



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

16 September 2021

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL DEPOT, WANDERER STREET, DENILQUIN
ON THURSDAY, 16 SEPTEMBER 2021 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; Mark Dalzell, Director Infrastructure; Suni Campbell, Director Corporate Services; Marie Sutton, Manager Development Services; Tiffany Carroll, Communications Advisor, Libby Braybon, Administration Officer Corporate Services, Rindayi Matienga, Acting Manager Finance; Belinda Perrett, Executive Assistant.

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

Nil

5 CONFIRMATION OF MINUTES

RESOLUTION 2021/128

Moved: Cr Nick Metcalfe

Seconded: Cr Mac Wallace

That the minutes of the Ordinary Council Meeting held on 19 August 2021 be confirmed.

CARRIED

6 DISCLOSURES OF INTERESTS

Nil

7 MAYORAL MINUTE(S)

Nil

8 REPORTS OF COMMITTEES

Nil

9 REPORTS TO COUNCIL**10.1 MAYORAL ELECTION**

Mayor Cr Norm Brennan removed himself from the Chair at 9.09am and the General Manager took the Chair as the Returning Officer

RESOLUTION 2021/129

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council, in accordance with the requirements of the Local Government Act 1993 and the associated regulation elect a Deputy Mayoral position for the further extended period;

CARRIED

10.2 DETERMINATION OF BALLOT**RESOLUTION 2021/130**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council determine that an Ordinary Ballot be conducted to elect the Mayor and Deputy Mayor.

CARRIED

ELECTION OF MAYOR SEPTEMBER 2021 – DECEMBER 2021**RESOLUTION 2021/131**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

The General Manager advised that there were two nominations received for the position of Mayor:-

Councillor Nominated: Councillor Norm Brennan

Nomination made by: Councillor Pat Fogarty

Seconded by: Councillor Norm Brennan

Councillor Nominated: Councillor Peta Betts

Nomination made by: Councillor Norm McAllister

Seconded by: Councillor Ashley Hall

The Returning Officer called for any other nominations, and none were received.

The nomination forms were signed by the nominees as accepting of the nomination.

An ordinary ballot was conducted with five votes to four votes in favour of Councillor Brennan. The Returning Officer declared that Councillor Brennan is re-elected for the position of Mayor for a period of three months.

CARRIED

ELECTION OF DEPUTY MAYOR SEPTEMBER 2021 – DECEMBER 2021

RESOLUTION 2021/132

Moved: Cr Nick Metcalfe
Seconded: Cr Marg Bull

The General Manager advised that there were two nominations received for the position of Deputy Mayor:-

Councillor Nominated	Pat Fogarty
Nomination made by Councillor	Norm Brennan
Seconded by	Pat Fogarty

Councillor Nominated	Ashley Hall
Nomination made by Councillor	Peta Betts
Seconded by	Ashley Hall

The Returning Officer then called for any other nominations and none were received. The nomination forms were signed by the nominees as accepting the nomination.

An ordinary ballot was conducted with five votes to four votes in favour of Councillor Fogarty. The Returning Officer declared that Councillor Fogarty is re-elected for the position of Deputy Mayor for a period of three months.

CARRIED

Mayor Brennan resumed the Chair at 9.40am

10.2 SCHEDULE OF ORDINARY MEETINGS

RESOLUTION 2021/133

Moved: Cr Pat Fogarty
Seconded: Cr Marg Bull

That Council:

1. Pursuant to section 365 of the *Local Government Act 1993* and clause 3.1 of Council's Code of Meeting Practice, adopt the proposed 2020/2021 Schedule of Ordinary Meetings contained at Attachment A.
2. Pursuant to section 9 of the *Local Government Act 1993* and clause 3.3 of Council's Code of Meeting Practice, provide public notice of the time, date and place of each scheduled Ordinary Meeting.

CARRIED

Tiffany Carroll left the Chambers at 9.42am and did not return.

10.3 MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS**RESOLUTION 2021/134**

Moved: Cr Pat Fogarty

Seconded: Cr Mac Wallace

That Council note the Mayor, Councillors and General Manager meetings attended during the month of August 2021, undertaken either remotely, or adhering to COVID-19 distancing regulations.

Councillors noted the attendance of Cr Bull at a South West Music meeting 26 August 2021.

CARRIED

10.4 RESOLUTIONS OF COUNCIL**RESOLUTION 2021/135**

Moved: Cr Peter McCrabb

Seconded: Cr Pat Fogarty

That Council note the information in the Resolutions of Council attachment as at 9 September 2021.

CARRIED

10.5 2021 TELECOMMUNICATIONS REVIEW DRAFT SUBMISSION**RESOLUTION 2021/136**

Moved: Cr Pat Fogarty

Seconded: Cr Marg Bull

That Council adopt the draft Edward River Council Telecommunications Review submission and send the submission to the 2021 Regional Telecommunications Review Committee.

A further draft with the inclusion of one paragraph will be forwarded to Councillors and then submitted.

CARRIED

10.6 ANNUAL FINANCIAL STATEMENTS AND CARETAKER PERIOD**RESOLUTION 2021/137**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council:

1. Notes the coincidence of the Annual Reporting timetable with the caretaker period in November and confirms the associated policy provisions relating to the actions of Councillors during the period;
2. Appoints Councillor Cr Peter McCrabb as the second Councillor for the signing of the annual financial statements;
3. Makes provision for any requirements or variations to the timeframe associated with the statutory processes by delegating the Mayor, nominated Councillor and General Manager to act, if required, on behalf of Council

CARRIED

10.7 INVESTMENT & RESERVES REPORT AUGUST 2021**RESOLUTION 2021/138**

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council:

1. Note and receive the August 2021 report on Investments totalling \$48,945,043 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of August 2021 was \$21,233
3. Note that accrued interest earned to 31 August 2021 but not yet received was \$141,491.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED

Councillor McAllister left the Chambers at 10.08am

10.8 GRANTS COMMISSION - FINANCIAL ASSISTANCE GRANTS 2021-22**RESOLUTION 2021/139**

Moved: Cr Peta Betts

Seconded: Cr Peter McCrabb

That Council note the Grants Commission correspondence as per their request as contained in Attachment 1.

CARRIED

Councillor McAllister returned to the Chambers at 10.10am

10.9 REQUEST FOR WATER TRANSFER**RESOLUTION 2021/140**

Moved: Cr Norm McAllister

Seconded: Cr Peta Betts

That Council

1. Approve the request from Deniliquin Golf Club for the transfer of 200ML for their use at the Golf Club,
2. Approve the request from Deniliquin Racecourse Reserve Trust for the transfer of 40ML for their use at the Racecourse Reserve,
3. Provide the water to the Deniliquin Golf Club and Deniliquin Racecourse free of charge and only pass on administrative charges as incurred in establishing the water transfer,
4. Inform the Deniliquin Golf Club and the Deniliquin Racecourse Trust that this approval is for 2021/22 only and that Council may not be able to provide this support in future years if increased water restrictions are applied.

CARRIED**10.10 DEVELOPMENT APPLICATION 72/21 - CONVERSION OF PRETTY PINE LANDFILL TO TRANSFER STATION****RESOLUTION 2021/141**

Moved: Cr Pat Fogarty

Seconded: Cr Norm McAllister

That Council resolves to: -

1. **APPROVE** the development application DA72/21 for Conversion of the Pretty Pine Landfill to a Transfer Station, on Lot 84 DP39740, Pretty Pine Tip Road, Pretty Pine dated 14 July 2021 as shown on plan numbered 11391/20-21/1039 and described in detail 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 application generally complied with the applicable planning controls and has demonstrated to have a satisfactory effect on the environment.*
 - (b) *The application is generally compliant with the key planning provisions contained within the CLEP 2013.*
2. Impose conditions as per Attachment 1

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

10.11 DEVELOPMENT APPLICATION 73/21 - CONVERSION OF CONARGO LANDFILL TO TRANSFER STATION**RESOLUTION 2021/142**

Moved: Cr Peter McCrabb

Seconded: Cr Marg Bull

That Council resolves to: -

1. **APPROVE** the development application 73/21 for Conversion of the Conargo Landfill to a Transfer Station, on Lot 159 DP 728941, Conargo Road, Conargo dated 14 July 2021 as shown on plan numbered 11368/20-21/1037 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 application generally complied with the applicable planning controls and has demonstrated to have a satisfactory effect on the environment.*
 - (b) *The application is generally compliant with the key planning provisions contained within the CLEP 2013.*
2. Impose conditions as per Attachment 1

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**10.12 DEVELOPMENT APPLICATION 47/21 - FOR INTERNAL AND EXTERNAL REFURBISHMENT WORKS AT PEPPIN HERITAGE CENTRE****RESOLUTION 2021/143**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council resolves to: -

1. **APPROVE** the development application 47/21 for internal and external refurbishment works on, Crown Reserve 92449 being Lot 473 DP46236, 2-14 Napier Street, Deniliquin dated 24 May, 2021 as shown on plan numbered Site Plan 01 and Statement of Heritage Impact April 2021 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 proposal is consistent with the zone and desired future character of the area*
 - (b) *The proposal is appropriate given the existing character of the area*
2. Impose the conditions on DA 47/21 as attached

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

Suni Campbell, Director Corporate Services left the Chambers at 10.15am

10.13 LOCAL HERITAGE FUND 2021-2022**RESOLUTION 2021/144**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council:

1. Fund the following projects as part of the Local Heritage Fund 2021-2022:
 - (a) 5310 Conargo Road , Conargo Hotel – Local Heritage Fund contribution \$10,000
 - (b) 46 Napier Street – Local Heritage Fund contribution of \$ 3,000
 - (c) 252 Harfleur Street – Local Heritage Fund contribution of \$1,750
 - (d) 337 Henry Street - Local Heritage Fund contribution of \$ 1,500
2. Should a project funding offer not be accepted or a project not proceed reallocated available funds from the Local Heritage Fund 2021-2022 program to the next highest priority project.

CARRIED

Suni Campbell, Director Corporate Services returned to the Chambers at 10.17am

10.14 JOINT REGIONAL PLANNING PANEL**RESOLUTION 2021/145**

Moved: Cr Marg Bull

Seconded: Cr Ashley Hall

That Council:

1. Endorses the nomination of Mr David Christy and Mr Michael Keys as Edward River Council's representatives on the Western Regional Planning Panel, and
2. Notifies the Western Regional Planning Panel of its decision to endorse Mr David Christy and Mr Michael Keys.

CARRIED

Phil Stone, General Manager left the Chambers at 10.18am and returned at 10.19am

10.15 DEVELOPMENT SERVICES REPORT**RESOLUTION 2021/146**

Moved: Cr Pat Fogarty

Seconded: Cr Nick Metcalfe

1. That Council note the Development Services Report for August 2021
2. That Edward River Council forward a letter to the Minister, Department of Planning advising the Minister that the new procedural requirements are delaying the processing of applications and that Council wishes to refrain from use of the system until specific remedies to the user friendliness and efficacy of the system are resolved.

CARRIED

10.16 SALEYARDS USER GROUP

RESOLUTION 2021/147

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

That Council adopts the Saleyards User Group Terms of Reference

CARRIED

10.17 OPERATIONS DEPARTMENT UPDATE REPORT

RESOLUTION 2021/148

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council receive and note the August 2021 Operations Department update.

CARRIED

10.18 MAJOR PROJECTS PROGRAM - SEPTEMBER 2021 - PROGRESS REPORT

RESOLUTION 2021/149

Moved: Cr Marg Bull

Seconded: Cr Peter McCrabb

That Council note the Major Projects Program from various funding sources - Progress Report for September 2021.

CARRIED

10 NOTICES OF MOTIONS

Nil

11 QUESTIONS WITH NOTICE

Nil

12 CONFIDENTIAL MATTERS**RESOLUTION 2021/150**

Moved: Cr Nick Metcalfe

Seconded: Cr Norm McAllister

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 C2021/10 Augustus Street and Browning Street Reconstruction 21/22

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 Contract C2021/07 - Conversion of Conargo and Pretty Pine Landfills to Transfer Stations

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.

CARRIED

**13.1 CONTRACT C2021/10 AUGUSTUS STREET AND BROWNING STREET
RECONSTRUCTION 21/22****RESOLUTION 2021/151**

Moved: Cr Nick Metcalfe

Seconded: Cr Pat Fogarty

That Council

1. Accepts the tender submitted by Deni Civil & Construction for Contract C2021/10 – Augustus Street and Browning Street Reconstruction 21/22 for the lump sum tender price of \$827,748.50 +GST;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2021/10 – Augustus Street and Browning Street Reconstruction 21/22.
3. Delegate the Contract Superintendent to approve variations up to a maximum of 10% of the contract value to allow for any issues that may arise on site

CARRIED**13.2 CONTRACT C2021/07 – CONVERSION OF CONARGO AND PRETTY PINE
LANDFILLS TO TRANSFER STATIONS****RESOLUTION 2021/152**

Moved: Cr Marg Bull

Seconded: Cr Mac Wallace

That Council:

1. Accepts the revised tender price submitted by Deni Civil & Construction for Contract C2021/07 – Conversion of Conargo and Pretty Pine Landfills to Transfer Stations, for the lump sum tender price of \$204,400 +GST;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2021/07 – Conversion of Conargo and Pretty Pine Landfills to Transfer Stations,
3. Delegate the Contract Superintendent to approve variations up to a maximum of 5% of the contract value to allow for any issues that may arise on site.

CARRIED

RESOLUTION 2021/153

Moved: Cr Ashley Hall

Seconded: Cr Nick Metcalfe

That Council moves out of Closed Council into Open Council.

CARRIED

13 CLOSE OF MEETING

The Meeting closed at 10.56

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

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CHAIRPERSON