



**Edward  
River**  
COUNCIL

# **MINUTES**

**Ordinary Council Meeting**

**19 November 2020**

**MINUTES OF EDWARD RIVER COUNCIL  
ORDINARY COUNCIL MEETING  
HELD AT THE RFS DENILQUIN AIRPORT  
ON THURSDAY, 19 NOVEMBER 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 Mac Wallace

**IN ATTENDANCE:** Oliver McNulty (Director Infrastructure), Amanda Barber (Manager Finance), Mark Dalzell (Manager Engineering & Assets), Marie Sutton (Acting Manager Environmental Services), Tiffany Carroll (Communications Advisor), Belinda Perrett (Executive Assistant)

**GALLERY:** One

**1 OPENING MEETING**

**2 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.

**3 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.

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

**APOLOGY**

**RESOLUTION 2020/220**

Moved: Cr Norm McAllister

Seconded: Cr Mac Wallace

That the apology received from Cr Metcalfe be accepted and leave of absence granted.

**CARRIED**

**5 CONFIRMATION OF MINUTES****RESOLUTION 2020/221**

Moved: Cr Norm McAllister

Seconded: Cr Pat Fogarty

That the minutes of the Ordinary Council Meeting held on 15 October 2020, the Extraordinary Council Meeting held on 22 October 2020, the Extraordinary Council Meeting held on 29 October 2020 (cancelled) and the Extraordinary Council Meeting held on 5 November 2020 be confirmed.

**CARRIED**

**6 DISCLOSURES OF INTERESTS**

13.4 - Cr Norm McAllister declared a Non-Pecuniary – Less than significant interest.

**7 MAYORAL MINUTE(S)**

Mayor Cr Norm Brennan asked that item 10.11 – DA 30/15A – subdivision modification be discussed following item 10.1 - Mayor, Councillors and General Managers Meetings.

**8 REPORTS OF COMMITTEES****9.1 MINUTES OF THE AUDIT RISK AND IMPROVEMENT COMMITTEE MEETING HELD ON 30 OCTOBER 2020****RESOLUTION 2020/222**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council receive and note the Minutes of the Audit Risk and Improvement Committee Meeting held on 30 October 2020, contained at Attachment 1.

**CARRIED**

**9 REPORTS TO COUNCIL****10.1 MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS****RESOLUTION 2020/223**

Moved: Cr Peta Betts

Seconded: Cr Pat Fogarty

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

**CARRIED**

**10.11 DA 30/15A - SUBDIVISION MODIFICATION****RESOLUTION 2020/224**

Moved: Cr Ashley Hall

Seconded: Cr Pat Fogarty

That Council resolves to: -

1. **APPROVE** the development consent modification DA30/15A for a 9 lot subdivision on Lot 9 DP790826, 201-209 Hetherington Street, Deniliquin as shown on plan titled *Plan of Proposed Subdivision of Lot 9 DP790826* and described in details accompanying the Development Application, in accordance with section 4.16 and 4.55 of the Environmental Planning and Assessment Act 1979 and subject to the following reasons:
  - (a) *The proposal is consistent with the zone and desired future character of the area.*
  - (b) *The proposal is appropriate on the site given the existing character of the area.*
  - (c) *Council considered the concerns raised in the submission and considers that the issues have been adequately addressed in the assessment of the proposal and do not justify refusal of the application.*
2. Impose conditions as per attachment 5.

**CARRIED**

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**

9.18am Member of the Gallery left the Chambers

**10.2 RESOLUTIONS OF COUNCIL****RESOLUTION 2020/225**

Moved: Cr Mac Wallace

Seconded: Cr Pat Fogarty

That Council note the information in the Resolutions of Council as at 10 November 2020.

**CARRIED**

**10.3 ANNUAL REPORT 19/20****RESOLUTION 2020/226**

Moved: Cr Pat Fogarty

Seconded: Cr Marg Bull

That Council:

1. Adopt the Edward River Council's 2019-20 Annual Report; and
2. Note that the Annual Report will be submitted to the NSW Minister for Local Government by 31 December 2020

**CARRIED**

**10.4 COMBINED DELIVERY PROGRAM 2018-2021 AND OPERATIONAL PLAN 2020-2021 ANNUAL PROGRESS REPORT****RESOLUTION 2020/227**

Moved: Cr Mac Wallace

Seconded: Cr Peta Betts

That Council:

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

**CARRIED**

**10.5 INVESTMENT REPORT OCTOBER 2020****RESOLUTION 2020/228**

Moved: Cr Peter McCrabb

Seconded: Cr Pat Fogarty

That Council:

1. Note and receive the October report on Investments totalling \$43,067,705 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of October 2020 was \$23,350;
3. Note that accrued interest earned to 31 October 2020 but not yet received was \$117,244;
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

**CARRIED**

**10.6 DRAFT FINANCIAL STATEMENTS 2019-20****RESOLUTION 2020/229**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council

1. Adopt the Draft Financial Statements 2019-20 incorporating the General Purpose Financial Statements, Special Purpose Financial Statements and Special Schedules
2. Approve the signing of the "Statement by Councillors and Management" in accordance with Section 413(2)(c) of the Local Government Act 1993 and Clause 215 of the Local Government (General) Regulation 2005 in relation to the Financial Statements 2019-20.
3. Delegate to the General Manager the authority to submit the Financial Statements to the Office of Local Government and the Australian Bureau of Statistics.
4. Exhibit the Financial Statements and Auditor's Reports and call for public submissions on those documents with submissions closing on 24 December 2020 in accordance with Section 420 of the Local Government Act 1993.
5. Note that the Audited Financial Statements and Auditor's Reports will be presented to the public at the Ordinary Meeting of Council scheduled for 17 December 2020 in accordance with Section 418(1) of the Local Government Act 1993.

**CARRIED**

9.25am Helen Flisher (Manager People & Customer Service) entered the Chambers.

**10.7 QUARTERLY BUDGET REVIEW STATEMENT - SEPTEMBER 2020****RESOLUTION 2020/230**

Moved: Cr Peter McCrabb

Seconded: Cr Ashley Hall

That Council

- 1) Receive the 30 September 2020 financial review of the 2020/21 Operational Plan as adopted at the Council Meeting on June 2020
- 2) Approve the budget variations as detailed in this report. If all these variations are approved Council will have a surplus of \$12,291,000, and after removing Capital Grants a *deficit* of \$576,000.

**CARRIED**

**10.8 WHS QUARTERLY REPORT****RESOLUTION 2020/231**

Moved: Cr Peter McCrabb

Seconded: Cr Marg Bull

That the quarterly WHS report be received.

**CARRIED**

8.29am Amanda Barber (Manager Finance) left the Chambers

**10.9 CHRISTMAS CLOSURE****RESOLUTION 2020/232**

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council

1. Note the following Council Christmas business closures:
  - a) **Council's Customer Service Centre**  
Closed from 4 pm Wednesday 23<sup>rd</sup> December 2020, resuming 10am Monday 4<sup>th</sup> Jan 2021;
  - b) **Deniliquin Library**  
Closed from 4 pm Wednesday 23<sup>rd</sup> December 2020, resuming 10am Monday 4<sup>th</sup> Jan 2021;
  - c) **Council's Works Depot**  
Closed from 5 pm Wednesday 23<sup>rd</sup> December 2020, resuming 7.30am Monday 4<sup>th</sup> Jan 2021;
  - d) **Deniliquin Visitor Information Centre & Peppin Heritage Centre**  
Closed on Friday, 25 December, Saturday 26<sup>th</sup> December 2020 and Friday, 1 January 2021, and maintaining standard operating hours on all other days throughout the Christmas period; and
  - e) **Deniliquin Waste Disposal Depot**  
Closed on Friday, 25 December 2020 and Friday, 1 January 2021 and maintaining standard operating hours on all other days throughout the Christmas period.
2. Note that Council's **kerbside waste collection** service will not operate on 25 December 2020 and 1 January 2021, both of which fall on a Friday. As there is not normally a collection on Fridays this will not affect residential garbage collections.

**CARRIED**

9.38am Helen Flisher (Manager People & Customer Service) left the Chambers

**10.10 EDWARD RIVER COUNCIL SCHOOL PRESENTATIONS****RESOLUTION 2020/233**

Moved: Cr Peta Betts

Seconded: Cr Marg Bull

That Councillors acknowledge the donations made to schools within the Edward River Council area for the 2020 Presentation Evenings/Days.

**CARRIED**

**10.12 ENVIRONMENTAL SERVICES REPORT (OCTOBER 2020)****RESOLUTION 2020/234**

Moved: Cr Mac Wallace

Seconded: Cr Peta Betts

That Council note the Environmental Services Report for October 2020

**CARRIED**

9.41am Marie Sutton (Acting Manager Environmental Services) left the Chambers

**10.13 DENILQUIN SALEYARDS STRATEGY****RESOLUTION 2020/235**

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council

1. Endorse Option 4 to divest and close the cattle yards;
2. Re-invest into the sheep yards and ancillary facilities;
3. Inform Urban Enterprises to complete a draft Saleyards Strategy.
4. Note that the Draft Saleyards Strategy will be brought to Council in February 2021 for consideration.

**CARRIED****10.14 328 CONROY STREET****RESOLUTION 2020/236**

Moved: Cr Peter McCrabb

Seconded: Cr Norm McAllister

That Council:

1. Enter into an agreement with the property owners of 328 Conroy Street to close the section of the Conroy Street road reserve currently fenced into 328 Conroy Street, subject to the property owners agreeing to pay all costs relating to this matter, and;
2. Commence the road closure process in accordance with the requirements of the *Roads Act 1993* for the portion of Conroy Street that is currently fenced into 328 Conroy Street, subject to the property owners entering into an agreement with Council regarding this matter.

**CARRIED****10.15 MAJOR PROJECTS PROGRAM - NOVEMBER 2020 PROGRESS REPORT****RESOLUTION 2020/237**

Moved: Cr Peter McCrabb

Seconded: Cr Marg Bull

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

**CARRIED**



**10.16 PLAN OF MANAGEMENT FOR MULTIPLE RESERVES****RESOLUTION 2020/238**

Moved: Cr Peta Betts

Seconded: Cr Pat Fogarty

That Council adopts the Plan of Management, contained in Attachment 1 to this report, for the following Crown Land reserves:

- (i) Coonambigil Creek Access Reserve - No. 60493
- (ii) Outback Youth Centre Reserve - No. 68686
- (iii) Sloane Street Boat Ramp Reserve - No. 89724
- (iv) Edward River Reserve - No. 79140
- (v) Yarralong Park Reserve - No. 79190
- (vi) Strip between Volunteer Rescue Association and Medical Centre Reserve - No. 83374
- (vii) Twin Rivers Reserve - No. 85613
- (viii) Russell Street Stormwater Basin Reserve- No. 85650
- (ix) Wanderer Street Reserve - No. 88194
- (x) R J Edwards Park Reserve- No. 88504
- (xi) Bound by Burton, Harfleur Decimus Streets Reserve - No. 88943
- (xii) Henry Street Boat Ramp Reserve – No. 95477
- (xiii) Neighbourhood Park Reserve - No. 96669
- (xiv) Warragoon Public School Reserve - No. 150002, and;
- (xv) Bills Park Reserve - No. 150034.

**CARRIED**

**10.17 LOCAL ROADS AND COMMUNITY INFRASTRUCTURE FUNDING PROGRAM****RESOLUTION 2020/239**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council;

1. Approve allocating \$100,000 towards the projects that were approved in June 2021, for Round 1 of the Local Roads and Community Infrastructure program;
2. Endorse the submitting of an application for the following projects under the Local Roads and Community Infrastructure program, Round 2:
  - a. Footpath replacement and upgrade works,
  - b. Skatepark renewal work,
  - c. Fencing the Island Sanctuary,
  - d. Rural gravel road renewal and upgrade.

**CARRIED**

At 10:18am Cr Peter McCrabb left the meeting. At 10:20am Cr Peter McCrabb returned to the meeting.

**10 CONFIDENTIAL MATTERS****RESOLUTION 2020/240**

Moved: Cr Mac Wallace

Seconded: Cr Marg Bull

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 Contract C2020/16 - Sewer Relining 20/21**

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.

**13.2 Purchase of one Bogie Drive Twin Steer Water Truck**

This matter is considered to be confidential under Section 10A(2) - c of the Local Government Act, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

**13.3 Memorial Park - Construction of Changerooms and Public Amenities (Contract C2021/04)**

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.

**13.4 Application for Rent Assistance - The Crossing Cafe**

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).

**CARRIED**

**13.1 CONTRACT C2020/16 - SEWER RELINING 20/21****RESOLUTION 2020/241**

Moved: Cr Ashley Hall

Seconded: Cr Pat Fogarty

That Council

1. Accepts the tender submitted by Interflow Pty Ltd and award Interflow Pty Ltd Contract C2020/16 – Sewer Main Relining 2020/21 for the extended schedule of rates price of \$340,000 + GST, and;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2021/02 – Sewer Main Relining 2020/21

**CARRIED**

**13.2 PURCHASE OF ONE BOGIE DRIVE TWIN STEER WATER TRUCK****RESOLUTION 2020/242**

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council

1. Accept the tender submitted by Johnson Truck and Coach Service for the purchase of a Volvo FM11 370 fitted with a Barry Burrows 18,000L Steel water tank for the contract price of \$290,909.09 excluding GST
2. Approve the sale of the existing truck (FM91) by Pickles Auctions.

**AMENDMENT**

Moved: Cr Ashley Hall

Seconded: Cr Peta Betts

That Council

1. Accept the tender submitted by Johnson Truck and Coach Service for the purchase of a Volvo FM11 370 fitted with a Barry Burrows 18,000L Steel water tank for the contract price of \$209,909.09 excluding GST
2. Review the sale of the existing truck (FM91) by Pickles Auctions.

**CARRIED**

**13.3 MEMORIAL PARK - CONSTRUCTION OF CHANGEROOMS AND PUBLIC AMENITIES (CONTRACT C2021/04)****RESOLUTION 2020/243**

Moved: Cr Ashley Hall

Seconded: Cr Peta Betts

That Council:

1. Not accept any tender submissions for C2021/04 Construction of Memorial Park Changerooms & Public Amenities, in accordance with Clause 178(1)(b) of the *Local Government (General) Regulations*, because all submitted tender prices were greater than the available funding for the project;
2. Authorise the Director Infrastructure to negotiate with all tenderers and/or additional contractors other than those who provided tender submission, with a view to entering into a contract to deliver the work within budget, in accordance with Clause 178(3)(e) of the *Local Government (General) Regulations*;
3. Declare the reasons for not entering a fresh tender process being that the tender submissions exceeded the allowable budget;
4. That a further report will be brought to Council for consideration on completion of the negotiation process.

**CARRIED**

At 11.06am Cr Pat Fogarty left the meeting. At 11.08am, Cr Pat Fogarty returned to the meeting.

At 11.24am Cr Norm McAllister left the meeting.

**13.4 APPLICATION FOR RENT ASSISTANCE - THE CROSSING CAFÉ**

**RESOLUTION 2020/244**

Moved: Cr Mac Wallace  
Seconded: Cr Ashley Hall

That Council approve the request from The Crossing Café for a further three months' rent relief due to the impact of the renovations and the impact of COVID 19 on their business at the Crossing Café and enter into a payment plan for the balance of the three months' rent outstanding.

**CARRIED**

**RESOLUTION 2020/245**

Moved: Cr Mac Wallace  
Seconded: Cr Pat Fogarty

That Council moves out of Closed Council into Open Council.

**CARRIED**

**CLOSE OF MEETING**

**The Meeting closed at 11.26am**

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

.....  
**CHAIRPERSON**