



**Edward  
River**  
COUNCIL

# **MINUTES**

**Ordinary Council Meeting**

**24 October 2019**

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**MINUTES OF EDWARD RIVER COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIQUN  
ON THURSDAY, 24 OCTOBER 2019 AT 11.00AM**

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

**IN ATTENDANCE:** Adam McSwain (General Manager), Oliver McNulty (Director Infrastructure)  
Trish Kirkland (Director Infrastructure), Julie Rogers (Manager Environmental Services, Belinda Perrett (Minutes)

**GALLERY:** One

### **ACKNOWLEDGEMENT OF COUNTRY**

I would like to acknowledge that we are here today on the land of the Wamba Wamba Perrepa Perrepa people. I would also like to acknowledge and pay my respects to past Aboriginal Elders, the present Aboriginal and Torres Strait Islander people who reside within this area, and their future generations.

### **STATEMENT OF PURPOSE**

I have come here as a Councillor freely and without bias to:

- Represent the views of the community in considering the matters before us today
- To vote in a matter I consider to be in the best interest of the community
- To observe the Code of Conduct and respect the rule of the chair and views of my fellow Councillors.

### **APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS**

Nil

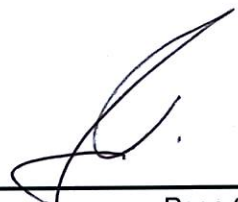
### **CONFIRMATION OF MINUTES**

#### **RESOLUTION 2019/10/229**

Moved: Cr Nick Metcalfe  
Seconded: Cr Peta Betts

That the minutes of the Ordinary Council Meeting held on 19 September 2019 be confirmed.

**CARRIED**



**MINUTES OF THE TIDY TOWNS COMMITTEE MEETING HELD ON 8 OCTOBER 2019**

**RESOLUTION 2019/10/230**

Moved: Cr Pat Fogarty  
Seconded: Cr Marg Bull

That Council receive and note the Minutes of the Tidy Towns Committee Meeting held on 8 October 2019, contained at Attachment A.

**CARRIED**

**MINUTES OF THE COMMUNITY GARDEN COMMITTEE MEETING HELD ON 22 SEPTEMBER 2019**

**RESOLUTION 2019/10/231**

Moved: Cr Pat Fogarty  
Seconded: Cr Peta Betts

That Council note the minutes (Attachment 1) of the Community Garden Committee meeting held on 22 September 2019.

**CARRIED**

**RESOLUTIONS OF COUNCIL**

**RESOLUTION 2019/10/232**

Moved: Cr Peter McCrabb  
Seconded: Cr Mac Wallace

That Council note the information in the Resolutions of Council to 9 October 2019.

**CARRIED**

**MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS**

**RESOLUTION 2019/10/233**

Moved: Cr Ashley Hall  
Seconded: Cr Mac Wallace

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

**CARRIED**



**COUNCILLOR APPOINTMENT TO COMMITTEES****RESOLUTION 2019/10/234**

Moved: Cr Peter McCrabb  
Seconded: Cr Marg Bull

Council reviewed the current Councillor appointments to committees and determined the following changes for the period October 2019 to September 2020.

- a) The Edward River Users Group continues to be a committee of Council with delegates being Mayor Cr Norm Brennan and Cr Ashley Hall.
- b) DBEC be removed from the list of committees.
- c) Committees to be notified of Councillor appointments.

**CARRIED**

**INVESTMENT REPORT SEPTEMBER 2019****RESOLUTION 2019/10/235**

Moved: Cr Peter McCrabb  
Seconded: Cr Peta Betts

That Council:

1. Note and receive the Report on Investments totalling \$47,502,500 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of September 2019 was \$107,473;
3. Note that accrued interest earned to 30 September 2019 but not yet received was \$406,791.

**CARRIED**

**TABLING - ANNUAL WRITTEN RETURNS OF INTEREST REGISTER****RESOLUTION 2019/10/236**

Moved: Cr Nick Metcalfe  
Seconded: Cr Norm McAllister

That Council note the General Manger's tabling of the annual Written Returns of Interest Register.

**CARRIED**





**ANNUAL CODE OF CONDUCT STATISTICAL RETURN 2019****RESOLUTION 2019/10/237**

Moved: Cr Mac Wallace

Seconded: Cr Pat Fogarty

That Council

1. Receive and note the Code of Conduct Annual Statistical Report for the period 1 September 2018 to 31 August 2019
2. Provide the Code of Conduct Annual Statistical Report to the Office of Local Government by 31 December 2019.

**CARRIED****ESTATES BUILDING REVITALISATION AND CIVIC PRECINCT ACCOMMODATION PROJECT****RESOLUTION 2019/10/238**

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That Council:

1. Endorse the Estates Building and Administration Building Revitalisation Concept Designs Stages 1 and 2, contained at Attachment 1 and 2
2. Endorse the Town Hall and Civic Precinct Revitalisation Masterplan contained at Attachment 3.
3. Delegate the General Manager to engage the architect, Brandrick & Associates, in accordance with the accepted tender for Planning and Design Services, to proceed to the next phases of detailed design, approvals, and tender documentation in accordance with the Concept Design Stages 1 and 2.
4. Receive a further report on the preferred approach to offering the stage 1 construction contract for tender, in coordinating with the Town Hall Revitalisation and Civic Precinct Projects.

**CARRIE****DRAFT WATER LEAK ALLOWANCE POLICY****RESOLUTION 2019/10/239**

Moved: Cr Marg Bull

Seconded: Cr Pat Fogarty

That Council:

1. Place the draft Water Leak Allowance Policy, contained at Attachment 1, on public exhibition for 28 days;
2. Subject to receiving no submissions during the public exhibition period, adopt the Draft Water Leak Allowance Policy contained at Attachment 1.

**CARRIED**

**UNION PICNIC DAY****RESOLUTION 2019/10/240**

Moved: Cr Peter McCrabb  
Seconded: Cr Peta Betts

That Council

1. Approve Tuesday 5 November 2019 for the purpose of union picnic day holiday as allowed under the Local Government State Award 2017.
2. Approve the closure of the Customer Service Centre, Works Depot and Central Murray Regional Library for the day.

**CARRIED**

**COMBINED DELIVERY PROGRAM 2018-2021 AND OPERATIONAL PLAN 2019-2020  
PROGRESS REPORT AT 30 SEPTEMBER 2019****RESOLUTION 2019/10/241**

Moved: Cr Norm McAllister  
Seconded: Cr Peter McCrabb

That Council receive and note the combined Delivery Program 2018-2021 and Operational Plan 2019-2020 Progress Report, contained at Attachment 1.

**CARRIED**

**ENVIRONMENTAL SERVICES REPORT (SEPTEMBER 2019)****RESOLUTION 2019/10/242**

Moved: Cr Norm McAllister  
Seconded: Cr Mac Wallace

That Council note the Environmental Services report for September 2019.

**CARRIED**

**DEVELOPMENT APPLICATION 41/19****RESOLUTION 2019/10/243**

Moved: Cr Norm McAllister  
Seconded: Cr Marg Bull

That Council:

1. **APPROVE** Development Application 41/19 dated 7 August 2019 for the 5 stage redevelopment of a depot on Lots 11, 12 and 13 DP1123768 and Lot 2 Section 36 DP758782, 334-342 Augustus Street, 219 Wanderer Street and 221 Wanderer Street, North Deniliquin consisting of the following stages:
  - a Stage 1 – Construction of 2 sheds ('A' and 'B'), extension and renovation to existing staff rooms, construction of a temporary toilet block and accessible ramp, demolition of internal fencing, concrete bunker, retaining wall and ramp structure, existing toilets and



open shed on the northern boundary, relocation of existing carport/shed to northern corner of site (shed C), construction of the Charles Street vehicular access and upgrades to the Augustus Street vehicular access;

- b Stage 2 – Works associated with open air storage;
- c Stage 3 – Relocation of demountable administration building (from 180 Cressy Street), accessible carpark, sealing of carparks and construction of vehicular access off Wanderer Street;
- d Stage 4 – Works to existing works shed and office and relocation of fuel tanks, washdown bay and water tanks; and
- e Stage 5 – Future shedding and heavy vehicle parking.

Shown on the following plans:

Drawing Number	Title	Date
267-01-18/01 P7	Cover and Drawing Schedule	4/10/19
267-01-18/02 P7	Existing Site Plan – Deni North Depot	4/10/19
267-01-18/03 P7	Proposed Site Plan – Deni North Depot	4/10/19
267-01-18/04 P7	Shed A&B Floor Plan and Elevation	4/10/19
267-01-18/05 P7	Shed A&B Roof Plan and Section	4/10/19
267-01-18/06 P7	Shed C – Floor Plan and Elevation	4/10/19
267-01-18/07 P7	Shed C - Section	4/10/19
267-01-18/08 P7	Staff Building Extension – Floor Plan and Roof Plan	4/10/19
267-01-18/09 P7	Staff Building Extension - Elevations	4/10/19
267-01-18/10 P7	Staff Building Extension – Section	4/10/19
267-01-18/11 P7	Demountable Facilities	4/10/19

Stage 1 works are approved in accordance with section 4.16 and stages 2-5 are approved as a concept development application in accordance with Part 4 Division 4.4 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons:

- (a) *The application complies with key planning provisions contained within the Deniliquin Local Environmental Plan 2013 and the Deniliquin Development Control Plan 2016; and*
- (b) *The proposal is consistent with the zone objectives and the existing character of the area. And impose the conditions as detailed in Attachment 2 of this report.*

**CARRIED**

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

Against: Nil

**CARRIED 9/0**



**DEVELOPMENT APPLICATION 45/19****RESOLUTION 2019/10/244**

Moved: Cr Norm McAllister

Seconded: Cr Ashley Hall

That Council:

1. **APPROVE** Development Application 45/19 for installation of "Deniliquin" township sign and associated landscaping on the road reserve, corner of Cobb Highway and Crispe Street, Deniliquin dated 2/09/19 as shown on plans numbered DA 45/19 Site Plans A(A), L0000(B), Planting Plan L1000 (B), Landscape Details Plan L1001 (B), Landscape Notes L1002 (B) described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reason/s:

(a) The proposal is consistent with the zone and desired future character of the area.

Impose conditions on 45/19 as detailed in Attachment 2.

**CARRIED**

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

Against: Nil

**CARRIED 9/0****MURRAY REGIONAL TOURISM - ONE YEAR EXTENSION OF MEMORANDUM OF UNDERSTANDING****RESOLUTION 201910/245**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council

1. Approves the one-year extension (1 July 2020 to 30 June 2021) to the funding agreement with Murray Regional Tourism Board
2. Authorises the General Manager to provide written confirmation to Murray Regional Tourism Board to enact this Motion

**CARRIED****STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COMMUNITIES PROGRAM - OCTOBER 2019 PROGRESS REPORT****RESOLUTION 2019/10/246**

Moved: Cr Peter McCrabb

Seconded: Cr Ashley Hall

That Council note the Major Projects Program from various funding sources - Progress Report for October 2019.

**CARRIED**



**DENILIQUN CBD PARKING****RESOLUTION 2019/10/247**

Moved: Cr Marg Bull

Seconded: Cr Peter McCrabb

That Council;

1. Approve the creation of an additional four 2-hour parking spaces along Whitelock Street, between Napier Street and Hardinge Street,
2. Note that further investigations will be carried out to identify suitable locations for the provision of additional disabled spaces.

**CARRIED**

At 11.54am, Cr Norm McAllister left the meeting.

At 11.57am, Cr Norm McAllister returned to the meeting.

**CONARGO AND PRETTY PINE RURAL LANDFILLS****RESOLUTION 2019/10/248**

Moved: Cr Nick Metcalfe

Seconded: Cr Ashley Hall

That Council:

1. Accept the requirements of the Deed of Agreement from NSW Environmental Trust for Pretty Pine and Conargo Rural Landfills conversion to transfer stations;
2. Allocate \$86,700 from the Waste Facilities reserve for the project; and
3. Authorise the General Manager to sign the Deed of Agreement on Council's behalf.

**CARRIED**

**DENILIQUN SWIM CENTRE - ENTRANCE FEES FOR 2019/20 SEASON****RESOLUTION 2019/10/249**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council:

1. Endorses the proposed entrance fees to the Deniliquin Swim Centre for the 2019/20 season; and
2. Advise Deniliquin Outdoor Pools Incorporated and Deniliquin Heated Pools Incorporated that the fees charged to the Deniliquin Swimming and Life Saving Club for use of the facility during normal operating hours are capped at \$547.00 for the 2019/20 season.

**CARRIED**

**PLAN OF MANAGEMENT**

**RESOLUTION 2019/10/250**

Moved: Cr Pat Fogarty  
Seconded: Cr Peter McCrabb

That Council:

1. Adopt the Plans of Management for Gorman Park reserve and McLean Beach Reserve;
2. Submit the adopted Plans of Management to Crown Lands for endorsement.

**CARRIED**

**MOBILE PHONE POLICY**

**RESOLUTION 2019/10/251**

Moved: Cr Norm McAllister  
Seconded: Cr Ashley Hall

That Council adopt the revised Mobile Phone Policy contained at Attachment 1.

**CARRIED**

**CAPITAL WORKS UPDATE 2019/2020 QUARTER 1**

**RESOLUTION 2019/10/252**

Moved: Cr Peter McCrabb  
Seconded: Cr Peta Betts

That Council note the report of the Capital Works Update for the end of the period quarter 1

**CARRIED**



**CONFIDENTIAL MATTERS****RESOLUTION 2019/10/253**

Moved: Cr Peter McCrabb  
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 at 12.21pm

**12.1 CBD Painting Project - Amended Proposal**

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.

**12.2 Contract C2020/06 - Purchase of 20-24 tonne Multi Tyre Roller**

This matter is considered to be confidential under Section 10A(2) - d(ii) 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 competitor of the council.

**12.3 Contract C2020/09 - Retirement Living**

This matter is considered to be confidential under Section 10A(2) - c and 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**CARRIED**

**CBD PAINTING PROJECT - AMENDED PROPOSAL****RESOLUTION 2019/10/254**

Moved: Cr Norm McAllister  
Seconded: Cr Peter McCrabb

That Council

1. Rescind resolution number 2019/09/227 to approve the Drought Communities Program CBD Painting and Signage funding allocation as recommended by the assessment panel, with an amendment that those partially funded, will be fully funded to the 50 percent maximum,
2. Approve the Drought Communities Program CBD Painting and Signage funding allocation for all successful applications as 75 percent from Drought Communities Program and 25 percent from the applicant,
3. Approve any unspent funds from the CBD Painting and Signage project to be transferred to Tourism Marketing to invest in an additional radio campaign or tourism assets,
4. Apply to the funding body for a minor application amendment from 50:50 to 75:25 for painting and signage contribution; and an extension of timeline due to unforeseen and unavoidable circumstances.

**CARRIED**



**CONTRACT C2020/06 - PURCHASE OF 20-24 TONNE MULTI TYRE ROLLER****RESOLUTION 2019/10/255**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council:

1. Accepts the tender submitted by Tutt Bryant Pty Ltd for Contract C2020/06 – Purchase of 20 - 24 tonne Multi Tyre Roller for the lump sum tender price of \$161,000 + GST;
2. Accepts the option provided by Tutt Bryant Pty Ltd of an extended 5 year/5,000 hour powertrain warranty at a price of \$3,200 + GST;
3. Accepts the trade-in price of \$11,000 +GST from Tutt Bryant Pty Ltd for the sale of Council's current Sanya Multipac Roller, being Plant Number FM36;
4. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020/06 – Purchase of 20 - 24 tonne Multi Tyre Roller.

**CARRIED****CONTRACT C2020/09 - RETIREMENT LIVING****RESOLUTION 2019/10/256**

Moved: Cr Marg Bull

Seconded: Cr Peta Betts

That Council

1. Accept the tender submitted by Collard Maxwell Architects for Contract 2020/09 – Retirement Living Project for the lump sum tender price of \$292,600 plus GST;
2. Authorise the General Manager and the Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020/09 – Retirement Living Project.

**CARRIED****RESOLUTION 2019/10/257**

Moved: Cr Peta Betts

Seconded: Cr Peter McCrabb

That Council moves out of Closed Council into Open Council at 12.27pm

**CARRIED****CLOSE OF MEETING****The Meeting closed at 12.28pm.****The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 21 November 2019.**.....  
**CHAIRPERSON**