/Infrastructure	\$ 13	\$ 144	\$ -	\$ 35	\$ 192	3	\$ 192	\$ 192	\$ 35
Stronger Communities Projects	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
IT equipment	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Sewer Infrastructure	\$ 625	\$ 250	\$ 188	\$ -	\$ 1,063		\$ 1,063	\$ 1,063	\$ 32
Loan Repayments (Principal)	\$ 589	\$ -	\$ -	\$ -	\$ 589		\$ 589	\$ 589	\$ -
Total Capital Expenditure	\$ 18,203	\$ 6,335	\$ 2,049	\$ 85	\$ 26,672	12	\$ 26,684	\$ 26,684	\$ 7,314

Notes to Capital Activity Review Statement

Reference	Amount	Commentary	Funding Source
1	\$12K	Budget of \$12K for 7 Defibrillator machines for Council workplaces to be funded from savings in actual worker compensation insurance premium for 2018/19. Actual less than original budget.	Unrestricted cash
2	\$50K	Replacement of kerb and gutter and associated drainage works along north-western side of Russell Street.	Infrastructure reserve
3	\$35K	Budget of \$35K for emergency electrical works at McLeans Beach Caravan Park funded from re-allocation of \$62k originally allocated towards operational works in Waring Gardens	Unrestricted cash

Cash & Investments Budget Review Statement for Edward River Council for the quarter ending 31 December 2018

	Original Budget 18/19 \$'000	Carry Forwards \$'000	Approved Changes		Revised Budget 18/19 \$'000	Variations for this Dec Qtr \$'000	Projected Year End Result \$'000	Actual YTD figures \$'000
			Sept 18 QBRs \$'000s	Other than by QBRs \$'000s				
Unrestricted	\$ 7,543	\$ 1,925	\$ 1,811	\$ -	\$ 11,279	-\$ 124	\$ 11,155	\$ 10,828
Externally Restricted								
Developer Contributions	\$ 39	\$ -	\$ -	\$ -	\$ 39	\$ -	\$ 39	\$ 39
Specific Purpose Unexpended Grants	\$ 1,017	\$ 831	\$ -	\$ -	\$ 187	\$ -	\$ 187	\$ 1,017
Merger Funding	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,465
Water Supplies Fund	\$ 6,978	\$ 738	\$ -	\$ -	\$ 6,240	\$ -	\$ 6,240	\$ 7,751
Sewerage Services Fund	\$ 4,542	\$ 250	\$ 188	\$ -	\$ 4,104	\$ -	\$ 4,104	\$ 6,038
Domestic Waste Management	\$ 1,300	\$ -	\$ -	\$ -	\$ 1,300	\$ -	\$ 1,300	\$ 1,300
EPA Waste	\$ 36	\$ -	\$ -	\$ -	\$ 36	\$ -	\$ 36	\$ 36
Library Fund	\$ 502	\$ -	\$ -	\$ -	\$ 502	\$ -	\$ 502	\$ 394
Business Levy	\$ 30	\$ 30	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 24
Conargo Milestones/ Interpretative	\$ 17	\$ -	\$ -	\$ -	\$ 17	\$ -	\$ 17	\$ 17
Conargo Regional Arts	\$ 3	\$ -	\$ -	\$ -	\$ 3	\$ -	\$ 3	\$ 3
Deniliquin Band Committee	\$ 19	\$ -	\$ -	\$ -	\$ 19	\$ -	\$ 19	\$ 19
Conargo Oval M&R	\$ 20	\$ -	\$ -	\$ -	\$ 20	\$ -	\$ 20	\$ 20
Deniliquin Community Gardens	\$ 3	\$ -	\$ -	\$ -	\$ 3	\$ -	\$ 3	\$ 3
Total Externally Restricted	\$ 14,506	-\$ 1,849	-\$ 188	\$ -	\$ 12,470	\$ -	\$ 12,470	\$ 26,126

Contracts Budget Review Statement for Edward River Council for the quarter ending 31 December 2018

Contractor	Contract detail & purpose	Contract Value	Start Date	Duration of Contract	Budgeted (Y/N)
Precise Build Pty Ltd	Blighty Netball Tennis & Community Sporting Facility	454,515	Nov-18	May-19	Y
Riverina Earthworks Pty Ltd	Reconstruction of Intersection of Barham Rd and Abittoir Rd	387,236	Mar-19	Apr-19	Y
B Green Constructions Pty Ltd	Scotts Park - A Destination Playground	607,272	Feb-19	May-19	Y
Precise Build Pty Ltd	Deniliquin Swim Centre - Change Room and Amenities Refurbishment	397,000	Apr-19	Aug-19	Y

1. Minimum reporting level is 1% of estimated income from continuing operations of Council or \$50,000 - whatever is the lesser.
2. Contracts listed are those entered into during the quarter being reported and exclude contractors on Council's Preferred Supplier list.
3. Contracts for employment are not required to be included.

Consultancy & Legal Expenses Budget Review Statement

Expense	YTD Expenditure (Actual Dollars)	Budgeted (Y/N)
Consultancies	410,953	Y
Legal Fees	32,357	Y

Definition of a consultant:

A consultant is a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by management. Generally it is the advisory nature of the work that differentiates a consultant from other contractors.

Comments

Consultancies above include consultants associated with Merger Stronger Communities projects, asset management planning, the North Depot refurbishment, Rural Residential strategy, Swim Centre works, the Residential Village and airport projects.

Legals include advice related to recovery of a bank guarantee, lease contract preparation and the Ute Muster trade mark

Key Performance Indicators Budget Review Statement for Edward River Council for the quarter ending 31 December 2018

Ratio Description	Target	Original Budget	Projected Budget	Actual YTD
Operating Performance Ratio	Greater than 0	-4.87%	-7.50%	-11.99%
This ratio measures Council's achievement of containing operating expenditure within operating revenue				
Own source operating revenue	Greater than 60%	66.84%	56.11%	65.81%
This ratio shows the degree of reliance on external funding sources such as operating grants and contributions				
Debt Service Cover Ratio	Greater than 2x	10.17	15.94	5.91
This ratio measures the availability of operating cash to service debt including interest and principal repayments				
Cash Expense Cover Ratio	Greater than 3 months	1.61	1.57	4.84
This liquidity ratio indicates the number of months a council can continue paying for its immediate expenses without additional cash inflow.				
Rates, Annual Charges & Interest Outstanding	Less than 10%	7.50%	7.50%	7.88%
This ratio assesses the impact of uncollected rates and annual charges on liquidity and the adequacy of recovery efforts				

Report by Responsible Accounting Officer Budget Review Statement for Edward River Council for the quarter ending 31 December 2018

The following statement is made in accordance with Clause 203(2) of the Local Government (General) Regulations 2005:

It is my opinion that the Quarterly Budget Review Statement for Edward River Council for the quarter ended 31 December 2018 indicates that Council's projected financial position at 30/6/19 will be satisfactory at year end, having regard to the projected estimates of income and expenditure and the original budgeted income and expenditure.

In summary, operational budget movements for the Quarter are as follows:

Opening Operational Budget - As Adopted by Council	\$'000
	(1,264) Deficit
Add:	
September 2018 Qtr Variations	4,391
December 2018 Qtr Variations	(205)
Add:	
Variations Other Than By QBRS	62
September 2018 Qtr Budget Review	-
December 2018 Qtr Movements	-
September 2018 Qtr Movements	-
Capital Budget Movements	-
Reserve Movements	-
Amended Operational Budget	2,984 Surplus

Signed: _____ **date:** 8/03/2019

Rindayi Matienga
Responsible Accounting Officer

11.8 INVESTMENT REPORT AS AT 28 FEBRUARY 2019**Author: Rindayi Matienga, Financial Accountant****Authoriser: Trish Kirkland, Director Corporate Services****RECOMMENDATION**

That Council:

1. Note and receive the Report on Investments totaling \$48,811,152 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of February 2019 was \$73,596.
3. Note that accrued interest earned to 28 February 2019 but not yet received was \$321,127.

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 28 February 2019, Council had a total of \$48,811,152 in invested funds and cash at bank. This balance does not include unrepresented receipts or cheques. Total funds increased by \$7,306,264 during the month of February because of receipts for rates, water and sewer instalments and grants for stronger communities and financial assistance.

Interest received from investments during the month of February 2019 was \$73,596 consisting of \$13,910 for on-call/ bank accounts and \$59,686 for term deposits. Year to date interest received to 28 February 2019 for Edward River Council is \$717,590. Accrued interest of \$321,127 has been earned to 28 February 2019 but is not yet received as these investments mature in later months. Council's average interest rate is 2.27%, which is 0.40% above the 3-month BBSW rate of 1.87%.

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

ISSUE/DISCUSSION

At 28 February 2019 Council investments had a carrying value of \$48,811,152 as detailed in the attachment.

The cash and investment balance is restricted as follows:

Internal Restrictions

Infrastructure replacement	\$ 3,112,631
Plant replacement reserve	\$ 1,798,670
Recreation reserves/villages	\$ 1,113,000
Employee entitlements	\$ 692,727
Land Development Fund	\$ 400,000
Airport Development	\$ 291,447
Deposits, retentions and bonds	\$ 229,831
Other internal reserves	\$ 762,235
Total Internal Restrictions	\$ 8,400,541

External Restrictions

Water supplies fund	\$ 8,815,972
Sewerage services fund	\$ 6,480,932
Tip remediation	\$ 1,300,000
Unexpended Merger funds	\$ 13,448,757
Other unexpended grant funds	\$ 1,053,717
Library fund	\$ 469,511
Other external reserves	\$ 138,234
Total External Restrictions	\$ 31,707,123

Unrestricted Funds \$ 8,703,488

Total Funds \$ 48,811,152

The Total Funds above are held between the General, Water and Sewer funds as follows:

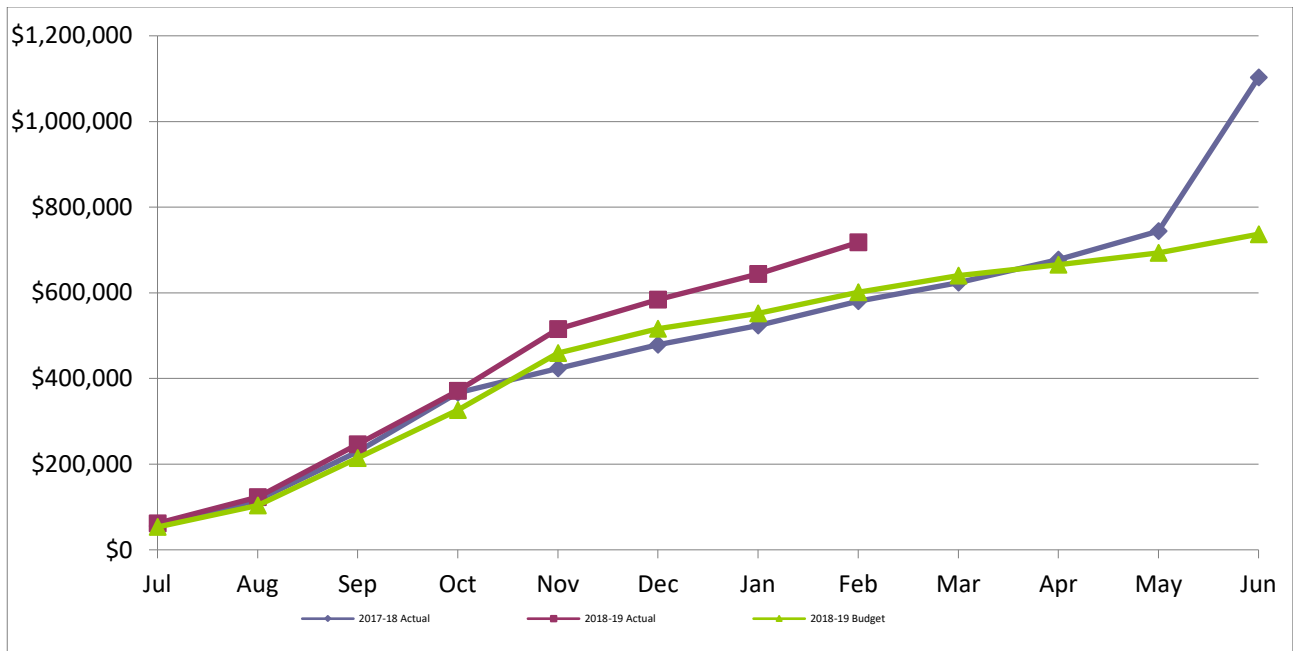
Fund Name	Bank and Investments	Percentage
General	\$ 33,514,249	68.66%
Water	\$ 8,815,972	18.06%
Sewer	\$ 6,480,932	13.28%
Total Funds	\$ 48,811,152	100.00%

Investments matured during February 2019

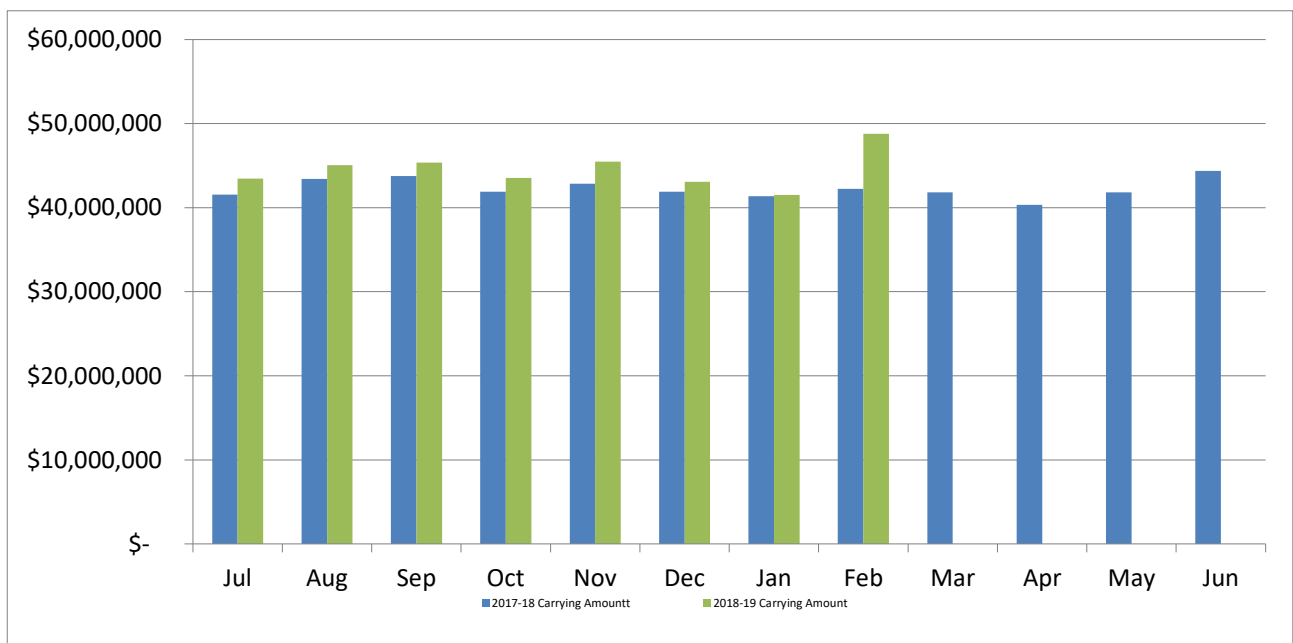
Matured/ Redeemed Investments

Financial Institution	Date Invested	Maturity Date	Days	Interest Rate	Amount	Actual Interest Received	Action Taken
Feb-19							
ME Bank	13-Nov-18	14-Feb-19	93	2.60%	1,000,000	6,624.66	Rolled over for 3 months @ 2.70%
Bendigo and Adelaide Bank	17-Jun-18	19-Feb-19	247	2.80%	500,000	9,472.39	Rolled over for 6 months @ 2.70%
Defence Bank	25-Sep-18	26-Feb-19	154	2.60%	500,000	5,484.93	Rolled over for 11 months @ 2.80%
AMP	27-Jun-18	26-Feb-19	244	2.85%	1,000,000	19,052.05	Rolled over for 8 months @ 2.80%
AMP	27-Jun-18	26-Feb-19	244	2.85%	1,000,000	19,052.05	Rolled over for 9 months @ 2.80%
					4,000,000.00	59,686.08	

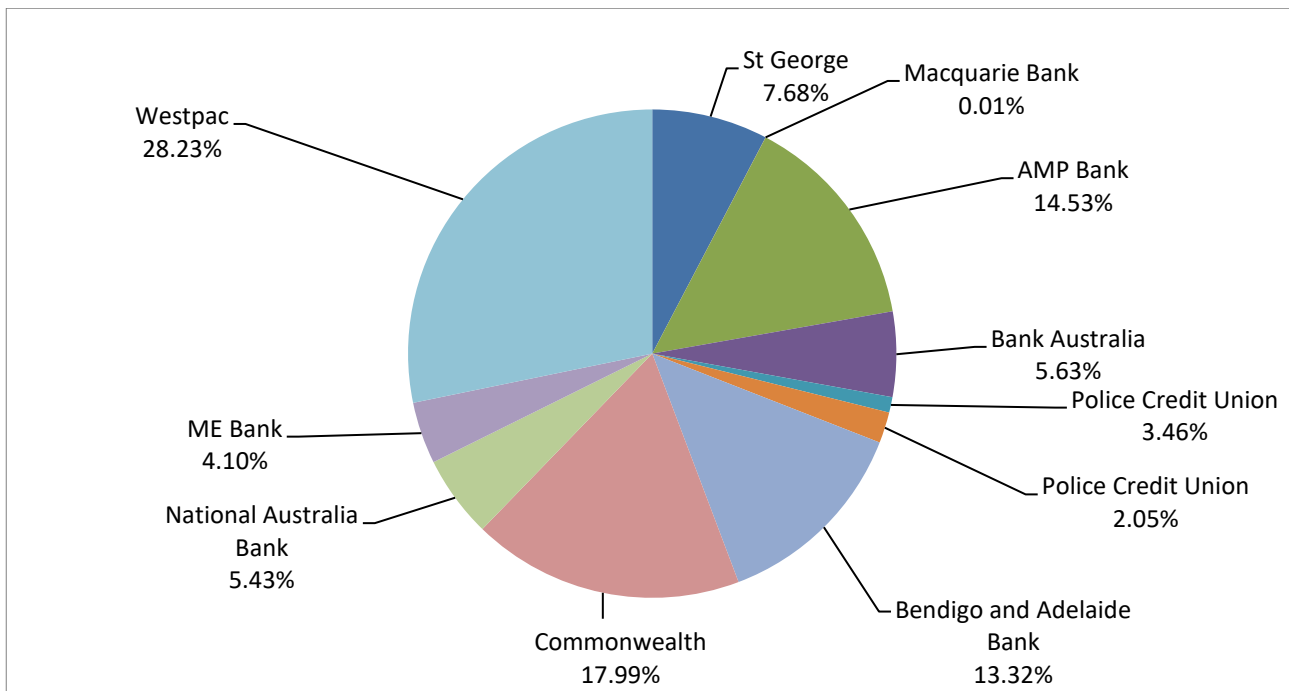
Actual year to date investment revenue earned



Total funds invested



Cash and investments total breakup by institution



Summary for cash at the bank for day to day operations as follows:

Cash Summary

Opening cash book balance	\$ 3,313,600
Plus receipts	\$17,603,665
Less payments	<u>\$18,085,966</u>
Cash book balance as at 28 February 2019	<u>\$ 2,831,299</u>

Statement Summary

Opening statement balance	\$ 3,611,087
Plus receipts	\$ 9,929,249
Less payments	\$10,520,724
Bank statement balance as at 28 February 2019	\$ 3,019,612
Plus unrepresented receipts	\$ 166,260
Less unrepresented payments	<u>\$ 354,573</u>
Reconciliation balance as as 28 February 2019	<u>\$ 2,831,299</u>

STRATEGIC IMPLICATIONS

Investments have been made in accordance with Council’s investment policy, which was adopted on 20 December 2018.

COMMUNITY STRATEGIC PLAN

This report aligns with Outcome 5 – A community working together to achieve its potential and will assist to achieve the target ‘Our local government is efficient, innovative and financially sustainable’.

FINANCIAL IMPLICATIONS

Investments are managed to maximise returns while ensuring adequate cash flow to meet upcoming commitments.

Under Council's investment policy, investments are made with a range of banks, with Council funds invested with a single institution not going above a percentage of the total portfolio as follows:

40%	A1+ rated institutions
20%	A1 rated institutions
10%	A2 rated institutions
\$250,000	Unrated authorized deposit taking institutions

LEGISLATIVE IMPLICATIONS

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

ATTACHMENTS

1. Investment Report Attachment 28 February 2019

Schedule of Investments									
This Report is at date 28-February-2019									
Financial Institution	Account No.	Rating at End of Month (S&P)	Date Invested	Maturity Date	Days	Rate	Face Value Amount	% of Portfolio	Estimated Interest
On-Call/ CMT Accounts									
Westpac Business Cheque Plus Account	032-870 16-6545	A1+	N/a	N/a	365	0.01%	2,392,140.76	4.90%	Monthly
Westpac Business Cash Reserve	032-870 17-9231	A1+	N/a	N/a	365	0.70%	2,250,000.00	4.61%	Monthly
Westpac 31 Day Notice Account	032-870 23-2696	A1+	N/a	N/a	365	2.50%	2,138,274.15	4.38%	Monthly
Commonwealth Bank General Fund	062-533 000 000 10	A1+	N/a	N/a	365	0.00%	627,471.28	1.29%	Monthly
Commonwealth Bank Business On Line Acc	062-533 101 511 17	A1+	N/a	N/a	365	0.60%	8,155,844.33	16.71%	Monthly
NAB Business Cheque Account	89-575-7273	A1+	N/a	N/a	365	0.00%	149,957.98	0.31%	Monthly
Macquarie Bank - Rates	3005-79778	A1+	N/a	N/a	365	0.00%	3,358.40	0.01%	Monthly
Macquarie Bank - Water	2643-18940	A1+	N/a	N/a	365	0.00%	197.81	0.00%	Monthly
AMP Business Saver Account	939-200 164957532	A1+	N/a	N/a	365	1.80%	2,093,907.46	4.29%	Monthly
Total Oncall/ CMT Accounts							17,811,152.17	36.49%	
Term Deposits									
St George	354032747	A1+	04-Sep-18	04-Apr-19	212	2.45%	1,250,000.00	2.56%	17,787.67
St George	354775348	A1+	02-Oct-18	03-Sep-19	336	2.60%	1,500,000.00	3.07%	35,901.37
St George	356833530	A1+	13-Dec-18	13-Dec-19	365	2.80%	1,000,000.00	2.05%	28,000.00
Westpac	033-621 357900	A1+	27-Nov-18	27-Aug-19	273	2.55%	1,000,000.00	2.05%	19,072.60
Westpac	033-621 243053	A1+	27-Nov-18	24-Sep-19	301	2.55%	1,000,000.00	2.05%	21,028.77
Westpac	033-621 357900	A1+	27-Nov-18	29-Oct-19	336	2.55%	1,000,000.00	2.05%	23,473.97
Westpac	032-870 22-6835	A1+	30-Oct-18	29-Oct-19	364	2.40%	500,000.00	1.02%	11,967.12
Westpac	032-870 22-2287	A1+	16-Oct-18	20-Aug-19	308	2.70%	1,500,000.00	3.07%	34,175.34
Westpac	032-870 22-8830	A1+	10-Jul-18	12-Mar-19	245	2.49%	1,000,000.00	2.05%	16,713.70
Westpac	032-870 23-4616	A1+	27-Nov-18	30-Jul-19	245	2.55%	1,000,000.00	2.05%	17,116.44
National Australia Bank	24-710-0644	A1+	25-Jan-19	23-Dec-19	332	2.69%	500,000.00	1.02%	12,233.97
National Australia Bank	31-162-5542	A1+	08-Aug-18	09-Apr-19	244	2.65%	1,000,000.00	2.05%	17,715.07
National Australia Bank	31-162-5542	A1+	23-Nov-18	26-Jun-19	215	2.66%	1,000,000.00	2.05%	15,668.49
Total A1+ Deposits							13,250,000.00	27.15%	
AMP Bank	085241479-427214	A1	23-Oct-18	23-Jul-19	273	2.75%	1,000,000.00	2.05%	20,568.49
AMP Bank	286870456-429501	A1	28-Aug-18	30-Jul-19	336	2.80%	1,000,000.00	2.05%	25,775.34
AMP Bank	933904831-467929	A1	04-Dec-18	04-Sep-19	274	2.70%	1,000,000.00	2.05%	20,268.49
AMP Bank	TD078224490	A1	26-Feb-19	29-Oct-19	245	2.80%	1,000,000.00	2.05%	18,794.52
AMP Bank	TD825824923	A1	26-Feb-19	26-Nov-19	273	2.80%	1,000,000.00	2.05%	20,942.47
Total A1 Deposits							5,000,000.00	10.24%	
Bendigo and Adelaide Bank	2112060	A2	04-Sep-18	05-Mar-19	182	2.60%	1,000,000.00	2.05%	12,964.38
Bendigo and Adelaide Bank	105306781	A2	04-Dec-18	06-Nov-19	337	2.73%	1,000,000.00	2.05%	25,205.75
Bendigo and Adelaide Bank	157745555/157745696	A2	21-Aug-18	19-Mar-19	210	2.65%	500,000.00	1.02%	7,623.29
Bendigo and Adelaide Bank	157745894	A2	19-Feb-19	19-Aug-19	181	2.70%	500,000.00	1.02%	6,694.52
Bendigo and Adelaide Bank	157745951/157746033	A2	17-Jun-18	19-Mar-19	275	2.83%	1,000,000.00	2.05%	21,321.92
Bendigo and Adelaide Bank	157746082/157746124	A2	17-Jun-18	23-Apr-19	310	2.83%	1,000,000.00	2.05%	24,035.62
Bendigo and Adelaide Bank	157746140/157746199	A2	17-Jun-18	21-May-19	338	2.83%	1,000,000.00	2.05%	26,206.58
Bendigo and Adelaide Bank	157746223	A2	17-Jun-18	18-Jun-19	366	3.15%	500,000.00	1.02%	15,793.15
Bank Australia	313-140 138363486	A2	16-Jul-18	18-Jun-19	337	2.85%	1,000,000.00	2.05%	26,313.70
Bank Australia	313-140 138364459	A2	16-Oct-18	16-Apr-19	182	2.80%	750,000.00	1.54%	10,471.23
Bank Australia		A2	02-Oct-18	01-Oct-19	364	2.85%	1,000,000.00	2.05%	28,421.92
ME Bank (RIM)	11379100	A2	14-Feb-19	21-May-19	96	2.70%	1,000,000.00	2.05%	7,101.37
ME Bank (RIM)	11379100	A2	08-Aug-18	07-May-19	272	2.75%	1,000,000.00	2.05%	20,493.15
Defence Bank Limited	171548852	A2	26-Feb-19	28-Jan-20	336	2.80%	500,000.00	1.02%	12,887.67
Total A2 Deposits							11,750,000.00	24.07%	
Police Credit Union	72668	NR	28-Aug-18	28-May-19	273	2.80%	1,000,000.00	2.05%	20,942.47
Total Non Rated Deposits							1,000,000.00	2.05%	
Average Interest Rate						2.27%	48,811,152.17	100.00%	643,680.55

11.9 TOWN PLANNING POLICY 5.10 BONDS AND DEVELOPER CONTRIBUTIONS**Author:** Julie Rogers, Manager Environmental Services**Authoriser:** Adam McSwain, General Manager**RECOMMENDATION**

That Council repeal Town Planning Policy 5.10 Bonds and Developer Contributions.

BACKGROUND

Town Planning Policy 5.10 Bonds and Developer Contributions (attachment 1) was a policy held by the former Deniliquin Council relating to the use of bonds for managing the construction of infrastructure and the deferred payment of contributions for development. This report proposes that the policy be repealed.

ISSUE/DISCUSSIONPayment of Bonds

The policy allows for a cash payment or bank guarantee to Council as an alternative to undertaking the construction of infrastructure required (usually) for a subdivision and the requirement for the payment of maintenance bonds following construction of infrastructure to cover any possible failure in this work.

Subdivision consents will typically have conditions of consent requiring the construction of infrastructure particularly infrastructure that will become a Council asset (eg roads, sewer, water, drainage). In some cases it may not be practical to construct the works prior to the release of a subdivision certificate as the deferment of works will may result in improved community outcomes through co-ordination with other works. An example of this maybe that Council's capital works program may include infrastructure to be constructed (and that construction is imminent) that the proposed subdivision maybe able to connect to. The payment of the bond may be appropriate in this situation as it would secure the construction of the infrastructure and allow the release of the subdivision certificate (provided all other conditions of consent have been complied with). Any bond is required to be the value of the works plus 30%. The bond is returned to the developer once the works are completed to the satisfaction of Council. If the developer does not complete the works within the agreed timeframe, Council will complete the works and recover the costs from the bond monies.

A maintenance bond is paid to Council prior to practical completion of infrastructure works. This bond is 5% of the total contract price for the construction of the infrastructure works or \$500 whichever is greater. The bond is held by Council for a period of 6 months which is known as the 'defects liability period' and is used to cover any infrastructure failures during this period. If maintenance works completed during this period exceed the value of the bond then Council invoices the developer for the difference in the cost.

Payment of Contributions

The policy allows for developer contributions to be paid by instalments over a maximum period of 3 years with interest being charged on balances owing at the statutory rate until paid in full. Once this 'agreement' is in place, it can allow for the release of the subdivision certificate provided all other conditions of the development consent have been complied with.

Policy Review

The content of this policy in relation to bonds is more suitably placed as conditions or advisory notes on development consents. The requirement for a maintenance bond is already used as a condition of consent where appropriate. The use of bonds to secure the construction of infrastructure can be included, where appropriate, as an advisory note on a consent. This note has been drafted and incorporated into Council's standard condition template.

It is proposed that the arrangement for the payment of contributions be removed as an option for payment. Since the introduction of this policy, no developer has taken this option to pay contributions. Contributions are required to be paid prior to the release of the subdivision certificate as this ensures that Council receives the payment and ensures that Council does not have to engage in any enforcement action to recover a debt. Payments of contributions by not for profit organisations are considered under Council's Policy 'Headworks Charges Not for Profits Organisations' Policy.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

Repeal of this policy is consistent with target 4.1 being 'our built environment is managed, maintained and improved'.

FINANCIAL IMPLICATIONS

There are no immediate financial implications for Council if the policy is repealed.

LEGISLATIVE IMPLICATIONS

Nil.

ATTACHMENTS

1. **Town Planning Policy 5.10 Bonds and Developer Contributions**



DENILIKVIN COUNCIL

BONDS AND DEVELOPER CONTRIBUTIONS

POLICY NO: Town Planning 5.10

DEPARTMENT: ENVIRONMENTAL SERVICES

OBJECTIVES:

Bonds

To allow developers, subject to mutual agreement between the developer and Council, to deposit a monetary payment or bank guarantee to Council as an alternative to undertaking engineering works required for a subdivision.

Developer Contributions

To allow developers subject to mutual agreement between the developer and Council, to enter into an agreement for deferred payment arrangements for developer contributions.

POLICY:

When will subdivision bonds be accepted by Council

Where Council determines it is not practical to physically construct works and that the deferment of works will result in improved community outcomes through co-ordination with other works, or there are other legitimate grounds, Council may consider the lodgement of a bond equivalent to the full cost of construction of the works.

Council may consider a bank guarantee or a cash bond equivalent to the full cost of construction of the works plus thirty (30) percent. Bank guarantees must not have expiry dates.

How to apply to bond engineering works associated with a subdivision

To apply to bond works associated with a subdivision the developer is required to apply in writing to the Council detailing the works required to be bonded and the reasons why the works cannot be carried out. The application is required to include two quotes from independent contractors on their company letterhead, two copies of approved engineering plans (construction certificate) detailing the location, dimensions and materials of the proposed bonded works, and the date by which the work to be bonded will be completed. Council will consider the date the developer has requested to complete the work and determine if the time frame is appropriate.

At what stage can the bond be paid to Council

Once the application for a bond has been received, Council will advise the developer in writing whether their application has been approved or refused including any conditions of approval.





DENILIKUIN COUNCIL

The bond is to be paid to Council prior to the release of the subdivision certificate.

Requirement for Maintenance Bonds

The developer is required to lodge a maintenance bond with Council prior to the practical completion of the engineering works. This will be a condition of any consent which involves engineering works.

The maintenance bond will be five (5) per cent of the total contract price of the engineering works associated with the subdivision or five hundred (500) dollars whichever is greater. The developer is to submit a copy of the successful quote/s for the works in order for Council to calculate the cost of the maintenance bond. Council has the right to review the submitted quotes if they do not appear to be of a realistic value.

Details of the maintenance bond paid and due dates of release will be entered into a register held by Council.

Refund of Bonds

Maintenance Bonds

Maintenance bonds will be held by Council for a period of six (6) months, after which will be refunded to the developer providing no maintenance was required. If maintenance was required within the six (6) month period, the balance of the bond, if any, will be refunded. If maintenance work has been carried out which exceeds the bond amount held, Council will send out a debtor account for the difference in cost to the developer.

To claim a refund of the maintenance bond the developer is required to apply in writing and submit a copy of the maintenance bond receipt as proof of payment.

Bonds for Subdivision Works

Applications for bonds for subdivision works are required to specify the date by which the work will be completed. If the work is not completed in the set timeframe, Council staff or contractors may enter onto the land, complete the works, and recover the costs from the bond monies. Once the work has been completed, the balance of the bond, if any, will be refunded.

To claim a refund of a bond paid for subdivision works the developer is required to apply in writing and submit a copy of the bond receipt as proof of payment.

Deferred payment arrangements for developer contributions

Council may consider entering into an agreement for deferred payment arrangements for developer contributions.





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Developer contributions required under any Council policy can be paid in full or by instalments over a maximum period of three (3) years. Interest will be charged on balances owing at the statutory rate until paid in full.

All deferred payment arrangements/agreements must be in writing between the Council and the developer.

RELATED POLICIES/DOCUMENTS:
 Technical Services Policy 4.12 – General Standard for Engineering Works

Date Approved	Revision No.	By Whom
23/4/14	-	Council Min 85/14



11.10 ENVIRONMENTAL HEALTH POLICY 7.3 - DISABLED ACCESS AND MOBILITY

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council repeal Environmental Health Policy 7.3 – Disabled Access and Mobility.

BACKGROUND

A review of the Environmental Health Policy 7.3 Disabled Access and Mobility (attachment 1) from the former Deniliquin Council has been completed. It is recommended to Council that the policy be repealed.

ISSUE/DISCUSSION

The policy makes a number of statements in relation to access for people with a disability. The policy is not required as access for people with a disability are covered by a number of pieces of legislation and Australian Standards. Council also has a disability inclusion action plan which makes a number of recommendations which defines strategies and provides a framework to promote inclusion and equity for people with a disability. In addition to this Council has established an access committee.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

There are currently a number of legislative requirements that promote inclusion and equity for people with a disability.

ATTACHMENTS

1. Environmental Health Policy 7.3 - Disabled Access and Mobility



DENILIQVIN COUNCIL

DISABLED ACCESS AND MOBILITY

POLICY NO: Environmental Health – 7.3

RESPONSIBLE OFFICER: Health & Building Services Manager

OBJECTIVE:

To ensure that the Municipality is an accessible community to all people, regardless of their disabilities or abilities.

POLICY:

1. No person who lives, works in or visits the municipality or their associates shall be denied access to any local government facilities or services on the grounds of disability or disadvantage.
2. Existing facilities operated by Council shall, where possible be progressively modified to improve accessibility and in turn mobility.
3. Council, shall, where possible, make available its resources to groups or individuals in the municipality to assist in community education and the integration of people with disabilities into all aspects of life in the community.
4. Access and egress for all new developments are to be provided in accordance with the requirements of the Building Code of Australia.
5. Council is to ensure compliance with the Disability Discrimination Act 1992 were applicable.
6. Any matters of concern regarding disabled access are to be forwarded to Deniliquin Access and Mobility Group for comment and recommendations.



**DENILIQVIN COUNCIL****RELATED POLICIES/DOCUMENTS:**

Date Adopted	Revision No	Minute No
25 July 2001		215/01
23 July 2008	1	287/08



11.11 ENVIRONMENTAL HEALTH POLICY 7.4 - NO SMOKING POLICY (PUBLIC PLACES AND COUNCIL OWNED LAND)

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council repeal the Environmental Health Policy 7.4 No Smoking Policy (Public Places and Council Owned Land).

BACKGROUND

A review of the former Deniliquin Council Environmental Health Policy 7.4 – No Smoking Policy (Public Places and Council Owned Land) has been completed (attachment 1). It is recommended to Council that the policy be repealed.

ISSUE/DISCUSSION

The policy has a number of actions which are covered by the Smoke-free Environment Act 2000 which is administered by NSW Health or are the primary responsibility of NSW Health (eg education campaigns). Council as the owner and manager of properties and an employer has responsibilities to comply with the Smoke-free Environment Act 2000 and has a policy relating to the smoke free workplace.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Council does have the ability to erect notices under section 632 (acting contrary to notices erected by Council) of the Local Government Act (similar to alcohol free zones) should it want to prevent smoking in a certain area which are not covered by the Smoke-free Environment Act 2000 which would then be the responsibility of Council to enforce. This would not necessarily need to be supported by a policy.

ATTACHMENTS

1. **Environmental Health Policy 7.4 No Smoking Policy (Public Places and Council Owned Land)**



DENILIQUN COUNCIL

NO SMOKING POLICY – PUBLIC PLACES AND COUNCIL OWNED LAND

POLICY NO: Environmental Health - 7.4

RESPONSIBLE OFFICER: Health & Building Services Manager

OBJECTIVE:

To lead the community towards a safer and healthier smoke-free environment.

POLICY:

- A. In the interests of providing a smoke-free environment, Council will discourage smoking in all public places and Council controlled land, in particular places used for recreation and places used by children.
- B. Council will declare smoke-free zones in the following areas:
 - 1. Within 10 metres of all children's play areas and facilities for the use of children.
 - 2. All playing fields, sporting grounds, recreation reserves, beaches and foreshore reserves.
 - 3. Footpath areas within 5 metres of the entrances to Council buildings.

“Smoke-free zone” means part of an outdoor area in which smoking is not permitted. The smoke-free zone will be identified by the presence of one or more signs displaying the phrase “smoke-free zone”. Smoking means smoking, holding or otherwise having control over an ignited smoking product. Smoking product includes any tobacco or other product that is intended to be smoked.

- C. Council will pursue declaration of smoke-free zones within footpath dining areas in all new or renewed licence agreements as required under Section 68 of the Local Government Act 1993.





DENILIQUN COUNCIL

- D. Council will work with sporting clubs and community groups using Council outdoor areas to promote this policy and to adopt NSW Health's "Smoke-Free NSW" programs including:
1. Banning smoking by minors at club activities.
 2. Banning coaches and club officials from smoking at club activities including coaching and training.
 3. Banning smoking by club members and team members at all club activities including training sessions.
 4. Requiring team meetings on the field or during breaks to be smoke-free.
 5. Banning sale of tobacco products at club facilities or events.
 6. Erecting and maintaining appropriate notices and signs to educate, warn and enforce the bans.
- E. Council will undertake, on its own account or in conjunction with State and Commonwealth Health authorities, education campaigns on this issue for the benefit of residents and visitors.
- F. Council will supply, upon request, to each delegated committee or association occupying or otherwise using a Council controlled property, sufficient signs to advise users of the smoking ban.
- G. Erect and maintain suitable signage prohibiting smoking at all relevant locations in order to:
1. educate and warn persons of the prohibition
 2. enforce the prohibition, and
 3. highlight the adverse environmental and public health issues associated with smoking,

Authority and Enforcement

Council has created this policy in accordance with Division 8 of the Local Government Act 1993 and the relevant provisions of the Smoke Free Environment Act 2000.

Under Section 632 of the Local Government Act 1993 – *“Acting contrary to notices erected by councils”* –

- (1) A person who, in a public place within the area of a Council, fails to comply with the terms of a notice erected by the Council is guilty of an offence.
Maximum penalty: 10 penalty units.





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- (2) The terms of any such notice may relate to any one or more of the following:
- a) the payment of a fee for entry to or the use of the place
 - b) the taking of a vehicle into the place
 - b1) the driving, parking or use of a vehicle in the place
 - c) the taking of any animal or thing into the place
 - d) the use of any animal or thing in the place
 - e) the doing of any thing in the place
 - f) the use of the place or any part of the place

RELATED POLICIES/DOCUMENTS:

Date Adopted	Revision No	Minute No
12 March 2008		91/08
23 July 2008	1	287/08



11.12 DRAFT COMPLIANCE AND ENFORCEMENT POLICY

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council exhibit the draft Compliance and Enforcement Policy, attachment two, for a period of 28 days and receive a further report upon completion of the exhibition period.

BACKGROUND

A review of the former Deniliquin Council Enforcement Policy has been completed. Attachment 1 is the existing policy and Attachment 2 is the draft policy.

ISSUE/DISCUSSION

The former Deniliquin Council policy is based on the NSW Ombudsman's 'Enforcement Guidelines for Councils' (2002). The draft policy has been based on the 2015 version of the same document.

The draft policy reflects Council's current practice when dealing with compliance and enforcement matters and includes enforcement principles to guide Council. The main parts of the draft policy are:

- Responding to concerns about unlawful activity;
- Investigating alleged unlawful activity;
- Taking enforcement action;
- Options for dealing with confirmed cases of unlawful activities;
- Taking legal action; and
- Shared enforcement responsibilities.

It is recommended to Council that the draft policy be placed on exhibition for a period of 28 days and receive a further report upon completion of the exhibition period.

STRATEGIC IMPLICATIONS

The review of this policy will form a part of a trio of interrelated documents being the Code of Conduct, Compliance and Enforcement Policy and a Complaints Management Policy.

COMMUNITY STRATEGIC PLAN

The review of this policy satisfies action 1 'a great place to live'.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Nil.

ATTACHMENTS

1. Deniliquin Council - Enforcement Policy
2. Draft Compliance and Enforcement Policy



DENILIQVIN COUNCIL

ENFORCEMENT POLICY

Adopted 12 March 2008
Minute No. 89/08

DENILIQVIN COUNCIL ENFORCEMENT POLICY

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1. PREFACE

Deniliquin Council is involved in a broad range of regulatory activities. In recognition of the increase in the regulatory role of all Councils, the NSW Ombudsman in June 2002 published "Enforcement Guidelines for Councils" including a Model Enforcement Policy. That model Enforcement Policy forms the basis of this Deniliquin Council Policy.

The Enforcement Policy reflects the need for a transparent decision making process of Council authorised officers to be carried out in an efficient, fair and consistent manner having regard to all the circumstances. The inclusion of Appendices A and B at the rear of the policy can be interpreted as a guide to indicate the relative level of seriousness of some offences and therefore, from a consistency viewpoint, to determine whether or not the Council may issue a warning prior to some level of formal action.

2. TITLE

Deniliquin Council Enforcement Policy.

3. PURPOSE

The purpose of this policy is to:

- Enable the Council to acknowledge its obligation under Section 8 of the Local Government Act 1993 to ensure that the regulatory powers are carried out in a consistent manner and without bias, and
- Provide a proactive policy statement regarding the enforcement of compliance with legislation and/or condition/s of development consent, and
- Foster prompt, consistent and effective action by the Council in response to allegations of unlawful activity whilst ensuring that the principles of natural justice are respected.

4. POLICY OBJECTIVES

The aim of this policy is to establish clear guidelines for the exercise of discretion in dealing with proactive regulatory action by the Council and customer service requests or complaints about unlawful activity. It provides workable guidelines on:

- (1) How to assess whether complaints of unlawful activity require investigation;
- (2) Options for dealing with unlawful activity;
- (3) How to decide whether enforcement action is warranted.

5. ENFORCEMENT PRINCIPLES

Deniliquin Council is committed to: -

- (1) Acting in the interest of protecting community health / safety and or the environment;

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- (2) Acting consistently, fairly and impartially;
- (3) Preventing discrimination on the basis of race, religion, sex, national origin, political association or other personal reason/s;
- (4) Ensuring the proposed enforcement action is in keeping with the relative severity of the offence/s;
- (5) Ensuring enforcement action is taken against the right person for the correct offence;
- (6) Ensuring that any actual or potential conflict of interest situations are managed in a fair, consistent and impartial manner;
- (7) Disclosing all evidence relevant to the alleged offence/s;
- (8) Assisting the Court by providing all necessary information whether or not that information is in favour of the Council case;
- (9) Issuing cautions to the alleged offender/s, where necessary;
- (10) Making cost effective decisions concerning enforcement action having regard to the likely outcome at court;
- (11) Ensuring action is instigated within the specified time limits.

6. APPLICATION

This policy applies to the investigation and enforcement of complaints about unlawful activity or failure to comply with the terms or conditions of approvals and orders. While primarily directed at the regulation of development activity, the policy is also applicable to pollution control, regulation of parking, animal control, unauthorized development including buildings, non-compliance with development consent conditions, food safety, public health and safety issues.

7. RESPONSIBILITY

All Council staff who deal with the proactive enforcement of relevant legislation in addition to written and verbal action requests or complaints alleging unlawful activity are responsible for implementing these policy guidelines. All notifications of alleged unlawful activity should be appropriately recorded by the Council Staff or Council.

8. DEFINITIONS

“Unlawful activity” is any activity or work that has been or is being carried out:

- (1) Contrary to the terms or conditions of development consent, approval, permission or other written authorisation from the Council;
- (2) Contrary to an environmental planning instrument that regulates the activities or work that can be carried out on particular land;
- (3) Contrary to a legislative provision regulating a particular activity or work;
- (4) Without a required development consent, approval, permission or the like;
- (5) Contrary to New South Wales legislation for which the Council is the appropriate regulatory authority.

9. INVESTIGATING UNLAWFUL ACTIVITIES

All complaints and matters regarding unlawful activities will be reviewed to determine whether the matter requires enquiry or investigation. Further enquiries/investigation will not be initiated where:

- (1) The matter has already been investigated and resolved, or
- (2) The Council has no jurisdiction (for example, NSW WorkCover issues on building sites or amusement devices or an internal matter within strata buildings or where the Department of Environment and Climate Change is the Appropriate Regulatory Authority etc), or
- (3) The activity is determined to be lawful without an investigation. In considering whether a complaint will warrant enquiry or investigation the Council will consider a range of factors. These include:
 - a) Is the matter within the jurisdiction of the Council?
 - b) Is the complaint premature e.g. does it relate to some unfinished aspect of work that is still in progress?
 - c) Is the activity or work permissible with or without consent?
 - d) If the activity is permissible with consent, is there a consent in place?
 - e) Is it possible to determine from the information available to the Council whether the activity or work is permissible without consent and/or whether all conditions of consent are being complied with?
 - f) Is the complaint trivial, frivolous or vexatious?
 - g) Has too much time elapsed since the events the subject of the complaint took place?
 - h) Is there another body that is a more appropriate agency to investigate and deal with the matter?
 - i) Is the activity having a significant detrimental effect on the environment, or does it constitute a risk to public safety?
 - j) Does the complaint indicate the existence of a systemic problem e.g. if the complaint is one of a series; could there be a pattern of conduct or a more widespread problem?
 - k) Is there a history of related complaints against this person or organisation?
 - l) Does the complaint have special significance in terms of the priorities of the Council?
 - m) Are there significant resource implications in relation to an investigation and any subsequent enforcement action?
 - n) Is it in the public interest to investigate the complaint?
 - o) The effective use of resources having regard to the circumstances of the case.

If a decision is made not to investigate a complaint, this decision must be recorded with the reasons for that decision and the complainant so advised.

10. RESPONDING TO COMPLAINTS

Every effort will be made to ensure that all Customer Service Requests or complaints about alleged unlawful activity are actioned within the 'service standard' time allowed for resolving the complaints as dictated under the terms and conditions of the Deniliquin Council Customer Service Charter.

Action will be instigated within the following time frames:

Urgent and life threatening matters should be actioned as soon as possible following receipt of the complaint. Examples include unsafe building works, dangerous awnings, collapsed building/wall, serious pollution, food safety issues and public health and safety matters, etc.

As a guide these matters should be dealt with on the day of the receipt of a complaint.

General compliance matters will be dealt with on a priority basis having regard to the relative seriousness of the matter. These examples include works not in accordance with consent or construction without consent, illegal use, noise and food complaints.

Nuisance matters should be actioned within seven working days; examples include domestic noise matters, minor non-compliance such as overgrown land or other matters in which there are no likely immediate health or safety implications

Note that response times may vary depending on staff and other resources. However the Council will acknowledge the complaint and keep the complainant informed in accordance with the service standards of the Council.

CONFIDENTIALITY OF COMPLAINANTS

The Council will respect the privacy and confidentiality of information received. However due to its statutory obligations and other requirements, confidentiality cannot always be guaranteed. In cases where the release of information is considered to be necessary the person who made the complaint will be consulted before such a decision is made.

The complainant's identity may be disclosed where:

- the person consents in writing to the disclosure of that information; or
- the principles of natural justice dictate that information be disclosed to the person who is the subject of the complaint, which may enable the complainant to be identified; or
- the Council is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively.

11. OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITIES

The Council will try to use the quickest and most effective option to deal with unlawful activity wherever possible unless there is little likelihood of compliance with such options.

Approaches to be considered will include:

- (1) Referring the complaint to an external agency for further investigation or prosecution.
- (2) Taking no action on the basis of a lack of evidence or for some other appropriate reason.
- (3) Counselling the subject of the investigation to educate them on the relevant Council requirements.
- (4) Negotiating with the subject of the investigation and obtaining some undertakings to address the issues of concern arising from the investigation e.g. an application for modification of development consent.
- (5) Referring the parties for mediation with the Community Justice Centre or alternatively for private mediation.
- (6) Issuing a letter requiring work to be done or activity to cease in lieu of more formal action.
- (7) Issuing a notice of intention to serve an order or notice under relevant legislation, followed by service of an appropriate order, (under the Local Government Act (LG Act) Sect. 124-128, Environmental Planning & Assessment Act (EP&A Act) Sect. 121B, and the Protection of the Environment Operations Act (POEO Act) Pts 4.2-4.4 and 8.6).
- (8) Issuing a notice requiring work to be done under various legislation.
- (9) Starting proceedings in the Land & Environment Court for an order to remedy or restrain a breach of the relevant Act or Regulation (Sect.673 LG Act; Sect.123 EP&A Act).
- (10) Seeking injunctions from the Land & Environment Court or the Supreme Court.
- (11) Issuing a Court Attendance Notice in the local court.
- (12) Issuing a penalty infringement notice.
- (13) Taking proceedings for an offence against the relevant Act or Regulation (s. 691 LG Act, Sect.125 EP&A Act, Chapter 5 POEO Act).
- (14) Carrying out the works specified in an order under the LG or EPA Act at the cost of the person served with the order.

All enforcement action will be monitored and a decision made in relation to non-compliance within 2 weeks (14 days) of any deadline imposed.

12. TAKING ENFORCEMENT ACTION

From an operational perspective the Council has a range of enforcement options including, but not limited to the following:

- (1) The issuing of a verbal warning;
- (2) The issuing of a written warning;
- (3) The issuing of a "show cause" letter;

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- (4) The service of a Notice of Intention to issue an Order;
- (5) The service of written or oral Notices/ Orders/ Directions;
- (6) The issuing of a penalty infringement notice/s;
- (7) The recommendation to instigate legal action;
- (8) The waiving of certain fees and the granting of an extension of time for compliance;
- (9) The revocation of an approval;
- (10) The removal / impounding of goods or items;
- (11) The refusal of an application.

When deciding whether to take enforcement action, the Council will consider the circumstances of the case. These include:

- a) Has the Council created an estoppel* situation? A bar preventing one from making an allegation or a denial that contradicts what one has previously stated as the truth.
- b) Is the breach a technical breach only?
- c) When was the unlawful activity carried out and for how long?
- d) How has the unlawful activity affected the natural or built environment and the health, safety and amenity of the area?
- e) Would consent have been given if it had been sought?
- f) Can the breach be easily remedied?
- g) Does the person in breach show contrition?
- h) Are there any particular circumstances of hardship affecting the complainant or the person the subject of the complaint?
- i) Has the person the subject of the complaint received a previous warning or other non-coercive approach or has formal legal action been taken?
- j) Would an educative approach be more appropriate than a coercive approach?
- k) What are the costs and benefits of taking formal enforcement action as opposed to taking informal or no action?
- l) Is there sufficient evidence to establish a prima facie case? Is there some doubt over the evidence or offence/s?
- m) Has Council staff acted appropriately in investigating the matter and were standard procedures followed including officers having appropriate authorisation and delegation?
- n) What are the chances of success if the proposed enforcement action was challenged in court?
- o) Is there a draft planning instrument on exhibition that would make the unauthorised use legal?
- p) What action would be reasonable and proportionate in this case?
- q) Is it in the public interest including there being a reasonable prospect of success?
- r) Has the alleged offender been given an opportunity, if appropriate, to provide information as to why enforcement action should not be instituted?
- s) Has the alleged offender been advised, if appropriate, that no response to a show cause letter will result in the commencement of enforcement action?
- t) What is the likely length and net expense of the legal action?

** A legal rule that prevents somebody from stating a position inconsistent with one previously stated, especially when the earlier representation has been relied upon by others.*

The Council will ensure that the principles of natural justice are adhered to prior to a decision being made. The following principles will be addressed and implemented by the Council:

- Whoever is the subject of concern must know all the allegations in relation to their action;
- All parties to the complaint must have the right to be heard;
- All relevant submissions and evidence must be considered;
- Matters which are not relevant must not be taken into account;
- The person who makes the complaint must not determine the matter;
- The decision-maker must be fair and just.

13. DELEGATIONS FOR ENFORCEMENT ACTION

Delegations conferred on staff to initiate various levels of enforcement action are set out in the relevant Council Officers delegations, all officers having appropriate delegations are authorized to undertake appropriate enforcement action. The legislation applicable to the delegations is as follows:

- The Australian Road Rules
- Roads Act 1993
- Impounding Act 1993
- Companion Animals Act 1998
- Food Act 2003
- Public Health Act 1991
- Swimming Pools Act 1992
- Noxious Weeds Act 1993
- Rural Fires Act 1997
- Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Local Government Act 1993
- Protection of the Environment Operations Act 1997 and the various Regulations made there under.

It should be noted that for all offences requiring the instigation of legal proceedings at the level of or above that of district court jurisdiction, the matter shall be reported to Council, for action.

All Land and Environment Court legal proceedings are required to be presented to Council for action.

APPENDIX A

The following offences may result in a prior warning (verbal or written) being given to the offender(s) before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action is undertaken.

- Annual Fire Safety Statement- non submission by owner
- Advertising signs without approval or unsightly
- Air pollution – smoky chimney
- Barking / Roaming dog, unregistered dog
- Development / Activity without consent or not in accordance with a condition/s of consent
- Minor development or old unauthorised development
- Minor breach of consent condition/s
- Erosion & sediment control matters (owner/builder – Sediments Fences and similar offences, minor environmental offences)
- Fire hazard of a less serious nature.
- Food safety/hygiene matters of a less serious nature
- Obstruction of Public Place / Road – (minor matters)
- Residential swimming pool issue not serious (e.g. resuscitation chart not provided)
- Revocation of an approval (e.g. footpath dining / place of public entertainment).
- Noise pollution
 - Air conditioner*
 - Intruder alarm*
 - Musical instrument and sound equipment*
 - Power tools*
 - Motor vehicle on residential premises*
 - Use of refrigeration equipment fitted to motor vehicle*
 - Non compliance with an Order/Notice/Direction- work partly done or other mitigating circumstances

* Mandatory warning required by legislation

Note that the above list of offences is an indication only and any offences not listed will be considered on their individual merits.

APPENDIX B

The following offences may result in **NO** prior warning being given to the offender(s) before any enforcement action in the form of the service of an order or notice or penalty infringement notice or court action is undertaken

- Dangerous Dog Order / Attacking Dog/ Restricted Dog
- Dangerous building/ awning
- Dangerous waterhole
- Deposit litter from vehicle
- Development not in accordance with consent / risk to health & safety/bushfire protection / notice of Intention issued by PCA
- Deposit litter / Dumped Rubbish
- Development without consent – unsatisfactory explanation / no explanation / repeat offender / prohibited development / risk to health & safety or environment
- Dilapidated building
- Environmental damage of a significant nature
- Erosion & sediment control matters
- Fire hazard threatening an asset
- Food safety matters of a serious nature
- Failure to pay Clean Up / Prevention Notice fee
- Failure to comply with order / notice / cease use of premises / failure to comply with order regarding development consent / demolish remove unlawful building / threatening life / public safety / environment / amenity protection/ fence land / keeping of birds and animals / remove object from public place / contravene noise control notice / noise pollution
- Land clearing of a significant nature
- Littering
- Noise abatement direction
- Noise pollution generally after prescribed mandatory warning
- Not comply with condition of development consent/approval to operate
- Nuisance Dog Order
- Obstruction of road / public place involving safety
- Obstruction / intimidation/ assault of a Council officer
- Open burning without approval or not in accordance with an approval or cause excessive smoke
- Pollute Waters
- Parking offences
- Pollution Incident – Failure to notify
- Remove and / or damage tree/s
- Swimming Pool fencing / gates / open
- Street Trading without consent / approval

Note that the above list of offences is an indication only and any offences not listed will be considered on their individual merits.

POLICY OBJECTIVE

This policy establishes clear guidelines and protocols for Council in the management of its regulatory activities. It provides guidelines on:

- Responding to reports alleging unlawful activity;
- Assessing whether reports alleging unlawful activity require investigation;
- Deciding on whether enforcement action is warranted;
- Options for dealing with confirmed cases of unlawful activity;
- Taking legal action; and
- Implementing shared enforcement responsibilities.

SCOPE

This policy applies to all compliance and enforcement activities undertaken by Council. Council is not limited by this policy in its use of discretion in undertaking its enforcement and compliance functions.

LEGISLATIVE REQUIREMENTS

This policy provides a basis for proceeding with compliance and enforcement actions under various NSW legislation under which Council operates.

POLICY STATEMENT**Enforcement Principles**

Council undertakes its compliance and enforcement activities aligned to the enforcement principles outlined in the NSW Ombudsman's *Enforcement Guidelines for Council's* (December 2015) being:

Principle	Action/s
1. Accountable and transparent	<ul style="list-style-type: none"> ▪ Acting in the best interests of public health and safety and the environment; ▪ Ensuring accountability for decisions on whether to act; ▪ Acting fairly and impartially and without bias or unlawful discrimination; ▪ Providing information about compliance and enforcement priorities and reasons for decisions to improve understanding, certainty and promote trust by the regulated community; ▪ Ensuring reasons for decisions are given to all relevant parties, particularly when there is a departure from this policy; ▪ Acting on any complaints or concerns about the conduct of Council officers in accordance with Council's Complaints Management Policy and procedures; and ▪ Advising people and organisations subject to enforcement action of any avenues available to seek an internal or external review of a decision.
2. Consistent	<ul style="list-style-type: none"> ▪ Ensuring all compliance and enforcement action is implemented consistently; and ▪ Encouraging reports about possible unlawful activity by acting reasonably in response to the circumstances and facts of each matter.
3. Proportional	<ul style="list-style-type: none"> ▪ Ensuring the level of enforcement action is proportionate to the level of risk and seriousness of the breach;



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	<ul style="list-style-type: none"> ▪ Making cost-effective decisions about enforcement action; and ▪ Acting to address harm and deter future unlawful activity.
4. Timely	<ul style="list-style-type: none"> ▪ Ensuring responses to reports alleging unlawful activity and decision making in relation to those is timely.

RESPONDING TO CONCERNS ABOUT UNLAWFUL ACTIVITY

How Council Will Deal with Reports Alleging Unlawful Activity

Key objectives when dealing with reports alleging unlawful activity are:

- Maintain the collective good and welfare of the community;
- Prevent or minimise harm to health, welfare, safety, property or the environment;
- Consider the broader public interest having regard to Council's priorities and any resource limitations; and
- Consider the report fairly and impartially.

Council will record, assess and respond to every report alleging unlawful activity unless the person raising the matter has indicated they do not wish to receive a response about Council's handling of the matter. Anonymous reports will be handled as detailed below. A preliminary assessment of all matters will be made to determine the priority for a response, and whether investigation or other action is required. If Council decides to investigate, it will give the person who reported the alleged unlawful activity feedback on the progress of the investigation, and any reasons for delay. This does not mean that information will be given about every aspect of the investigation or information that would compromise the integrity of the investigation.

Decisions about what action should be taken are made at Council's discretion, and will be resolved to the satisfaction of Council, not the person raising the matter. Council will generally try to resolve matters as quickly and informally as possible to avoid the need to take formal action.

Confidentiality of People Who Report Allegations of Unlawful Activity

People who report allegations of unlawful activity cannot expect that their identities will remain confidential from the subject of their report in all circumstances. Council may disclose information that identifies them in the following cases:

- The disclosure is necessary to investigate the matter;
- Their identity has already been disclosed to the subject of their report directly or in a publicly available document;
- The individual was consulted following receipt of a *Government Information (Public Access) Act 2009* application and did not object to the disclosure;
- The individual consents in writing to their identity being disclosed;
- The disclosure is required to comply with principles of procedural fairness; or
- The matter proceeds to court.

Council takes seriously any concerns an individual may have about their physical safety being endangered because of making a report but this may limit Council's ability to investigate the matter.



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What Council Expects from People Who Report Allegations of Unlawful Activity

Council expects that people who report alleged unlawful activity will cooperate and act in good faith in respect of any investigations conducted by Council. This includes:

- Providing a clear description of the problem (and the resolution sought, if relevant);
- Giving all available and relevant information to Council, including any new information about the alleged activity that may become known to the person following the making of their report;
- Not giving any information that is intentionally misleading or wrong;
- Cooperating with Council's inquiries and giving timely responses to questions and information requests;
- Treating Council's Officers with courtesy and respect; and
- Allowing the investigation to be completed without prematurely taking the matter to other agencies.

If these expectations of the individual are not met, Council may set limits or conditions on the continuation of the investigation or need to restrict any further communications with the individual.

What Parties Can Expect from Council

People who report alleged unlawful activity, and individuals or businesses that are subject to investigation and any enforcement action, can expect that Council will:

- Treat them with courtesy and respect;
- Advise them of the outcome of the allegation reported, including a full explanation of the reasons why that outcome was reasonable in the circumstances;
- Clearly explain decisions in plain English;
- Provide information about relevant internal and external appeal processes that may be available; and
- Carefully assess any new information provided by any party after a decision has been made and advise whether further action will be taken.

Complaints about Council's Enforcement Actions

Council will act on any complaints about the conduct of its employees in accordance with Council's Complaints Management Policy and the Code of Conduct. Where a person or organisation subject to enforcement action merely disputes Council's decision to take enforcement against them, they will be directed to make representations in accordance with any relevant appeal processes.

Anonymous Reports

Anonymous reports will be recorded and assessed in accordance with the above requirements. However, because it is not possible to seek clarification or additional information about a matter, it may be more difficult to evaluate the allegations and therefore these reports are less likely to warrant investigation.

Unlawful Activity Outside Business Hours

Due to resource and operational capability restraints on Council, investigations into alleged unlawful activity outside business hours will be assessed based on risk of harm to health, welfare, safety, property or the environment or it is otherwise in the public interest to take such action.

Neighbour Disputes



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Council can receive reports from parties involved in neighbour disputes seeking Council involvement. These reports can raise several matters, some of which will require Council involvement and some of which will be personal to the parties (and are considered to be civil matters). These reports will be assessed to determine whether there is evidence of any unlawful activity requiring action by Council. Council will explain which aspects of a report it can deal with and which cannot be dealt with and why. Where possible, individuals will be provided with information about how to resolve neighbour disputes including referral to external information and mediation resources.

Sometimes Council can be provided further information about a matter which changes its decision about whether it will become involved. Relevant parties will be advised about the reasons why Council has changed its position on a matter but it will not change a decision purely as a response to the conduct of an individual such as persistent demands or threats.

INVESTIGATING ALLEGED UNLAWFUL ACTIVITY

A preliminary assessment of all matters will be made to determine whether investigation or other action is required. Council will prioritise matters based on risk to public safety, human health and the environment. Not all reports alleging unlawful activity will warrant investigation.

Council will respond to complaints about unlawful activities in a timely manner and complainants will be given appropriate feedback on the progress of their complaint. Council will prioritise notifications of potential non-compliance based on risk to public safety, human health and environment. The risk category will determine priorities for allocation of Council resources to investigate matters and will determine response times to complainants. The risk categories are:

Priority 1

Urgent and life threatening matters should be actioned as soon as possible following receipt of the complaint, either on the day received or the day immediately following. Examples include:

- Unsafe buildings or unsafe building works;
- Collapsed buildings;
- Fire damaged buildings or fire safety breaches;
- Serious pollution incidents;
- Food poisoning incidents;
- Abandoned vehicles posing immediate safety hazard;
- Dog attacks;
- Injured or dead companion animals, livestock or wildlife in a public place
- Livestock on roads;
- Dangerous/aggressive dog complaints;
- Roaming dogs;
- Swimming pool fencing; and/or
- Other serious incidents where the environment or public health and safety is at immediate risk.

Priority 2

General compliance matters within 7 working days. Examples include:

- Significant unauthorised and non complying land use;
- Significant unauthorised and non complying construction/demolition works;
- Works not carried out in accordance with development consent;



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- General noise matters affecting several persons;
- Standard complaints about food premises;
- Poultry nuisance;
- Abandoned vehicle not posing immediate safety hazard;
- Dog barking (complaints from 2 or more premises);
- General parking issues;
- Wandering/stray cats;
- Unhealthy premises (rubbish, stored materials etc);
- Illegal signage public place; and
- Illegal dumping.

Priority 3

Minor matters will be actioned within 14 working days. Examples include:

- Minor non-compliance of development consents;
- Minor non-compliances such as overgrown land; and
- Minor matters where there is no immediate adverse health or safety impacts.

If there is insufficient information to undertake a preliminary assessment, further information will be sought from the person who made the report or an inspection undertaken. Council may consult its records and other internal business units to understand the relevant history and context of a matter.

Circumstances Where No Action Will Be Taken

Council will take no further action if, following a preliminary assessment, it is identified that:

- Council does not have jurisdiction to investigate or is not the appropriate authority to act on the issues raised. Where there is another appropriate authority or course of action, Council may bring the matter to the attention of that authority or provide information and contact details to the complainant;
- The report relates substantially to a matter previously determined by Council and no new or compelling information is presented which would cause it to change its earlier decision. In this case, Council will acknowledge the report and advise that no further action will be taken (other than where the person has previously been advised they would receive no further response);
- The allegations relate to a lawful activity;
- The report is not supported with evidence or appears to have no substance; or
- Council determines that investigation or other action would have an unreasonable impact on resources and/or is unlikely to achieve an outcome to justify the expenditure of resources.

Relevant Factors Guiding Decisions as to Whether to Act

The objective of the process used when investigating incidents of alleged unlawful activity is to:

- Determine the cause of the incident;
- Determine if there has been a contravention of law, policy or standards;
- Gather evidence to the required standard to support any required enforcement action; and
- Determine any necessary action to mitigate the possibility of reoccurrence of similar incidents.

When deciding whether to investigate, Council considers a range of factors including whether:



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- The activity is having a significant detrimental effect on the environment or it constitutes a risk to public safety;
- The report is premature as it relates to some unfinished aspect of work that is still in progress;
- The activity or work is permissible with or without permission;
- All conditions of consent are being complied with;
- Much time has elapsed since the events the subject of the report took place;
- Another body is a more appropriate agency to investigate and deal with the matter;
- It appears there is a pattern of conduct or evidence of a possible wide spread problem;
- The person or organisation reported has been the subject of previous reports;
- The report raises matters of special significance in terms of the Council's existing priorities;
- There are significant resource implications in relation to an investigation and any subsequent enforcement action; and
- It is in the public interest to investigate the report.

Council considers the above factors in making a determination but is not limited in their use of discretion by these considerations and may decide to investigate based on these and other factors. Any decision not to investigate an allegation of unlawful activity will be recorded and the reasons for that decision clearly stated.

TAKING ENFORCEMENT ACTION

When deciding whether to take enforcement action in relation to a confirmed case of unlawful activity, Council will consider the full circumstances and facts of the matter and the public interest. The following considerations will assist Council in determining the most appropriate response in the public interest.

Considerations about the alleged offence and impact:

- The nature, extent and severity of the unlawful activity, including whether the activity is continuing;
- The harm or potential harm to the environment or public health, safety or amenity caused by the unlawful activity;
- The seriousness of the breach, including whether the breach is merely technical, inconsequential or minor in nature; and
- The time that has lapsed since the date of the unlawful activity.

Considerations about the alleged offender:

- Any prior warnings, instructions, advice that was issued to the person or organisation reported or previous enforcement action taken against them;
- Whether the offence was committed with intent;
- Whether the person or organisation reported has been proactive in the resolution of the matter and assisted with any Council requirements and instructions;
- Any mitigating or aggravating circumstances demonstrated by the alleged offender; and
- Any circumstances of hardship affecting the person or organisation reported.

Considerations about the impact of any enforcement action:

- The need to deter any future unlawful activity;
- Whether an educative approach would be more appropriate than a coercive approach in resolving the matter;
- The prospect of success if the proposed enforcement action was challenged in court;
- The costs and benefits of taking formal enforcement action as opposed to taking informal or no action;



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- What action would be proportionate and reasonable in response to the unlawful activity; and
- Whether Council is prevented from acting based on earlier advice given, i.e. whether an estoppel situation has been created.

Considerations about the potential for remedy:

- Whether the breach can be easily remedied;
- Whether it is likely consent would have been given for the activity if it had been sought; and
- Whether there is a draft planning instrument on exhibition that would make the unauthorised use legal.

Legal or Technical Issues

Where legal and/or technical issues are in question, Council will consider whether legal or professional advice should be obtained. Council may also require a person subject to possible enforcement action to obtain independent professional advice in relation to issues of concern to Council for assessment as to whether further action is required.

Requirements of Council Officers Considering Enforcement Action

Prior to taking enforcement action, Council will consider the above considerations and the evidence gathered during their investigation. Council will act impartially, be mindful of their obligations under the Code of Conduct and not be involved in any matter in which they have a personal interest. Enforcement action will not be taken purely as a response to the conduct of an individual such as persistent demands or threats.

Council will ensure that any enforcement action is taken against the correct person or organisation. Where there are multiple possible parties to an alleged unlawful activity, it will generally not be appropriate to take enforcement action against every person who may be liable for the alleged unlawful activity. In such circumstances, Council will be guided by legal advice in determining the appropriate person/s to pursue.

OPTIONS FOR DEALING WITH CONFIRMED CASES OF UNLAWFUL ACTIVITIES

Council will try to use the quickest and most informal option to deal with unlawful activity unless there is little likelihood of compliance with such options. Council will use discretion to determine the level of risk and the most appropriate response to confirmed cases of unlawful activity and may take more than one approach.

At all times, Council’s key concerns are:

- To prevent or minimise harm to health, welfare, safety, property or the environment; and
- To influence behavioural change for the common good and on behalf of the community.

The following enforcement options to be considered by Council are ordered to reflect an escalation in response that is proportionate to the level of risk, the seriousness of the confirmed breach or the need for a deterrent:

Level of Risk	Enforcement Options
Very low	<ul style="list-style-type: none"> ▪ Take no action based on a lack of evidence or some other appropriate reason. ▪ Provision of information/advice on how to be compliant.



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Low	<ul style="list-style-type: none"> ▪ Negotiating with the person to obtain voluntary undertakings or an agreement to address the issue of concern. ▪ Issuing a warning or a formal caution.
Medium	<ul style="list-style-type: none"> ▪ Issuing a letter requiring work to be done or activity to cease in lieu of more formal action. ▪ Issuing a notice of intention to serve an order or notice under relevant legislation, and then serving an order or notice if appropriate.
High	<ul style="list-style-type: none"> ▪ Issuing a penalty notice. ▪ Carrying out the works specified in an order at the cost of the person served the order.
Very high	<ul style="list-style-type: none"> ▪ Seeking an injunction through the courts to prevent future or continuing unlawful activity. ▪ Commence legal proceedings for an offence against the relevant Act or Regulation.

Following Up Enforcement Action

All enforcement action will be reviewed and monitored to ensure compliance with any undertakings given by the subject of enforcement action or advice, directions or orders issued by Council. Reports alleging continuing unlawful activity will be assessed and further action taken if necessary.

If the unlawful activity has ceased or the work has been rectified, the matter will be followed up to ensure compliance outcomes are met. Should initial enforcement action be found to have been ineffective, Council will consider other enforcement options.

TAKING LEGAL ACTION

Council will be guided by legal advice in deciding whether to commence criminal or civil proceedings and will consider the following:

- Whether there is sufficient evidence to establish a case to the required standard of proof;
- Whether there is a reasonable prospect of success before a court; and
- Whether the public interest warrants legal action being pursued.

Whether There Is Sufficient Evidence to Establish A Case to The Required Standard of Proof

Council will only take legal action once it has been established that there is admissible, substantial and reliable evidence to the required standard of proof. The basic requirement of any criminal prosecution is that the available evidence establishes a prima facie case. The prosecutor is required to prove the elements of the offence beyond reasonable doubt. In civil enforcement proceedings, Council will require sufficient evidence to satisfy the court that an actual or threatened breach has occurred on the balance of probabilities.

Whether There Is A Reasonable Prospect of Success Before A Court

Council will not take legal action unless there is a reasonable prospect of success before a court. In making this assessment, Council will consider the availability, competence and credibility of witnesses, the admissibility of the evidence, all possible defences, and any other factors which could affect the likelihood of a successful outcome.



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Whether the Public Interest Requires Legal Action Be Pursued

The principal consideration in deciding whether to commence legal proceedings is whether to do so is in the public interest. In making this determination, the same factors to be considered when taking enforcement action apply (see 'Taking Enforcement Action' above). The following considerations relate to the decision to commence legal proceedings and will assist Council in making this determination:

- The availability of any alternatives to legal action;
- Whether an urgent resolution is required (court proceedings may take some time);
- The possible length and expense of court proceedings;
- Any possible counter-productive outcomes of prosecution;
- What the effective sentencing options are available to the court in the event of conviction; and
- Whether the proceedings or the consequences of any resulting conviction would be unduly harsh or oppressive.

Time within which to commence proceedings

Council will consider legislative time limits in which enforcement proceedings must be commenced. Sometimes legal action will be statute barred despite good evidence that unlawful activity has occurred.

SHARED ENFORCEMENT RESPONSIBILITIES

Some reports will raise matters involving shared regulatory responsibilities between Council and other authorities such as the Environment Protection Authority, the NSW Police Force, Liquor and Gaming NSW, NSW Fair Trading, NSW Food Authority and NSW Crown Lands.

Council recognises that collaboration and cooperation between authorities to address issues of shared regulatory responsibility is the best approach and Council will liaise with relevant authorities to establish:

- Which authority will take the leading role on any joint investigation;
- Which activities each authority will carry out;
- Responsibilities for updating an individual where relevant; and
- Protocols for exchanging confidential information between the relevant authorities.

Council will reasonably endeavour to respond to requests for information or assistance on joint regulatory matters in a timely manner.

ASSOCIATED POLICIES AND PROCEDURES

- Code of Conduct
- Delegation Register
- Body Worn Camera Policy
- Records Management Policy

DEFINITIONS

Complaint - is an expression of dissatisfaction made about Council services, Officers or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

For the purposes of this policy, a complaint does not include:

- A report alleging unlawful activity (see definition below)



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- A request for information about a Council policy or procedure
- A request for an explanation of actions taken by Council; and/or
- A request for internal review of a Council decision.

Enforcement - Actions taken in response to serious or deliberate contraventions of laws.

Regulation - Using a variety of tools and strategies to influence and change behaviour to achieve the objectives of an Act, Regulation or other statutory instrument administered by Council.

Report alleging unlawful activity - An expression of concern or a request for service in relation to alleged unlawful activity, where a response or resolution is explicitly or implicitly expected or legally required.

Unlawful activity - Any activity or work that has been or is being carried out contrary to the below and/or failure to take required action to be compliant with:

- terms or conditions of a development consent, approval, permit or licence
- an environmental planning instrument that regulates the activities or work that can be carried out on land
- a legislative provision regulating an activity or work
- a required development consent, approval, permission or licence.

POLICY VERSION CONTROL

Title	Enforcement Policy			
ECM Doc Set ID				
Date Adopted				
Council Minute No.				
Review Date	June 2024			
Responsible Officer	Manager Environmental Services			
Version Number	Modified By	Modifications Made	Date modified and Approved by Council	Council Minute Number
1	MES	Review in accordance with NSW Ombudsman's Enforcement Guidelines for Council's (December 2015)		

11.13 DOGS IN ISLAND SANCTUARY**Author:** Julie Rogers, Manager Environmental Services**Authoriser:** Adam McSwain, General Manager**RECOMMENDATION**

That Council exhibit a proposal to remove the 'no dog' signs at the pedestrian entries to the Island Sanctuary and receive a further report on the outcome of the exhibition.

BACKGROUND

The Deniliquin Masterplan (2018) (DMP) makes a recommendation regarding allowing dogs in the Island Sanctuary. This report proposes that Council exhibit a proposal to allow dogs in the Island Sanctuary.

ISSUE/DISCUSSION

The Island Sanctuary (attachment 1) forms part of a larger reserve encompassing Memorial Park. There are 5 pedestrian entry points into the Island Sanctuary which are shown on Attachment 1. The Island Sanctuary is fenced with the exception of the land beneath the bridge at the entry to Memorial Park. Of the 5 entry points into the Island Sanctuary, 3 have a sign indicating that no dogs are allowed. The remaining 2 entry points do not have 'no dog' signs erected. There are walking paths throughout the Island Sanctuary with the main path forming part of the beach to beach walk.

It is proposed that Council exhibit a proposal to remove the 'no dog' signs from the gates of the Island Sanctuary and allow dogs to be walked through this area. Anecdotally dogs are being walked through the Island Sanctuary and allowing dogs to be walked through would mean that users of the beach to beach walk could walk the entire length with their dogs.

Consultation

It is proposed that the exhibition of this proposal include notification in the local media and social media and Council would write interest groups including:

- Yarkuwa Indigenous Knowledge Centre;
- Deniliquin Local Aboriginal Land Council;
- Edward River Society of Model Engineers;
- Southern Riverina Field Naturalists Club;
- Memorial Park User Group; and
- Any other group identified.

STRATEGIC IMPLICATIONS**DMP**

Recommendation 7.4 of the DMP states that consideration should be given to removing the prohibition of dogs in the Island Sanctuary to allow dogs and owners to experience this environment. This is part of a number of recommendations relating to the Island Sanctuary area to improve the experience including seating, universal access, signage, removal of gates into Island Sanctuary to improve flow for bike riders etc. The long term vision is that the beach to beach will link with the lagoons walk to create approximately 5kms of walking/cycling paths.

Crown Reserve 91035 Memorial Park and Island Sanctuary Plan of Management (2009) (PoM)

The PoM was prepared to reinforce and conserve the values of the Crown Reserve and to gain acceptance of the concept plan. It applies to Memorial Park and the Island Sanctuary. The preparation of the PoM was overseen by a steering committee with representatives from the Memorial Park Users Group, the then Island Sanctuary Maintenance Committee, local resident groups, Council representatives and representatives of the reserves trust.

The PoM identifies the Island Sanctuary as bushland sanctuary with passive recreational opportunities such as walking tracks, picnicking and nature study and identifies that the Island Sanctuary forms part of the 'beach to beach' walk. There are a varying standard of tracks that have been constructed inside the Island Sanctuary. It is recognised as having significant cultural values by the local Aboriginal community. There are a number of 'scarred trees' within the Island Sanctuary along with food and medicinal plants used by the local Aboriginal groups.

The Island Sanctuary contains suitable habitat for native flora and fauna, including specific habitat that may be utilised by fauna for roosting, foraging, nesting and shelter, such as tall riparian vegetation. Local conservation groups have recorded fauna species in the Island Sanctuary. The vegetation at the site is composed of River Red Gum forest but has a number of introduced weeds. Due to the proximity of the site to the township it is likely that domestic (and wild) cats prey on native fauna and there are confirmed sightings of foxes. However the site should be considered an important community asset and an example of remnant floodplain vegetation for the area.

The recommendations of the PoM address both the environmental, Aboriginal cultural heritage and economic values of the Island Sanctuary including weed management, water quality management, waste management, develop local and regional tourism opportunities, accessibility, operation of the existing river weir to Tarangle Creek and stormwater.

Environmental Management Plan for the Island Sanctuary (2011) (EMP)

The aim of the EMP is to provide practical and prescriptive information which will assist management to protect, and where possible enhance the natural values of the Island Sanctuary for the education and recreation of the local community and visitors. It provides a site analysis including Aboriginal cultural heritage, European heritage, landscape connectivity, flora and fauna. There are a number of management actions recommended including weed management, management of native vegetation, management of fire risk, improvements in habitat, the ongoing role of the community and the Island Sanctuary, mapping of the Island Sanctuary, operation of the weir and wetland management.

Comment

Both the EMP and PoM recognise the various uses of the Island Sanctuary. Neither plan makes references to dogs being in the Island Sanctuary. Signs prohibiting dogs in the Island Sanctuary would pre date both of these documents and it is unlikely that there was any consideration given to a change in the status quo.

COMMUNITY STRATEGIC PLAN

This proposal meets the following actions:

- 1.2 Our community is safe, happy and healthy, both physically and mentally;
- 1.3 Our community and public spaces are accessible and inclusive and reflect our history, heritage and culture; and
- 3.2 Our natural environment is protected and enhanced.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Section 13 of the Companion Animals Act (CAA) requires a dog that is in a public place to be under effective control of a competent person by means of an adequate chain, cord or leash that is attached to the dog and that is being held by or secured to, a person. It is an offence to have a dog

in a public place and not under 'effective control' (as specified by the Act) and attracts a minimum fine of \$330.

If Council was to determine that dogs should not be allowed in the Island Sanctuary then it would be recommended to Council that it consider making an order under section 14 of the CAA. It prohibits dogs in certain areas and in this case, it would need to be an order of Council. Dogs can be prohibited in recreation areas and wildlife protection areas. A recreation area includes a public place for public recreation and a wildlife protection areas includes a public place set aside for the protection of wildlife. The CAA defines a public place as meaning any pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden and any other place that the public are entitled to use.

ATTACHMENTS

1. Island Sanctuary

Created on 5/03/2019



	<p>Edward River Council PO Box 56 DENILIQUIN NSW 2710 Ph: (03) 5880 1200 Fax: (03) 5881 2568 Web: www.edwardriver.nsw.gov.au</p>	<p>Projection: GDA94 / MGA zone 55</p>	<p>Island Sanctuary</p>
<p>© Edward River Council. © LPI Department of Finance and Services, Panorama Avenue, Bathurst, 2795. www.lpi.nsw.gov.au. While every care is taken to ensure the accuracy of this product, Edward River Council and the Local / State / Federal Government departments and Non-Government organisations whom supply datasets, make no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.</p>		<p>Date: 5/03/2019</p>	
		<p>Created By: Julie Rogers</p>	

11.14 ROADSIDE GRAZING

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

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 18 April 2019.

BACKGROUND

At its meeting on 21 February 2019 Council resolved 'to note the report on roadside grazing and grant concurrence in accordance with section 78 of the Local Land Services Act for the issuing of roadside grazing permits until 21 March 2019'.

This report provides an update on the making of applications for roadside grazing since Council's meeting on 21 February 2019. Attachment 1 is the Roadside Grazing Policy.

ISSUE/DISCUSSION

At the time of writing this report no applications for roadside grazing have been submitted.

STRATEGIC IMPLICATIONS

Council has a policy framework for making decisions about roadside grazing.

COMMUNITY STRATEGIC PLAN

The policy meets target 1 'a great place to live' and target 3 'a valued and enhanced natural environment' of the Community Strategic Plan.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Roadside grazing permits are issued under the Local Land Services Act 2013 with the concurrence of the road authority.

ATTACHMENTS

1. Roadside Grazing Policy



POLICY OBJECTIVE

The objective of this policy is to state Council's requirements in relation to the grazing of livestock on roads vested in Council.

SCOPE

This policy applies to the Edward River local government area.

LEGISLATIVE REQUIREMENTS

Roadside grazing permits are issued under Part 6 of the Local Land Services Act by the Local Land Services. Section 78 of the Act states that a permit to graze stock on a public road cannot be issued by the Local Land Services without the concurrences of the local authority in which the road is vested.

POLICY STATEMENT

Council is required to issue concurrence to the issuing of a roadside grazing permits where the road is vested in Council. Council will consider issuing concurrence to the permits where it is over a short period of time over a specific section of road in times of drought or for hazard reduction. Council reserves the right to revoke its concurrence and examples of when this may occur (but not limited to) include roadworks, safety issues, weather conditions (eg rain), stock not being grazed in accordance with the conditions of the concurrence etc

Council will consider the issuing concurrence to the Local Land Services for the issuing of a roadside grazing permit subject to the following conditions:

- Prescribed standard stock warning signs must be erected by the permit holder on the roadside advising road users of the presence of stock on the roads and must be covered or removed when stock is not being grazed on the roadside. Signs must comply with RMS/Council standards with respect to size, location, method of erection, condition and appearance.
- All stock must be supervised at all times whilst being grazed on the roadside;
- Stock can on be grazed on the roadside from sunrise and sunset. They must be removed from the roadside before sunset.
- There will be no roadside grazing on roadside vegetation areas identified as high conservation value in the Deniliquin Roadside Vegetation Management Plan/Conargo Roadside Vegetation Management Plan.
- Permits will be issued for a maximum period of 7 days.
- Any stock that die or are injured must be removed from the public road reserve within 24 hours.
- Council will not be liable for any damage to persons or property due to any incident occurring while the stock are located within the road reserve. The applicant must provide documentary evidence that they hold Public Liability Insurance with a limit of indemnity of not less than \$20 million and must name Council as an interested party.
- The permit holder will accept all risks associated with the grazing of livestock on a public road and make good any damage to roadside infrastructure.
- The maximum length of road approved for grazing shall be that which fronts the applicant's own property or neighbouring properties for which the owner of such neighbouring property has consented to be grazed by the applicant.

ASSOCIATED POLICIES AND PROCEDURES



Roadside Grazing Policy
 Council Policy
 Environmental Services

Nil.

DEFINITIONS

Nil.

POLICY VERSION CONTROL

Title	Roadside Grazing Policy			
ECM Doc Set ID	52243			
Date Adopted	20 September 2018			
Council Minute No.	2018/223			
Responsible Officer	Manager Environmental Services			
Version Number	Modified By	Modifications Made	Date modified and Approved by Council	Council Minute Number

11.15 ENVIRONMENTAL SERVICES REPORT (FEBRUARY 2019)

Author: Julie Rogers, Manager Environmental Services

Authoriser: Adam McSwain, General Manager

RECOMMENDATION

That Council note the Environmental Services report for February 2019.

BACKGROUND

Attachment 1 is the Environmental Services report for February 2019.

ISSUE/DISCUSSION

Nil.

STRATEGIC IMPLICATIONS

Nil.

COMMUNITY STRATEGIC PLAN

Nil.

FINANCIAL IMPLICATIONS

Nil.

LEGISLATIVE IMPLICATIONS

Nil.

ATTACHMENTS

- 1. Environmental Services report (February 2019)**



Current Applications at 28 February 2019					
Application	Property Description	Applicant	Proposal	Date Rec'd	Status
Development Applications/Construction Certificates					
CC 55/14	Lot 272 DP756325, 234 Barham Road, Deniliquin 10/11/14	Jamie Park/JNP Architecture & Associates Pty Ltd	Erection of a shed for use as 'rural industry' (maintenance & construction shed for the proposed ethanol plant)	10/11/14	Awaiting advice from the applicant
DA 2/17	Lots 11 & 12 DP1018080, 475-477 George Street, Deniliquin 11/01/17	Murray Constructions	Replacement of existing concrete retaining walls including an extension of jetty	11/01/17	Awaiting advice from applicant
DA 28/18	Lot 174 & 210, DP756305, 218 Campbells Road, "Wyoming" Mayrung	CAF Consulting Services Pty Ltd	3,500 head dairy cattle feedlot	07/06/2018	Awaiting advice from applicant re addressing requirements of EPA and OEH
DA 16/15/ A	Lot 5, DP720227 & Lots 8, 22, 30, 31, 33, 34, 35, 36, 61, 72, DP756268, Conargo Road, Deniliquin	FS Falkiner & Sons Pty Ltd	Modification to the existing feedlot approval of 5,000 head of cattle & 15,000 head of sheep (7055 scu) to 5,000 head of cattle & 15,000 head of sheep of up to 8,000 head of cattle with no sheep or varying numbers of cattle & sheep to a maximum of 7,458 scu.	13/07/2018	Awaiting advice from applicant re odour assessment



DA 41/18	Lot 26, DP877116, 81 Boundary Street, Deniliquin	Caitrin Watson	Installation of rural workers dwelling – which allows for 4 bedrooms / ensuites	1/08/2018	Awaiting advice from applicant
DA 64/18	Lot 153, DP756325, 154 Packerham Street, Deniliquin	Andrew & Kim Barry	7 lot subdivision	16/10/2018	Awaiting advice from applicant
DA 65/18	Lot 403, DP756325, 142-144 Napier Street, Deniliquin	Steve Jaques on behalf of Kurrajong Waratah	30 lot subdivision	16/10/2018	Under assessment
DA 66/18	Lot 62, DP756325, 416-418 Ochertyre Street, Deniliquin	Paul Swinton (Maxi Tankers)	Installation of a service station	22/10/2018	Awaiting advice from applicant
DA 67/18	Lot 8, DP228729 & Lot 12, DP235080, 13-15 Butler Street, Deniliquin	Frank & Dianne Rinaldi	Demolish existing motel	19/10/2018	Awaiting advice from applicant
DA 70/18 CC 40/18	Lot 122, DP1111183, 161 Hay Road, Deniliquin	Ian Barnett	Internal alterations and change of use	30/10/2018	Awaiting advice from applicant
DA 71/18 CC 41/18	Lot 2, DP1135369, 265-271 Barham Road, Deniliquin	Jason O'Connor	Shed	1/11/2018	Awaiting advice from applicant
DA 77/18	Lot 1, & 3 DP1235420 & Lot 5 DP1220715, 227 Cemetery Road & 179-183 Cemetery Road, Deniliquin	Deni Industrial Park Pty Ltd	Staged development Stage 1: Railway freight terminal Stage 2: 13 lot subdivision	4/12/2018	Awaiting advice from applicant
DA 80/18 CC 49/18	Lot 7, DP788285, 158 Old Racecourse Road, Deniliquin	Grant Frazer	Shed	19/12/2018	Awaiting advice from applicant



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CC 44/18	Lot 1, Section 208, DP758913, 46-58 Edwardes Street, Deniliquin	Tim Nolan	Multi Arts Centre Kitchen Extension	23/11/2018	Awaiting advice from applicant
DA 2/19	Lot 11, Section 76, DP758913, 90-106 Wellington Street, Deniliquin	NSW Department of Education	Installation of an electronic LED freestanding sign to replace the existing school sign	25/01/2019	Awaiting advice from applicant
DA 3/19	Lot 519, DP820164, Cemetery Road, (Crown Reserve 150007), Deniliquin	Deniliquin Sports Park Incorporated	Modification of DA 1844. Extension to basketball stadium – stage 2	23/01/2019	Awaiting advice from applicant
DA 5/19	Lot 15 DP38670, 521 St Michael Street, Deniliquin	Justin Zanatta	Replacement retaining wall, jetty, gravel path & single mooring	6/02/2019	Under assessment
DA 6/19 CC 3/19	Lot 4 DP39103, 516 St Michael Street, Deniliquin	Darryl McKinnon	Alterations and additions	15/02/2019	Under assessment
DA 7/19	Lot 1 DP86923, 81 Wellington Street, Deniliquin	Mark Wilson	Carport	22/02/2019	Under assessment
CC 4/19	Lot 72 DP756319, Riverina Highway, Blighty	Precise Build	Demolition of netball changerooms and erection of new netball / tennis clubroom and 2 light towers	26/02/2019	Under assessment
CC 5/19	Lot 11 DP758913, 11 Wargam Road, Boorooban	Edward River Council	Construction of a 2 bay Category 2 fire shed & installation of a water tank and upgrade access track	26/02/2019	Under assessment
CC 6/19	Lot 1 DP86923, 81 Wellington Street, Deniliquin	Mark Wilson	Carport	22/02/2019	Under assessment



Complying Development Certificates					
-	-	-	-	-	-
S68 Applications					
S68 1/19	Lot 51 DP756511, 7599 Pretty Pine Road, Moulamein	Down to Earth (Vic) Co-operative Society	Operating a camping ground	5/02/2019	Under assessment
S68 2/19	Lot 1 DP1132408, 1 Butler Street, Deniliquin	Adam Rose	Extension to existing cabin	15/02/2019	Under assessment

Applications Determined February 2019				
Application	Property Description	Applicant	Development	Amount
DA 74/18	Lot 560, DP1101666, Pretty Pine Road, Moulamein	John Loudon	2 lot subdivision	0.00
DA 79/18 CC 47/18	Lot 531 DP46861, 3 Macauley Street, Deniliquin	Lindsay Renwick for the Deniliquin Historical Society	Construction of verandah to existing building	8,270.00
DA 4/19 CC 2/19	Lot 47 & 48 DP270, 492 Wood Street, Deniliquin	Stephen & Kacey Didcock	Residential shed	10,000.00
CDC 1/19	Lot 4 DP1227113, 607 Ochtertyre Street, Deniliquin	Brendan & Leisha East	New single dwelling	379,549.00



Processing Times for February 2019		
Application Type	Mean Gross Days	Mean Net Days
DA	56	56
Mod (S96) of DA & DA/CC	-	-
CDC	14	14
CC	45	45
S68 Applications	-	-



Value and Number of Applications Determined 2018 and 2019								
Month	DAs 2018	DAs 2019	CDCs 2018	CDCs 2019	S68 2018	S68 2019	Value 2018	Value 2019
January	3	5	0	1	0	0	\$96,900	\$608,750
February	8	3	2	1	3	0	\$753,100	\$397,819
March	3		5		1		\$1,560,188	
April	6		4		1		\$522,400	
May	6		2		2		\$119,300	
June	8		3		1		\$1,062,899	
July	6		3		3		\$624 300	
August	6		3		1		\$872 810	
September	5		4		4		\$709,435	
October	5		1		1		\$1,081,700	
November	6		5		1		\$484 138	
December	10		5		3		\$1,745,950	
TOTALS	72	8	37	2	21	0	\$9,633,120	\$1,006,569.00

Note: 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	
Planning certificates	19
Sewerage drainage diagrams	11

Swimming Pool Inspection Program			
Month	1 st Inspection	2 nd Inspection	3 rd Inspection
February 2019	6	1	0



Ranger's Report – February 2019			
Companion Animals			
	Cats	Dogs	Other
Animals seized/surrendered	2	11	0
Animals released to owner	0	10	
Animals euthanised	1	0	
Animals rehomed	1	1	
Dogs declared dangerous / menacing	0	0	
Animals still impounded	0	0	
Animals microchipped by Council		1	
Animals microchipped by Council (quarterly free chipping week)	n/a	n/a	
Animal registered			
Animal registration notices sent	4 (Jan Feb)	45 (Jan Feb)	
Animal fines	0	6	
Clean Up Notices			
Property clean up notices	0		
Illegal dumping	0		
Parking			
Parking fines	0		
Parking patrols completed	4		
Impoundment (Impounding Act 1993)			
Vehicles	0		
Livestock	0		
Euthanised Wildlife			



Dog Attacks

Date	Details	Victims	Outcome
10/02/2019	2 roaming dogs attacked a person in a public place	2 adults	One victim went to hospital for minor treatment. The dogs were unable to be found.

Dog Attacks 2018 and 2019

Month	No. of Incidents		No. of Attacking Dogs		No. of Victims	
	2018	2019	2018	2019	2018	2019
January	2	4	4	4	3	11
February	1	1	1	2	1	1
March	-		-		-	
April	2		2		2	
May	2		2		2	
June	5		8		16	
July	4		6		7	
August	1		1		1	
September	1		2		1	
October	4		7		4	
November	4		6		11	



December	2		3		3	
TOTAL	28	5	42	6	51	12

11.16 STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COMMUNITIES PROGRAM - MARCH PROGRESS REPORT

Author: Oliver McNulty, Director Infrastructure

Authoriser: Oliver McNulty, Director Infrastructure

RECOMMENDATION

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

BACKGROUND

The Stronger Communities Fund was established by the NSW Government to provide newly merged Councils with funding to spend on priority community initiatives.

Edward River Council received \$10 million in funding. An amount of \$1.4 million was allocated to various community groups for projects under the Community Grants Program. The remaining \$8.6 million has been allocated for the Major Project Program.

After this Edward River Council received funding from Round One of the Stronger Country Communities Program to a total value of \$1,269,841

The projects adopted by the Stronger Communities Fund Assessment Panel are as follows:

Project – Stronger Communities Fund	Grant Amount
Deniliquin Swim Centre Revitalisation	\$880,000
Community Masterplans & Initial Works	\$2,105,000
Deniliquin Regional Sports & Entertainment Stadium Extension	\$540,000
Blighty Community Netball & Tennis Facility	\$550,000
Deniliquin Children's Centre Extension	\$500,000
Deniliquin Netball Facility Improvement Works	\$320,000
Rural Villages Beautification Project	\$300,000
Beach to Beach Walk Connectivity Improvements	\$300,000
Deniliquin Community Facility Refurbishments	\$165,000
Urban Road Infrastructure Program	\$2,390,000
Deniliquin Airport Heritage Centre Development	\$50,000
Unallocated Funding for New Council	\$500,000

The projects that have been funded through Round One of the Stronger Country Communities Program are as follows:

Project – Stronger Country Communities	Grant Amount
Scott's Park – A destination Playground	\$676,620
Deniliquin Swim Centre – All Abilities Facilities	\$295,796
Lagoons to River Walk	\$297,425

A project summary update report for both programs to March 2019 is attached to this report.

Additional funding through Round Two of the Stronger Country Communities program of \$3.3 million has also now been approved and are as follows:

Project – Stronger Country Communities Round 2	Grant Amount
The Deniliquin Town Hall	\$1,315,170 + \$438,500
Deni Central Streetscape (Napier Street)	\$401,500
Deniliquin Memorial Park	\$786,000
Deniliquin RAMS Facility Upgrades	\$559,000
Deni Lawn Tennis Club	\$198,910
Deni Golf Club	\$111,170

Additional Merger funding has also been confirmed from the State Government for the following projects:

Additional Merger Funding	Grant Amount
Cressy Street CBD	\$1,200,000
Riverfront Enhancement	\$700,000
Waring Gardens Upgrade	\$640,000
Lagoon Walk road treatments	\$250,000
Truck Stop	\$400,000
Peppin Heritage/Visitor Centre upgrade	\$200,000
Internal merger costs	\$1,600,000

COMMUNITY STRATEGIC PLAN

This report aligns with outcome 1 – *A great place to live* and outcome 4 – *A region with quality and sustainable infrastructure* of the Community Strategic plan

FINANCIAL IMPLICATIONS

Projects funded through these programs include costs for the design, documentation, and supervision costs for each project.

LEGISLATIVE IMPLICATIONS

Council must ensure that these projects are completed within the timeframes set out within the funding agreements.

ATTACHMENTS

1. Projects Summary Update

1

Stronger Community Grants Summary Report March 2019						
PERFORMANCE "CODE" DESCRIPTIVE						
Time, Cost & Quality	Task/Activity – Completed ✓ or Progressing - on Time, Cost and Quality					
Time, Cost & Quality	Task/Activity – Progressing - requires monitoring and or action to minimise risk of not meeting performance targets					
Time, Cost & Quality	Task/Activity – Stalled/Stopped - High Risk or will not meet Performance Target.					
Time, Cost & Quality	Task/Activity- Pending - is currently on hold or pending approval					
Project Phase						
Project Description	Initiation & Communication	Design, Documentation & Approvals	Quotes & Tendering	Delivery & Handover	Code	Comments/Milestones
ORIGINAL STRONGER COMMUNITIES GRANT FUNDING						
Blighty Community Netball & Tennis Facility-(\$550,000.)	Complete	Complete	Complete	In Progress		<ul style="list-style-type: none"> • Building construction and project progressing well • Light Towers Installed • Damage to courts repaired waiting on painting • Anticipated to have the building at lockup stage in 2 weeks
Unallocated Funds-(\$500,000.) + interest earned on investment (approx. \$700,000.)	Completed	In Progress	Pending	Pending		<ul style="list-style-type: none"> • No changes this month.
Regional Sports & Entertainment Stadium Extension-(\$540,000)	Complete	Complete	In Progress	Pending		<ul style="list-style-type: none"> • DA has been lodged and is currently under review. • The Tender process is ongoing. The Tenders have come in substantially over budget and officers are working with the management committee to identify opportunities to reduce the cost or the scope of the project. It is anticipated this process will be complete by late March • The tender evaluation committee have met with tenders to identify opportunities for potential savings.
Children's Centre Extension-(\$500,000.)	Completed	Completed	Completed	Completed	✓	<ul style="list-style-type: none"> • Completed to Time, Cost & Quality. • Project review & report is yet to be under taken.

2

<p>Netball Facility Improvements- (\$160,000 + \$160,000 = \$320,000.) <u>Deniliquin Netball Assoc & Deniliquin RAMS</u></p>	Completed	Completed	Completed	In Progress		<ul style="list-style-type: none"> Deniliquin RAMS works are progressing well. Deniliquin Netball Assoc officers met with members of the club's committees & 2MH to discuss options. 2MH are to complete designs and report on how to manage compliance issues. This report will be made available to the Netball Assoc for their information.
<p>Swim Centre – Revitalisation- (\$880,000. + \$142,000. from unallocated funds) 1) Water Play Facility 2) Pool Lining 3) Solar Heating 4) Wet Deck 5) Amenity Refurbishments</p>	Completed	Completed	In Progress	In progress	<p>1) 2) 3) 4) 5) 3) 5)</p>	<p>1) Water Play Facility - Works complete 2) Lining of Main Pool – lining works complete. 3) Solar Heating Medium Pool – Assessment and recommendations completed by Melbourne Pools & Spas. -- Works are dependent on the lining of the main pool, wet deck, and the amenities upgrade. – It is proposed to locate the solar panels on the roof of the Amenities Building. 4) It is considered at this time not to proceed with the Wet Decks due to cost constraints. 5) The contractor has been appointed and works will commence in April 2019</p>
<p>Rural Village Beautification- (\$300,000.) 1) Blighty 2) Booroorban 3) Conargo 4) Mayrung 5) Pretty Pine 6) Wanganella</p>	Complete	In Progress	In Progress	Pending		<p>1) Staff still working with the Hall Committee regarding the defining of project scope with preferred contractor and community groups 2) Currently reviewing Quotes and project scope as to try and find savings as quotes came in above estimates. 3) Feedback from committee received about to call for quotes. 4) Calling for quotes closing end of March 5) Calling for quotes closing end of March 6) Quote accepted DA pending approval.</p>
<p>Community Plans-(\$2,105,000.) 1) Recreation Strategy 2) Memorial Park 3) River Front 4) CBD Streetscape</p>	Complete	<p>In Progress In Progress Complete Complete</p>	<p>Pending Pending Complete Complete</p>	<p>Pending Pending Complete Complete</p>		<p>1) Draft design currently being prepared with design expected in April 2) Project Steering Group has met and set the project scope. First concept plans are currently being prepared.</p>

3

<p>Beach to Beach Walk Connectivity Improvements- (\$300,000.)</p> <p>1) McLean's Beach Pathway 2) Island Sanctuary Bridge refurbishments</p>	Scope Identified	1) In Progress 2) In Progress	1) Completed 2) Completed	1) Pending 2) In Progress		<p>1) The Project Scope is currently under review due to the cost overrun from the original estimate.</p> <p>2) Appointed a contractor and currently working on relevant work approvals e.g. DA, Fisheries, Crown Land etc.</p> <p>3) Island Sanctuary bridge tender for design and construction close March 2019</p>
<p>Community Facilities Refurbishments-(\$165,000.)</p> <p>1) Scout Hall 2) Deni Boat Club</p>	Completed Completed	Completed Completed	Completed Completed	Completed Completed	<p>1) ✓ 2) ✓</p>	<p>1) Completed 2) Completed</p>
<p>Road Replacement Program (\$2,390,000)</p>	Complete	Complete	In progress	Pending		<ul style="list-style-type: none"> • Councils works crews will commence the section of Harfleur Street Funded through this program in late April • Ongoing discussions are taking place with Contractors for Crispe Street and Victoria Street. These negotiations are close to completion
<p>Airport Heritage Program- (\$50,000)</p>	Completed	Completed	Complete	Complete	✓	<ul style="list-style-type: none"> • Additional works required enabling progress to continue in alignment with Master Plan. • Completed
<p>Original Stronger Community Grant Funding Sub - Total \$8,600,000.</p>						

4

STRONGER COMMUNITIES FUNDING ROUND (1)						
Scotts Park – A Destination Program-(\$676,620.)	Completed	Completed	Completed	In progress		<ul style="list-style-type: none"> • Pump Track currently on hold due to change in design scope • Flying Fox foundations completed • Climbing net foundations completed • Slab for the netball courts completed • Picnic Area slab completed • Shelter construction commenced • Toilets designs are currently in progress
Swim Centre – All Abilities Centre-(\$295,796. + \$110,000)	Complete	Complete	Complete	In progress		<ul style="list-style-type: none"> • Project is currently on hold until the pool closure
Lagoons to River Walk- (\$297,425.)	Completed	Completed	Completed	In Progress		<ul style="list-style-type: none"> • Pathways completed • Waring gardens ramp yet to be completed
Stronger Community Grant Funding (Round 1) - Sub - Total \$1,269,841.						
STRONGER COMMUNITIES FUNDING ROUND (2)						
16) Deniliquin Town Hall & Arts & Cultural Precinct- (\$1,315,170. + \$438,500.)	Complete	In Progress	Pending	Pending		<ul style="list-style-type: none"> • \$438,500. Is included as part of the \$1.7M Town Hall refurbishments. • \$20,000 has been allocated for the Water Tower Art Project. \$11.5 K has been allocated for a master plan for the Peppin / Crossing café Work of the Tower Brief is in progress. • Established Project reference Group to assist in the Town Hall revitalisation project, consisting of 3 councillors & 3 Industry representatives. • Prepared a Deniliquin Town Hall Revitalisation Reference Group Constitution. • Architects lets have been engaged (Gerard Brandrick & Assoc.) to prepare concept/Master plan for review. The architects are working on documentation to bring to the project control group for discussion and feedback.

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<u>Napier Street Redevelopment-</u> <u>\$401,500. + \$600,000.</u>	Complete	Complete	In Progress	Pending		<p>Tenders review completed</p> <ul style="list-style-type: none"> • Discussions with 3rd contractor are ongoing • Report currently being prepared for councils' consideration and approval • Minor change in scope has been considered regarding the materials for the footpaths. Original proposal is to use concrete and bitumen change to all concrete similar colours. • Costs for changes is currently being determined. • Communications strategy has been completed.
<u>Memorial Park-(\$786,000.)</u>	In Progress	In Progress	Pending	Pending		<ul style="list-style-type: none"> • Draft designs in progress • Developing a Project Management Plan
<u>RAMS Facility-(\$559,000.)</u>	In Progress	In progress	Pending	Pending		<ul style="list-style-type: none"> • The project manager is working with the user group to finalise a project plan for the full scope of the project • Discussion have been held with the consultant with designs currently underway
<u>Deniliquin Lawn Tennis-</u> <u>(\$198,910.)</u>	In Progress	Pending	Pending	Pending		<ul style="list-style-type: none"> • Council have provided the tennis club a draft template agreement to enable them to progress the delivery of this project. This agreement will provide for hold points for Councils approval prior to work progressing
<u>Deniliquin Golf Club-(\$111,170.)</u>	In Progress	Pending	Pending	Pending		<ul style="list-style-type: none"> • Council have provided the Golf club a draft template agreement to enable them to progress the delivery of this project. This agreement will provide for hold points for Councils approval prior to work progressing.
Stronger Community Grant Funding (Round 2) – Sub -Total \$3,371,750.						

6

STRONGER COMMUNITIES FUNDING ROUND (3)						
Cressy Street CBD Redevelopment- (\$1,200,000.)	In Progress	In progress	Pending	Pending		<ul style="list-style-type: none"> Project Manager yet to be appointed Preliminary/concept designs completed Project Management Plan yet to be completed Pending
Riverfront Enhancement- (\$700,000.)	In Progress	In progress	Pending	Pending		<ul style="list-style-type: none"> Concept plans completed Project Manager yet to be appointed Project Management Plan yet to be developed Pending
Waring Gardens Upgrade- (\$640,000.)	In Progress	In progress	Pending	Pending		<ul style="list-style-type: none"> Concept plans in progress Project Manager yet to be appointed Project Management Plan yet to be developed
Lagoon Walk Road Treatments- (\$250,000.)	Pending	Pending	Pending	Pending		March 2019 <ul style="list-style-type: none"> Plans in progress Works will commence by Easter
Truck Stop-(\$400,000.)	Pending	Pending	Pending	Pending		<ul style="list-style-type: none"> Investigations and into site and design are currently in progress with a report to come back to council later.
Pepin Heritage/Visitor Centre Upgrade-(\$600,000.)	Completed	Completed	In Progress	Pending		<ul style="list-style-type: none"> Currently reviewing designs, specification and estimates
Deniliquin Ute Muster – Café Facility-(\$600,000.)	Pending	Pending	Pending	Pending		<ul style="list-style-type: none"> To be managed fully by the Club
Internal Merger Costs-(\$1,600,000.)						<ul style="list-style-type: none"> For Review

7

PROJECT SUMMARY NOTES:

(March 2019)

Summary: the majority of projects are progressing well with only a few highlighted in **Red** that will require stringent management and action to bring them under control.

The projects in **Yellow** will need attention to detail to ensure that they progress to the agreed Time, Quality & Cost outcomes.

Other challenges that face council staff and project delivery is access to quality project managers that will be required to complete all Stronger Community grants by the agreed timelines. Staff are currently in discussion with managers to source the required resources. All costs will be recovered as part of the project delivery costs.

Existing council staff and contractors are working extremely well in keeping most projects on Time, Cost and Quality. To assist council in the project delivery process, council has now completed a draft Project Management Policy, and Project Management Procedure and Framework Guidelines.

11.17 SEAL EXTENSION TRIAL

Author: Oliver McNulty, Director Infrastructure

Authoriser: Oliver McNulty, Director Infrastructure

RECOMMENDATION

That Council

1. Construct a 4m wide seal on Sloane Street from Blackett Street to the last driveway before the River utilising 50mm of Class 2 gravel material worked with the existing road base material. This new road pavement will be 6m wide.
2. Expand the scope of works to a 5m wide seal and 7m wide pavement if the Sloane Street residents contribute \$16,000 prior to work commencing to cover the cost of these additional works.
3. Note that the sealing of Sloane Street is a four-year trial regardless of the Sloane Street residents contributing towards the cost of the works. This trial will be monitored but not maintained across the period of the trial.
4. Note that the date of the four-year trial will commence following the completion of this project.
5. Place signage on Sloane Street identifying that Council are carrying out a low-cost seal trial and will monitor the Street for four years.

BACKGROUND

In December 2018 Council considered a report in relation to providing low cost seals to gravel roads within the urban area of Deniliquin.

In this meeting Council resolved

That Council carry out a low-cost seal;

1. *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.*
2. *Prior to commencing work review costings to ensure no over-run in Sloane Street.*
3. *Place signage on each of these roads identifying that Council are carrying out a low-cost seal trial and monitor for four years*

This decision was supported by a detailed engineering report and assessment of the urban gravel roads within the Deniliquin township boundary. This report was appended to the Council report in December.

ISSUE/DISCUSSION

Council allocated \$100,000 in the budget for 2018/19 towards dust suppressant trials for gravel roads within Deniliquin. This is the budget that is available for the delivery of these low-cost seals. To date approximately \$8,000 has been utilised from this budget to prepare the engineering report which allows approximately \$92,000 towards the delivery of the proposed low-cost seals.

In December, Council requested further information in relation to the estimated costs to complete a low-cost seal on both Sloane Street and Wyatt Street. These estimates were to include two options;

- Option 1 – to utilise the existing gravel material on the roads. To rework and reshape this material and then to construct a 4m wide seal.
- Option 2 – to introduce 50mm of new gravel material on the road for a width of 6m for the extent of works. This would then be reshaped and reworked with the existing road material prior to the road being sealed.

Option 2 was considered as this would reduce the likelihood of the road failing within the short term, due to local failures or stripping of the sealed surface.

The exercise to review the costs has been completed and tabled below. This table includes estimates to complete works on a section of Harfleur Street between Burton Street and Wyatt Street.

Estimates for low cost Seal					
Street	From	To	Approx Length	Specification	Cost Estimate (Ex GST)
Sloane Street	Blacketts Street	River Street	970m	Introduce 50mm of Class 2 gravel to improve surface. 6m pavement. Reshape existing material and mix together. 4m wide seal	\$ 92,000.00
				Reshape existing material without introducing 50mm Stone	\$ 67,000.00
Wyatt Street	Harfleur Street	Henry Street	185m	Introduce 50mm of Class 2 gravel to improve surface. 6m pavement. Reshape existing material and mix together. 4m wide seal	\$ 15,500.00
				Reshape existing material without introducing 50mm Stone	\$ 12,500.00
Harfleur Street	Burton Street	Wyatt Street	170m	Introduce 50mm of Class 2 gravel to improve surface. 6m pavement. Reshape existing material and mix together. 4m wide seal	\$ 15,500.00
				Reshape existing material without introducing 50mm Stone	\$ 12,500.00

Table 1

From Table 1 the estimate to complete the works on Sloane Street with the inclusion of 50mm of Class 2 Gravel is \$92,000. This will utilise the remaining budget available for this project. Should Council choose to seal the existing material and not introduce new material there is budget available for Sloane Street, Wyatt Street and Harfleur Street. This solution would have a higher risk of failure.

An enquiry was also received from Sloane Street residents regarding widening the road from a 4m seal to a 5m or 6m seal. Officers sent a response (Attachment 1) which in summary stated:

- If the Sloane Street residents are seeking an increased seal width, then the residents would be required to fund this themselves
- It is expected that the increased cost for 2m of additional seal would be approx. \$28,000
- That regardless of any financial contribution from the residents, Council will still consider the entire seal to be a trial

- That if Sloane Street residents weren't supportive of the 4m seal trial Council would not undertake the project and fund works in other areas

A response was received from the Sloane Street residents (Attachment 2). A summary of the key points is:

- They are open to contributing towards an additional 1m seal as long as the construction is consistent with construction methods discussed in previous Council reports. Primarily this relates to the road pavement being 7m wide and that an additional '50-70mm of good quality stone' will be utilised in the road construction
- They are seeking a payment plan in line with the four-year trial period
- They assume that if the residents contribute to the road seal, the road will be fully maintained in line with other Council roads and streets

Officers are yet to respond to this letter and provide the following information for Councillors consideration:

- Cost for the residents: It is expected that the additional 1m of seal will cost approx. \$16,000. This is based off the 1m seal and requirement to expand the pavement from 6m to 7m.
- Payment Plan: It is the recommendation of Council Officers that no payment plan be entered into and that the contribution from residents be required prior to the project commencing.
- Trial status: It is the recommendation of Council Officers that regardless of any contribution from Sloane Street residents this project remains a trial. This was stated in Council's letter to Sloane Street residents (Attachment 1).

Currently it is planned to complete this work by the end of the first week of April 2019.

STRATEGIC IMPLICATIONS

After the decision in December Council have been approached by residents from other gravel roads within the urban area. They have requested clarification as to why Sloane Street was selected and when their roads would be sealed. The process behind this decision has been outlined to each request and it has been confirmed that currently there is no further budget available for further works.

Council may consider further opportunities to seal low use urban gravel roads in the future.

COMMUNITY STRATEGIC PLAN

Outcome 1 – A great place to live

Outcome 4 – A region with quality and sustainable infrastructure

FINANCIAL IMPLICATIONS

This project will utilise all the balance of the available budget for dust suppressant trials.

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

1. Letter to Walkers re Sloane Street Sealing - 20 February 2019
2. Letter of response from Sloane Street residents to Council - 27 February 2019



**Edward
River**
COUNCIL

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T: 03 5898 3000 F: 03 5898 3029
council@edwardriver.nsw.gov.au
www.edwardriver.nsw.gov.au

ABN 90 407 359 958
Address all correspondence to:
General Manager, PO Box 270
Deniliquin NSW 2710

18 February 2019

Mr & Mrs R. Walker
PO Box 502
DENILQUIN. NSW. 2710

Dear Richard and Elaine

RE: SLOANE STREET – SEAL

Thank you for your follow-up emails in January 2019 regarding the sealing of a section of Sloane Street. As you are aware at its meeting on 20 December 2018 Council considered a report on this matter. At this meeting Council resolved:

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*

Council has had a further discussion regarding your request for the motion to be reconsidered. At this discussion, Council confirmed that the motion will not be altered, and that Council is proceeding with their decision to provide a trial 4-metre low-cost seal solution for Sloane Street from Blackett Street towards the river.

As discussed at the December Council meeting, the sealing of this section of Sloane Street is a trial and if the seal fails Council will not continue with a seal on this section of road.

If the residents along this section of Sloane Street would like an increased seal width, then the residents would be required to fund this themselves. Council is currently designing and planning this work for April 2019. Should the residents wish to proceed with this work, Council requests confirmation in writing from all the adjacent residents by 8 March 2019. Provisionally, it is anticipated that this additional cost would be in the region of \$28,000 (this is a preliminary price only and the actual costs may differ), this would provide a 6-metre seal. If residents were to make the financial contribution required to provide an expanded seal, then Council will still consider the entire seal to be a trial.

Edward River Council

Alternatively, should the residents not want the trial 4-metre low-cost seal to proceed then please notify Council by 8 March 2019. If Council is notified, then this project will not proceed, and the budget will be reallocated. In the case Council are notified of this preferred outcome then this section of Sloane Street will not be sealed and would be considered along with all of Council's other assets for future budgets. This would provide no guarantee from Council that the road would be sealed (regardless of width) or of the timeframe in which the road may be re-considered for upgrade work of any kind.

Officers have also followed up on your enquiry regarding State Government grant funding for this project. Enquiries have been made through Austin Evans MP's office and no grants have been identified. Any further enquiries into available grant funding should be made by yourselves through Austin Evans MP's office.

Yours sincerely



ADAM McSWAIN
GENERAL MANAGER



PO Box 502
Deniliquin NSW 2710
27th February, 2019

Mr Adam McSwain
General Manager
Edward River Council
PO Box 270
Deniliquin NSW 2710

Dear Mr McSwain,

We, the undersigned residents of Sloane Street west, in consideration of Council's proposed roadworks, would be open to widening the sealed pavement by a minimum of 1 metre at the cost of the residents, as long as the construction is consistent with the Council report, to which Councillors resolved the works (Att 1). It would be appreciated if a cost for the seal could be prepared. It would be our understanding that as the report states the width "7m wide formed pavement" (Att 2) there would be no more earthworks required for the extra seal.

Whist we understand this is a trial we have confidence in the Edward River Council delivering a quality job; let's build it once and build it right.

ATT 1

"Officers have discussed options with the consultant for Sloane Street considering the amount of work that has taken place on this road over the past few years. Mr Styles agrees that due to the depth of existing stone material and the fact that it was stabilised a few years back Sloane Street may be suitable for a trial to carry out minimal work to the existing road material. This would entail ripping the existing road and introducing approximately 50-70mm of good quality stone. This surface could then be reshaped and sealed with a 14mm standard seal". Dec 2018 Report, page 260

Att 2

"In this situation, with low traffic volumes, it would be suitable for Council to consider a road with a sealed width of 4.5m on a 7m wide formed pavement. This would enable a vehicle to use the sealed road and, if a car approaches from the opposite direction they would be able to pull onto the shoulder. This would also be suitable solution for roads which lead to areas with limited future development potential". Dec 2018 Report, page 259

Once the cost for the extra seal is calculated and agreed on, would Council consider a payment plan in line with the 4 year trial period?

The consensus of residents is that as we are all contributing to the cost of this infrastructure we would assume that the road will be fully maintained by Council as with all other Council roads and streets.

We look forward to hearing from you and to achieving a mutually acceptable outcome.

Kind regards,

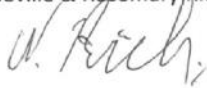
Richard & Elaine Walker



Alan & Fran Braybon



Neville & Rosemary Rich



Robert & Sandra Rich



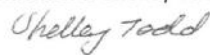
Simon & Abbie Thomas



Doug & Jenny Adamson



Michael & Shelley Todd



Richard Circuit



11.18 CAPITAL WORKS UPDATE MARCH 2019

Author: Oliver McNulty, Director Infrastructure

Authoriser: Oliver McNulty, Director Infrastructure

RECOMMENDATION

That Council note this report on the Capital Works update

BACKGROUND

Each year Council allocates funding towards capital works projects through the budget process. These funded projects are identified within the operational plan. Most capital funding provided each year, is for the renewal of existing infrastructure. Some of this capital funding is provided for upgrade or the construction of new infrastructure.

This report provides an update as to the current position of the capital works program for 2018/19. Table 1 attached to this report outlines in more detail the status of each project and each asset class.

ISSUE/DISCUSSION

Council allocated approximately \$7.8m towards Capital projects in the 2018/19 budget. There was also a carry forward of approximately \$7.7m from 2017/18. This is a total projected Capital spend of \$15.5m in 2018/19. This report excludes capital upgrade and new works that are being delivered and reported on separately through the Stronger Community Programs.

Carry Forward Projects from 2017/18

It must be noted that within the carry forward amount of \$7.7m there are 3 large projects which make up most of this figure. \$5m has been carried forward for the delivery of the RFS Fire Control Centre. \$665k has been carried forward for the flood recovery works and \$510k has been carried forward for plant. All bar one items of plant (Forklift) from the carry forward plant has been delivered. The forklift has been tendered however requires further clarification prior to order.

In total there were twenty-six projects carried forward. This total of twenty-six includes for individual plant items. Thirteen of these projects have now been complete. Six are ongoing and will be completed by years end. Seven will not be complete. The seven projects that won't be completed in 2018/19 includes four projects at Waring Gardens which have been cancelled and the funding reallocated. This work will now be completed through the Stronger Communities Funding Stream.

Projects 2018/19

There are a total number of seventy-eight capital projects in the 2018/19 Capital works program. This number of seventy-eight includes for individual plant items and individual streets for sealing and re-sheeting. Fifty-two of these projects are complete or on target. Eighteen are behind target however are recoverable to complete by 30 June. There are eight projects identified that are unlikely to be complete by 30 June. The eight projects that will not be completed include some projects which require multiyear delivery such as the

telemetry project. It also includes some projects that have been cancelled through separate reports to Council.

STRATEGIC IMPLICATIONS

Council provide funding for the renewal of their assets in line with good asset management principles. By renewing their assets, they continue to provide good services for the community

COMMUNITY STRATEGIC PLAN

Outcome 1 – A great place to live

Outcome 4 – A region with quality and sustainable infrastructure.

FINANCIAL IMPLICATIONS

Council allocate funding towards its Capital Renewal Program each year. This is essential works for the ongoing providing essential services for the community. This resolution will help Council to deliver the required capital works to continue to provide good infrastructure services to the community

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

- 1. Projects Summary**

Capital Works Update 2018/2019				
				Project Completed or Tracking on Schedule
				Project behind schedule but working to meet targets
				Project behind schedule and unlikely to be complete 2018/19
Asset Class	Detail Location	Budget	Status	Comment
Carry Over Projects				
Plant	Backhoe	\$140,000		Delivered
	Fork Lift	\$60,000		Further information required
	Tipper	\$200,000		Delivered
	Worksite Van	\$80,000		Delivered
	Snorter Unit	\$65,000		Delivered
	Multi-Combination Roller	\$110,000		Delivered
RFS Building		\$5,000,000		Will be complete by Mid-April
Waste	Landfill Extension Works	\$125,000		Works Behind schedule. Draft Waste Strategy will be advertised in April. The DA for the extension of the tip is progressing and will take up to a further 12-18 months.
Storm Water Drainage	Stormwater Drainage	\$60,000		River Street completed. Balance was used as part of the aged care development

	Memorial Park Drainage	\$40,000		This will be delivered with the round 2 funding for memorial park which includes for drainage improvements
Waring Gardens	Waring Gardens - Playground Fence Replacement	\$9,000		These funds were reallocated in February to works at McLean Caravan Park
	Waring Gardens - Fence Replacement Napier Street	\$15,000		
	Waring Gardens - BBQ area	\$8,000		
	Waring Gardens _ Rotunda Refurbishment	\$30,000		
Island Sanctuary Bridge		\$5,000		The Structural Report has been completed for this bridge. Works will be delivered through stronger community funding
Dust Suppressant Trial		\$100,000		These works are planned to be completed by mid-April
Water	Electronic Water Meters	\$300,000		Final non-standard meters are currently being installed
	Telemetry System - Upgrade	\$100,000		This has been rolled forward and added to budget for 2018/19. A Project Manager is currently working to scope up this work. This will be tendered in April 2019. Works will commence by June however they will not be completed until later in 2019/20
	Mains Augmentation	\$250,000		Design and Tender documentation is being completed
Sewer	Sewer Relining - Ross, Hetherington and Pakenham Street areas	\$200,000		This will be tendered in April. Works will be completed in June
	Manhole Reline - Contract works	\$50,000		This will be tendered in April. Works will be completed in June

Environmental	LLS weed management	\$40,000		These successful applicants have been informed of Councils decision in relation to this funding. Each successful applicant will invoice Council once the identified works are completed.
	Levee Bank Study	\$130,000		This project is ongoing
Other	RMS intersection George Street and Harding Street			This work is complete
	Flood repair work	\$665,000		This work will be complete by June 2019
	Asset Management Plans	\$200,000		The Asset Plans are progressing well. Works have also commenced to document current operational service levels. Works have also commenced to develop and update condition scores for assets
Capital Renewal Projects				
Reseals	Airport (Apron/Taxi)	\$200,000		Completed
	Internal Roads/ Car-park	\$13,720		Completed
	Boxwood court	\$19,110		Completed
	Wirraway Drive	\$34,839		Completed
	River Street	\$15,331		Completed
	Internal Roads and Car Parks	\$2,860		Completed
	Whitelock Street	\$30,867		Completed
	Dahwilly Road	\$24,276		Completed
	Mayrung Rung	\$49,125		Completed
	Lakers Road	\$124,821		Completed
	Eastmans Road	\$155,412		April 2019
	Wanganella- Moulamein Road	\$118,260		Completed
	Woodbury Road	\$136,794		Completed

	Monee Swamp Road	\$102,102	Completed
Gravel Roads	Hendersons Rd	\$113,800	Completed
	Lehmans Rd	\$96,620	Completed
	Cowans Rd	\$133,680	Completed
	Russells Rd	\$100,560	Completed
	Carrigan Park Rd	\$89,440	Completed
	Lindifferon Ln	\$26,340	Deferred due to large quantity of Native Vegetation
	Cosgroves Rd	\$176,260	Completed
	Fawns Rd	\$47,840	Completed
	Oro Rd	\$147,420	Completed
	Glen Alvie Rd	\$56,960	Completed
	Urban Roads	\$50,000	Completed
Road Rehabilitation	Cressy Street	\$186,588	Design is complete. Project is being diferred. Subject to a separate report
	Russell Street	\$257,301	Complete
	Harfleur Street	\$177,771	Work will commence in April
	Butler Street	\$85,581	In Construction
	Wellington Street	\$95,350	Design is complete. Project is being deferred. Subject to a separate report
Kerb and Gutter	Cressy Street	\$76,060	Design is complete. Project is being deferred. Subject to a separate report
	Harfleur Street	\$29,093	Complete
	Butler Street	\$29,093	Work will commence in April
	Russell Street	\$50,000	In Construction

	Wellington Street	\$43,472		Design is complete. Project is being deferred. Subject to a separate report
	Pakenham Street	\$97,000		Complete
Plant	Western star tipper	\$200,000		On Hold
	Garbage Truck large	\$400,000		Separate Council Report. Will be ordered but unlikely to be delivered by 30/06
	Garbage truck small	\$285,000		Separate Council Report. Will be ordered but unlikely to be delivered by 30/06
	Ford ranger x 6	\$180,000		Will be replaced as the km criteria is reached
	Toro Ground	\$140,000		This is progressing through tender process.
	Water and sewer truck	\$150,000		This is programmed for early 2019
	Mitsubishi FK 600	\$175,000		This is programmed for early 2019
	Isuzu A6500xl	\$325,000		Separate Council Report. Will be ordered but unlikely to be delivered by 30/06
	Rangers Ute	\$50,000		Ordered
	Holden Ute	\$30,000		As needed
	Miscellaneous	\$50,000		As needed
	Diagnostic Equipment	\$20,000		2019
Sewage	Aerodrome Paddock Pump	\$50,000		Parts have been ordered and will be completed by June 30
	Sewage Treatment Plant sand beds	\$20,000		Complete
	Relining sewer main	\$225,540		These will be tendered in March with a report to Council in April. Works will be complete by 30/06
	Manhole refurbishment	\$100,000		
	Manholes wellington street	\$60,000		
	Minor refurb sewer treatment plant	\$30,000		As Needed

	Telemetry	\$255,220		The budget from 2017/18 have been rolled forward to add to these projects. A PM is currently working to develop detailed specifications for these works
	Truck Wash	\$20,000		As needed
Water	Charlotte Street Water Main	\$250,000		The award of this contract is subject to a separate Council report.
	Hardinge Street Watermain	\$50,000		This contract has been awarded and works will commence in April
	Water Treatment Plant refurb	\$30,000		As required. Some minor works have been completed
	Watermain scouring	\$100,000		This work will be completed in June
	Watermain pigging	\$45,000		This work will be completed in June
	Watermain Rehabilitation	\$748,560		The majority of watermain delivery projects will be delivered as part of the road rehabilitation programme. These will be reported on with the roads as works commence on site
	Memorial Park raw water pump	\$60,000		Early 2019
	north Deniliquin reservoir - study	\$45,000		Feasibility study has commenced
	Telemetry	\$102,250		A Project Manager is currently working to scope up this work. This will be tendered in April 2019. Works will commence by June however they will not be completed until later in 2019/20
	High lift pump water treat plant	\$20,000		As required
	seals clear water tank	\$15,000		Complete
	water treatment plant lab upgrade	\$10,000		Complete
	water treat plant compressor upgrade	\$22,000		complete

Storm water	Pakenham street	\$50,000	Green	Works Complete
	drainage cleaning	\$35,000	Green	Will be delivered by 30/06
Footpaths		\$145,000	Green	Works are currently being scoped
Buildings	crossing café	\$100,000	Yellow	This is rolled into project for larger project
	library	\$120,000	Yellow	This is being reassessed by a structural engineer
library supplies		\$40,000	Green	As required
cemetery		\$15,500	Green	As required
swimming pool		\$12,530	Green	As required
Bridges		\$150,000	Red	Projects are currently being scoped

11.19 CAPITAL WORKS PROGRAM AMENDMENT**Author: Oliver McNulty, Director Infrastructure****Authoriser: Oliver McNulty, Director Infrastructure****RECOMMENDATION**

That Council approve;

1. The deferment of the reconstruction of the road and kerb and gutter between Hardinge Street and Macauley Street for future budget consideration
2. The deferment of the reconstruction of Wellington Street between Wood Street and Sloane Street for future budget consideration
3. The reallocation of \$1,009,700 from the Capital Works Program to works required on regional roads
4. Note that the road and kerb and gutter works identified for Poitiers street were completed in 2017/18
5. The reallocation of \$152,000 toward reconstruction of the road and kerb and gutter on Harfleur Street between Macauley Street and Hardinge Street
6. The allocation of \$30,000 towards the reconstruction of kerb and gutter along George Street between Hardinge Street and the IGA driveway
7. Note the additional income of \$400,000 from Fixing Country Roads

BACKGROUND

Each year, Council considers the condition of its assets and which ones should be considered for renewal. As part of this process officers review each asset class and prioritise works that are at condition, or assets that are in a condition that could potentially have an impact on the community.

Officers assess this short list of assets that are at condition, against the budget available prior to bringing this list of projects to Council for its consideration.

Through this process officers will also consider income streams and how the budget can be distributed across works areas

ISSUE/DISCUSSION

As part of the development of the capital works budget for 2018/19, officers identified approximately \$3.35 million of required works for roads and roads related infrastructure. This was brought to Council for their consideration and approved as part of the adopted budget.

The breakdown of the allocation for roads and road related infrastructure is:

- Reseals \$1,030,000
- Reconstruction \$958,000
- Resheeting \$904,000
- Kerb & Gutter \$310,000
- Footpath \$145,000

The income source that Council utilises for Roads and Road related infrastructure renewal include;

- **Roads to Recovery**
 - This was reduced considerably in 2018/19 and budgeted for an income of approximately \$50,000 due to the total 5-year allocation being utilised in earlier years,

- **Financial assistance grants**
 - A portion of Councils funding grants are allocated toward road renewals and maintenance each year,
- **Rates Revenue**
 - A portion of Councils rates revenue is allocated toward road renewals and maintenance each year,
- **RMS**
 - Council receive money from RMS each year under four programs towards the management of regional roads. In 2018/19 this equates to approximately \$1.5 million.

Through the budget in 2018/19, Officers, in error, allocated income from the RMS funding stream to Councils own roads network. Money from RMS must be spent on Regional Roads. This error in allocation is approximately \$1 million.

Officers have reviewed both Councils operational and capital programs for road and roads related infrastructure and have identified the following for consideration by Council as a means to fix this issue.

Additional Income - Fixing Country Roads

In 2016/17 Council received funding to carry out works to Barham Road and Hetherington Street over two years. The first stage of this work cost approximately \$400,000 and was paid for by Council from their own source funding. This work has been completed over 18 months. Council was approached before Christmas by the funding body seeking clarification as to why Council had not utilised the funding available. Officers have invoiced the funding body for the works and this should be paid to Council in the coming week. This income of \$400,000 was not budgeted for and could be utilised to close the gap.

Capital Works

The budget breakdown table appended to this report (Attachment 1) outlines the Roads and Roads related infrastructure capital works projects that have been approved in 2018/19. The attachment highlights comments for each road and how Council could consider closing the funding allocation gap. These actions would resolve the budget issue in 2018/19.

In summary it is proposed that we defer the works that had been identified for Cressy Street and Wellington street in 2018/19. All other roads and road related works budgeted for in 2018/19 will be completed. The works identified for deferment will be reconsidered as part of the budget process for 2019/20.

Roads to Recovery

One of the conditions of the Roads to Recovery funding stream is that Council is required to spend \$2.8 million of their own source funding on the renewal and maintenance of Roads and Roads related infrastructure. There are strict criteria about what costs can be allocated and how this is acquitted each year.

Officers have reviewed this requirement and believe we will meet this criterion.

Workload

The \$1 million of RMS sourced income is money that Council are required to spend in the 2018/19 financial year. A plan has been developed to ensure that Council can resource and expend the available funds by the end of the financial year.

The deferment of Cressy Street and Wellington Street will not impact Councils work crews as these had both been identified as works that would be delivered by external contractors. Council crews are currently working on Butler Street and will then move to Harfleur Street. Harfleur Street has split funding through Councils own source funding and through the Stronger Communities Funding.

Harfleur Street

Council have funding through the Stronger Communities Funding stream to carry out road renewal works on Harfleur Street between Hardinge Street and Napier Street including the Napier Street Intersection. Council have also allocated \$206,000 towards the section of Harfleur Street between Macauley Street and Hardinge Street. Through the detailed design process, it has been identified that additional works would be required to the kerb and gutter and drainage to improve the outcomes for the community. This has been estimated to increase the project cost by approximately \$130,000. \$18,000 has been spent to date on surveys and detailed design. It is recommended that Council allocate an additional \$152,000 to this project.

George Street

Through the development of Councils Disability Action Plan it was identified that there was a need to construct a PAMP (disabled access ramp) along George Street on the north side close to Hardinge Street. Through the disability Action Plan \$10,000 was allocated to this project. This has been detailed and costed, however to construct a compliant PAMP it has been identified that additional kerb and gutter would need to be replaced. The kerb and gutter along this section of George Street is in poor condition and the replacement of the kerb and gutter between IGA and Hardinge Street would ensure a better outcome for the community. To enable this, it is recommended that \$30,000 be allocated for this work.

STRATEGIC IMPLICATIONS

Council through its budget process and Delivery Plan identify works each year to include as part of its Capital Program. The primary purpose of this work is to ensure that Councils assets are in a condition that are suitable for use by the community. Council balance income streams and estimated costs for this program. Council review the Capital Works Program and Budgets on an ongoing basis. As situations arise that require amendments to budgets or the program these issues are brought to Council to enable them to amend the Delivery Plan.

COMMUNITY STRATEGIC PLAN

Outcome 1 – A great place to live

Outcome 4 – A region with quality and sustainable infrastructure

FINANCIAL IMPLICATIONS

This report requires an update to Councils budget which will be corrected and reported through the quarterly budget update.

LEGISLATIVE IMPLICATIONS

Nil

ATTACHMENTS

1. **Budget Summary**

DESCRIPTION	ORIGINAL BUDGETED INCOME			ORIGINAL BUDGETED EXPENDITURE			COMMENTS
REGIONAL ROADS							
Regional Road Block Grant	\$1,075,200			\$355,000			
Regional Road Block Grant - Supplementary	\$114,800			\$60,000			
Regional Road Block Grant - Traffic Facilities	\$113,800			\$112,800			
REPAIR Program	\$233,700			\$0			REPAIR funding to be matched by Block Grant on capital renewals. This will be a Capital renewal project of approximately \$450,000 on the Barham Road
<i>Total - Regional Road Grants</i>	<i>\$1,537,500</i>			<i>\$527,800</i>			
Anticipated Expenditure Shortfall for Regional Roads	\$1,009,700						
	ORIGINAL BUDGET - ROADS	ORIGINAL BUDGET - K&G	ORIGINAL BUDGET - TOTAL	REVISED FORECASTED EXPENDITURE	EXPENDITURE TO DATE (15 February 2019)	PROJECTED SAVINGS	
LOCAL ROADS - CAPITAL							
Local Road Reseals	\$1,027,517	\$0	\$1,027,517	\$870,000	\$718,706	\$157,517	The final seal program has been completed. Eastmans Road final seal will be completed in April. This program was delivered more efficiently than expected
Local Road Gravel Re-sheets	\$903,640	\$0	\$903,640	\$903,640	\$811,282	\$0	Council have one road to complete for this program and will this will be completed shortly. This budget will be fully expended
Local Road Reconstruction - Cressy Street	\$186,588	\$76,076	\$262,664	\$9,716	\$9,716	\$252,948	There has been \$9,716 spent to date on design for this project It is proposed that this road is rescoped and deferred until 2019/20
Local Road Reconstruction - Russell Street	\$257,301	\$50,000	\$307,301	\$198,516	\$198,516	\$108,785	Project completed and no further expenditure.
Local Road Reconstruction - Harfleur Street	\$177,771	\$29,093	\$206,864	\$330,000	\$18,522	-\$152,229	Predicted increase in expenditure. 200m long, full reconstruction 16m wide, Full reseal, K&G and Drainage
Local Road Reconstruction - Butler Street	\$85,581	\$29,093	\$114,674	\$114,674	\$40,159	\$0	Assumed that full project shall be completed.
Local Road Reconstruction - Poictier Street	\$155,750	\$35,781	\$191,531	\$0	\$0	\$191,531	Project not proceeding as works were completed in 2017/18
Local Road Reconstruction - Wellington Street	\$95,350	\$43,472	\$138,822	\$8,000	\$8,000	\$130,822	There has been \$8,000 spent to date on design for this project It is proposed that this road is rescoped and deferred until 2019/20
Local Road Reconstruction - K&G Packenham Street		\$97,000	\$97,000	\$97,000	\$0	\$0	This project is complete and it is anticipated that the budget will be fully expended
George Street - K+G (Hardinge Street - IGA Driveway)	\$0	\$0	\$0	\$40,000	\$0	-\$30,000	\$10,000 has been allocated to this project through the Disability Action plan to construct a PAMP along this block.
						\$659,374	
<i>Income from FCR project not accounted for</i>	<i>\$400,000</i>						
<i>Anticipated Savings in Capital</i>	<i>\$659,374</i>	<i>(Savings in Capital)</i>					
Total Correction to Budget	\$1,059,374						
<i>Shortfall in RMS funding</i>	<i>\$1,009,700</i>						
	\$49,674						

12 REPORTS FROM COUNCIL COMMITTEES

Nil

13 MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Nil

14 QUESTIONS ON NOTICE

Nil

15 CONFIDENTIAL MATTERS**RECOMMENDATION**

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 C2019/03 - Water Reticulation Air Scouring Program

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 Contract C2019/05 - Charlotte Street Water Mains 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.

15.3 Purchase Rear Loading Garbage Truck

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.

15.4 Purchase Side Loading Compactor

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 CLOSE OF MEETING