



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

20 August 2020

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILQUIN
ON THURSDAY, 20 AUGUST 2020 AT 9.00AM**

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: Phil Stone (General Manager) via zoom, Oliver McNulty (Director Infrastructure), Suni Campbell (Director Corporate Services), Marie Sutton (Acting Manager Environmental Services), Eliza Eastman (Planning Officer), Tiffany Carroll (Communications Advisor), Belinda Perrett (Executive Assistant).

1 OPENING MEETING

2 LIVE STREAMING STATEMENT

Edward River Council wishes to advise members of the public that Council Meetings will be recorded and will be available after each meeting on Council's website www.edwardriver.nsw.gov.au.

All care will be taken to maintain the privacy of those in attendance, however As a visitor in the public gallery, your presence may be recorded. By remaining In the public gallery, it is assumed your consent is given in the event your image is broadcast. This includes any filming by television cameras if attendance is approved by the General Manager or Mayor.

3 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.

4 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.

5 APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

6 CONFIRMATION OF MINUTES

RESOLUTION 2020/151

Moved: Cr Peta Betts

Seconded: Cr Norm McAllister

That the minutes of the Ordinary Council Meeting held on 16 July 2020 be confirmed.

CARRIED

7 DISCLOSURES OF INTERESTS

Item 10.10 Cr Nick Metcalfe declared a pecuniary interest in the Environmental Services Report DA28/18 Expansion of Wyoming Diary Cattle Feedlot.

Item 10.13 Cr Pat Fogarty declared a non-pecuniary significant interest in the Infrastructure Report North Deniliquin Levee Upgrade Feasibility Report.

8 MAYORAL MINUTE(S)

Nil

9 REPORTS OF COMMITTEES

Nil

10 REPORTS TO COUNCIL**10.1 MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS****RESOLUTION 2020/152**

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council note the Mayor, Councillors and General Manager meetings attended during the month of July 2020, undertaken either remotely, or adhering to COVID-19 distancing regulations.

CARRIED

10.2 RESOLUTIONS OF COUNCIL**RESOLUTION 2020/153**

Moved: Cr Pat Fogarty

Seconded: Cr Marg Bull

That Council note the information in the Resolutions of Council as at 11 August 2020.

CARRIED

10.3 INVESTMENT REPORT JULY 2020**RESOLUTION 2020/154**

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

That Council:

1. Note and receive the July report on Investments totalling \$42,258,764 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of July 2020 was \$72,595;
3. Note that accrued interest earned to 31 July 2020 but not yet received was \$205,477;
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.
5. Note that the revised Investments balance for 30 June 2020 was \$44,869,775.

CARRIED

10.4 SME COMMERCIAL LEASING PRINCIPLES DURING COVID-19 - APPLICATIONS FOR CONCESSION**RESOLUTION 2020/155**

Moved: Cr Peter McCrabb

Seconded: Cr Ashley Hall

That Council:-

1. Waive 50% and defer 50% of the rental payable by Wettenhall Air Services for 24 months as provided under the mandatory code, for the period the company receives the Jobkeeper allowance.
2. That the Mayor and General Manager be delegated authority to determine further requests for assistance under the code.

CARRIED

10.5 COMBINED DELIVERY PROGRAM 2018 - 2021 AND OPERATIONAL PLAN 2019-2020 ANNUAL PROGRESS REPORT**RESOLUTION 2020/156**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

That That Council:

1. Receive and note the Combined Delivery Program 2018-2021 and Operational Plan 2019-2020 Annual Progress Report, contained at Attachment 1.

CARRIED

9.22am Tiffany Carroll left the Chambers and returned at 9.24am.

10.6 ADVOCACY STRATEGY**RESOLUTION 2020/157**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That Council:-

1. That the Strategy "Deniliquin Airport Redevelopment be strengthened by including statistics on aircraft movements particularly, for health and emergency services.
2. That detailed evidence be gathered to support the strategy "Investment in Deniliquin Hospital".
3. Adopt the updated Advocacy Strategy

CARRIED

10.7 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE 2020**RESOLUTION 2020/158**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council approve the Mayor, up to two other Councillors and the General Manager to attend the Local Government NSW Annual Conference 22 – 24 November 2020 being held at the Crowne Plaza Hunter Valley.

CARRIED

10.8 APPOINTMENTS TO COMMITTEES**RESOLUTION 2020/159**

Moved: Cr Pat Fogarty

Seconded: Cr Nick Metcalfe

That the following appointments be made to Committees.

- Aboriginal Advisory Committee.
 1. Committee Membership Cr Peta Betts (Chairperson) and Deputy Mayor Cr Pat Fogarty.
- Deniliquin Retirement Village Committee.
 2. Committee Membership Deputy Mayor Pat Fogarty (Interim Chairperson), Cr Peta Betts, Cr Ashley Hall.
- Recreation and Community Facilities Recommendations
 3. Committee Membership Cr Norm McAllister (Chairperson), Cr Nick Metcalfe (Deputy Chairperson) and Cr Marg Bull.

CARRIED

10.9 FREE WASTE WEEKENDS - EDWARD RIVER LANDFILL**RESOLUTION 2020/160**

Moved: Cr Nick Metcalfe

Seconded: Cr Peta Betts

That Council:

1. Approve the Free Waste Disposal weekends at the Deniliquin Landfill to take place on the following dates during the 2020/21 financial year: 24 & 25 October 2020; 9 & 10 January 2021; 3 & 4 April 2021; 12 & 13 June 2021.
2. Note that on the Free Waste Disposal weekends the following waste is still charged for: tyres, commercial waste, construction and/or demolition waste.
3. Acknowledge that these dates may be postponed due to COVID-19 restrictions and that if they proceed, all safety recommendations will be followed.

CARRIED

9.25am Cr Nick Metcalfe left the Chambers.

10.10 DA 28/18 - EXPANSION OF WYOMING DAIRY CATTLE FEEDLOT**RESOLUTION 2020/161**

Moved: Cr Norm McAllister

Seconded: Cr Pat Fogarty

That Council resolves to: -

1. **APPROVE** the development application for the expansion of an existing dairy cattle feedlot to 3,500 head dairy cattle feedlot (Intensive Livestock Industry), on Lot 174 DP756305 & Lot 210 DP756305, 218 Campbells Road, Mayrung dated 8 June 2018 as shown on plan numbered 2722/C03 and described in details accompanying the Development Application, in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons:
 - (a) *The proposed development is permissible within the zone under the Conargo Local Environmental Plan 2013 and complies with the provisions of this environmental planning instrument.*
 - (b) *The proposed development is consistent with the provisions of the relevant SEPPs that apply.*
 - (c) *The proposed development, subject to the imposition of conditions, is unlikely to have any unreasonable impact on the environment, and where an adverse impact has been identified appropriate conditions have been imposed to mitigate the effects.*
2. Impose conditions as detailed in Attachment 1

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

Against: Nil

CARRIED 8/0

9.31am Cr Nick Metcalfe returned to the Chambers

10.11 LOCAL HERITAGE FUND 2020-2021**RESOLUTION 2020/162**

Moved: Cr Ashley Hall

Seconded: Cr Marg Bull

That Council fund the projects detailed in Attachment 1 under the Local Heritage Fund 2019-2020 as follows:

- (a) 138 End Street – Local Heritage Fund contribution of \$2325
- (b) 33 - 37 Napier Street – Local Heritage Fund contribution of \$825
- (c) 255 Cressy St – Local Heritage Fund contribution of \$2500
- (d) 367 Henry Street – Local Heritage Fund contribution of \$2000
- (e) 217- 223 Cressy St – Local Heritage Fund contribution of \$6600
- (f) 307 Cressy St - Local Heritage Fund contribution of \$2000

AMENDMENT TO THE MOTION

Moved: Cr Ashley Hall

Seconded: Cr Peter McCrabb

That the 2020-2021 projects to be funded are reviewed by a Committee of Council including Cr Ashley Hall and Cr Mac Wallace and that the Local Heritage Funding Guidelines are reviewed.

CARRIED

10.12 ENVIRONMENTAL SERVICES REPORT (JULY 2020)**RESOLUTION 2020/163**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council note the Environmental Services report for July 2020.

CARRIED

Cr Pat Fogarty left the Chambers at 9.45am.

Acting Manager Environmental Services, Marie Sutton and Planning Officer, Eliza Eastman left the Chambers

10.13 NORTH DENILQUIN LEVEE UPGRADE FEASIBILITY REPORT**RESOLUTION 2020/164**

Moved: Cr Mac Wallace

Seconded: Cr Norm McAllister

That Council:

1. Adopt the North Denilquin Levee Upgrade Feasibility Report, contained as Attachment 1 to this report, and;
2. Apply to Office of Environment and Heritage for funding of the works detailed in the North Denilquin Levee Upgrade Feasibility Report

CARRIED

Cr Pat Fogarty returned to the Chambers at 9.50am

10.14 RAIL INTERFACE AGREEMENT**RESOLUTION 2020/165**

Moved: Cr Marg Bull

Seconded: Cr Peter McCrabb

That Council

1. Note the Interface Agreement, Rail or Road Crossings in the Edward River Council Local Government Area, as appended to this report.

Delegate the Director Infrastructure to sign the Interface Agreement.

CARRIED

10.15 DROUGHT RELIEF**RESOLUTION 2020/166**

Moved: Cr Mac Wallace

Seconded: Cr Nick Metcalfe

That Council approve the cessation of the Drought Relief Program and recall the Avdata fobs.

CARRIED

10.16 REQUEST FOR WATER TRANSFER**RESOLUTION 2020/167**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That Council

1. Approve the request from Deniliquin Golf Club for the transfer of 200ML for their use at the Golf Club,
2. Provide the water to the Deniliquin Golf Club free of charge and only pass on administrative charges as incurred in establishing the water transfer,
3. Inform the Golf Club that this approval is for 2020 only and that Council may not be able to provide this support in future years if increased water restrictions are applied.

CARRIED

10.17 ROADSIDE VEGETATION MANAGEMENT PLAN**RESOLUTION 2020/168**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council endorses the Roadside Vegetation Management Plan including the following documents:

- a) Roadside Vegetation Management Plan, contained as Attachment 1 to this report.
- b) Roadside Vegetation Management Code of Practice, contained as Attachment 2 to this report.
- c) Community Roadside Vegetation Management Handbook, contained as Attachment 3 to this report, and;
- d) Community Roadside Vegetation Management Information Sheet, contained as Attachment 4 to this report.

CARRIED

10.18 MAJOR PROJECTS PROGRAM - AUGUST 2020 PROGRESS REPORT**RESOLUTION 2020/169**

Moved: Cr Pat Fogarty

Seconded: Cr Nick Metcalfe

That Council note the Major Projects Program from various funding sources - Progress Report for July 2020.

CARRIED

10.19 CAPITAL WORKS UPDATE**RESOLUTION 2020/170**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council notes the final Capital Works update for the 2019-2020 financial year.

CARRIED

11 NOTICES OF MOTIONS

Nil

12 QUESTIONS WITH NOTICE

Nil

13 CONFIDENTIAL MATTERS**RESOLUTION 2020/171**

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

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:

13.1 Request to Write off Debtor Accounts

This matter is considered to be confidential under Section 10A(2) - b and g 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 discussion in relation to the personal hardship of a resident or ratepayer and advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

13.2 Financial Hardship relief application - BIG4 DENILQUIN HOLIDAY PARK

This matter is considered to be confidential under Section 10A(2) - b 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 discussion in relation to the personal hardship of a resident or ratepayer.

CARRIED

13.1 REQUEST TO WRITE OFF DEBTOR ACCOUNTS**RESOLUTION 2020/172**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That Council

1. Receive and note the report.
2. Write-off bad trade debts amounting to \$55,996.83 for financial year 19/20 that are unrecoverable (as showing in Attachment 1) in accordance with *clause 213(3) of the Local Government (General) Regulation 2005*.

CARRIED

13.2 FINANCIAL HARDSHIP RELIEF APPLICATION - BIG4 DENILQUIN HOLIDAY PARK**RESOLUTION 2020/173**

Moved: Cr Peta Betts

Seconded: Cr Peter McCrabb

That Council approve the financial hardship relief application from BIG4 Denilquin Holiday Park, a deferral of *estimated* all Council charges \$46,332.98 including Rates, water, and debtor until 31 December 2020.

CARRIED

RESOLUTION 2020/174

Moved: Cr Mac Wallace

Seconded: Cr Pat Fogarty

That Council moves out of Closed Council into Open Council.

CARRIED

3 CLOSE OF MEETING

The Meeting closed at 10.42am

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 17 September 2020.

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CHAIRPERSON