



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

21 October 2021

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL DEPOT, WANDERER STREET, DENILIKUIN
ON THURSDAY, 21 OCTOBER 2021 AT 9.00AM**

PRESENT: Cr Norm Brennan (Mayor), Cr Pat Fogarty (Deputy Mayor), Cr Peta Betts, 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; Michelle Cobb, Manager Economic Development and Tourism, Tiffany Carroll, Communications Advisor, 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

APOLOGY

RESOLUTION 2021/154

Moved: Cr Peter McCrabb

Seconded: Cr Mac Wallace

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

CARRIED

5 CONFIRMATION OF MINUTES

RESOLUTION 2021/155

Moved: Cr Ashley Hall

Seconded: Cr Nick Metcalfe

That the minutes of the Ordinary Council Meeting held on 16 September 2021 be confirmed.

CARRIED

6 DISCLOSURES OF INTERESTS

Cr Pat Fogarty declared a non-pecuniary – less than significant interest in relation to item 10.7.

7 MAYORAL MINUTE(S)**8.1 MAYORAL MINUTE – INFRASTRUCTURE CONTRIBUTIONS REFORMS****RESOLUTION 2021/156**

Moved: Cr Pat Fogarty

Seconded: Cr Nick Metcalfe

That (Council):

1. Calls on the NSW Government to withdraw the Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021 (the Bill) from the NSW Parliament.
2. Calls on the NSW Government to undertake further consultation with the local government sector on any proposed reforms to the infrastructure contributions system.
3. Calls on the NSW Government to de-couple the Independent Pricing and Regulatory Tribunal led review of the rate peg to include population growth from the infrastructure contributions reforms.
4. Writes to the local State Member(s) The Hon, Helen Dalton MP, the Premier the Hon Dominic Perrottet MP, Treasurer the Hon Matt Kean MP, Minister for Planning and Public Spaces the Hon Rob Stokes MP and Minister for Local Government the Hon Shelley Hancock MP seeking them to withdraw the Bill.
5. Writes to the Shadow Treasurer the Hon Daniel Mookhey MLC, Shadow Minister for Planning and Public Spaces Mr Paul Scully MP, Shadow Minister for Local Government Mr Greg Warren MP, The Greens Mr David Shoebridge MLC, Shooters, Fishers and Farmers Party the Hon Robert Borsak MLC, Pauline Hanson's One Nation the Hon Mark Latham MLC, Animal Justice Party the Hon Emma Hurst MLC, Christian Democratic Party (Fred Nile Group) the Hon Fred Nile MLC, Independent Mr Justin Field, Portfolio Committee Chair The Greens Ms Cate Faehmann, Portfolio Committee Deputy Chair Animal Justice Party the Hon Mark Pearson MLC and Committee members Liberal Party the Hon Catherine Cusack MLC and the Hon Shayne Mallard MLC, The Nationals the Hon Ben Franklin MLC and Australian Labor Party the Hon Rose Jackson MLC and the Hon Adam Searle MLC seeking their support in securing the withdrawal of the Bill from the NSW Parliament and outlining council's concerns with the Bill.
6. Alerts the local media to the threat of future ratepayer funds being expended rather than developer levies for new infrastructure brought about by increased development under the proposed legislation and shares and promotes these messages via its digital and social media channels and via its networks.
7. Affirms its support to LGNSW and requests LGNSW continue advocating on Council's behalf to protect local government from any amendments to infrastructure contributions which leaves councils and communities worse off.

CARRIED

8 REPORTS OF COMMITTEES**9.1 MINUTES OF THE AIRPORT USERS MEETING HELD ON 12 OCTOBER 2021****RESOLUTION 2021/157**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council notes the minutes of the meeting of the Deniliquin Regional Airport User Group held on 12 October 2021.

That the next meeting date be changed to reflect Tuesday 9 November 2021.

CARRIED

9 REPORTS TO COUNCIL**10.1 ROTARY PARK USER GROUP****RESOLUTION 2021/158**

Moved: Cr Pat Fogarty

Seconded: Cr Mac Wallace

That Council adopts the draft Terms of Reference for the Rotary Park Users Group.

CARRIED

10.2 MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS**RESOLUTION 2021/159**

Moved: Cr Pat Fogarty

Seconded: Cr Ashley Hall

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

CARRIED

10.3 RESOLUTIONS OF COUNCIL**RESOLUTION 2021/160**

Moved: Cr Nick Metcalfe

Seconded: Cr Pat Fogarty

That Council note the information in the Resolutions of Council attachment as at 12 October 2021.

CARRIED

10.4 INVESTMENT & RESERVES REPORT AUGUST 2021**RESOLUTION 2021/161**

Moved: Cr Peter McCrabb

Seconded: Cr Pat Fogarty

That Council:

1. Note and receive the September 2021 report on Investments totalling \$48,892,684 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of September 2021 was \$24,250
3. Note that accrued interest earned to 30 September 2021 but not yet received was \$130,108.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED

9.24am Manager Economic Development and Tourism entered the Chambers

10.5 EDWARD RIVER COUNCIL 'OUR REGION YOUR SAY' COMMUNITY CONSULTATION REPORT**RESOLUTION 2021/162**

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That Council endorse the Edward River Council 'Our Region Your Say' Community Consultation Report to inform the community, potential Council candidates at the next Local Government election and the new Council in developing the Integrated Planning and Reporting suite of documents.

CARRIED

10.6 OPERATIONS DEPARTMENT MONTHLY UPDATE REPORT**RESOLUTION 2021/163**

Moved: Cr Nick Metcalfe

Seconded: Cr Ashley Hall

That Council receive and note the September 2021 Operations Department update

ICARRIED

10.7 2021-22 COMMUNITY GRANTS PROGRAM RECOMMENDED FUNDING ALLOCATION**RESOLUTION 2021/164**

Moved: Cr Norm McAllister

Seconded: Cr Peta Betts

That Council approve the 2021-22 Community Grants recommended funding allocations.

CARRIED

10.8 DEVELOPMENT SERVICES REPORT**RESOLUTION 2021/165**

Moved: Cr Mac Wallace
Seconded: Cr Nick Metcalfe

That Council note the Development Services Report for September 2021.

CARRIED

10.9 MAJOR PROJECTS PROGRAM - OCTOBER 2021 - PROGRESS REPORT**RESOLUTION 2021/166**

Moved: Cr Peter McCrabb
Seconded: Cr Nick Metcalfe

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

CARRIED

10.10 DENILIQVIN SWIM CENTRE - FEES AND CHARGES FOR 2021-22 SEASON**RESOLUTION 2021/167**

Moved: Cr Pat Fogarty
Seconded: Cr Ashley Hall

That Council:

1. Endorses the proposed entrance fees to the Deniliquin Swim Centre for the 2021-22 season.
2. Writes to state and local members in conjunction with the operators to request vouchers such as the Discover NSW vouchers.

CARRIED

10.11 SENIORS LIVING PRECINCT - PROGRESS UPDATE**RESOLUTION 2021/168**

Moved: Cr Pat Fogarty

Seconded: Cr Ashley Hall

That Council:

1. Note that further work is required to determine village budgets and financial variables.
2. Adopt the village name as "Edward River Village"
3. Adopt floorplan names for each of the seven designs, based on local township names, being:
 - (a) Conargo
 - (b) Booroorban
 - (c) Wanganella
 - (d) Pretty Pine
 - (e) Mayrung
 - (f) Blighty
 - (g) Deniliquin
4. Note the progress of the draft (confidential) village resident contract attached to this report
5. Note the progress of the draft (confidential) disclosure statement attached to this report
6. Note the progress of the draft (confidential) Governance and Operations Manual attached to this report

CARRIED

In Favour: Crs Norm Brennan, Pat Fogarty, Peta Betts, Ashley Hall, Norm McAllister and Nick Metcalfe

Against: Crs Peter McCrabb and Mac Wallace

CARRIED 6/2

10.18am Cr Norm McAllister left the Chambers and returned at 10.21am

10.1 BOB WHITE MEMORIAL TRUST APPLICATION**RESOLUTION 2021/169**

Moved: Cr Mac Wallace

Seconded: Cr Peter McCrabb

That, in the event Council's request for the Bob White Memorial Trust be approved by the Minister for Local Government during the caretaker period, Council authorise the General Manager to take steps to establish the Bob White Memorial Trust in accordance with the Trust document provided to Council at the February 2021 Council meeting, resolution 2021/2.

CARRIED

10 NOTICES OF MOTIONS

Nil

11 QUESTIONS WITH NOTICE

Nil

12 CONFIDENTIAL MATTERS**RESOLUTION 2021/170**

Moved: Cr Pat Fogarty

Seconded: Cr Nick Metcalfe

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 Sale of Council Industrial Land - Saleyards Road

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.

13.2 Sale and Development of Industrial Land - Deniliquin Airport - Expressions of Interest

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 Contract C2021/08 Senior Living Precinct Dwelling Construction

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 Contract C2021/09 - Senior Living Precinct Civil Construction

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.

13.5 Purchase Water Truck 18,000 Litre - CP001642

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 SALE OF COUNCIL INDUSTRIAL LAND - SALEYARDS ROAD**RESOLUTION 2021/171**

Moved: Cr Norm McAllister

Seconded: Cr Ashley Hall

That Council:

1. Sell Lots 33, 34, 35 and 36 Saleyards Road, Deniliquin to Tremble Engineering (or nominee) for the purchase price of \$374,000 inclusive of GST
2. Agree for Council to impose a Special Condition requiring a Development Assessment to be lodged within six months of the contract date and physical commencement of works to occur within 6 months of the issuing of the Construction Certificate.
3. Agree to a non-refundable deposit of 10%, payable by the purchaser on exchange of contracts, with settlement being 14 days from issue of the Construction Certificate or six months from issuing of the Development Assessment, whichever comes first.
4. Agree that a special condition be included within the Contract referring to a supplementary Side Deed obligating Council to refund the amount of \$124,000 to the purchaser when the structural footings/foundations are completed for stage 1.
5. Delegate to the General Manager to negotiate and sign the contract on behalf of Council to facilitate the sale, subject to the terms of the Contract and Side Deed being consistent with this Report.

CARRIED

13.2 SALE AND DEVELOPMENT OF INDUSTRIAL LAND - DENILIQUN AIRPORT - EXPRESSIONS OF INTEREST**RESOLUTION 2021/172**

Moved: Cr Norm McAllister

Seconded: Cr Peter McCrabb

That Council:

1. Accept Ennor Engineering as the preferred proponent for Parcel 3, Lot 52, Deniliquin Airport
2. Not accept the offer of \$350,000 including GST for Parcel 3, Lot 52, Deniliquin Airport
3. Authorises the General Manager to negotiate the appropriate land size to enable a commercially viable business expansion for the interested party
4. Undertake preliminary subdivision designs for the development, incorporating the appropriate sized parcel of land for the preferred proponent
5. Determines the costs to construct the required road, water, and sewerage infrastructure
6. Authorises the General Manager to negotiate a sale price that contributes to the costs to construct the required road, water and sewerage infrastructure
7. Receives a further report in February 2022.

CARRIED

13.3 CONTRACT C2021/08 SENIOR LIVING PRECINCT DWELLING CONSTRUCTION**RESOLUTION 2021/173**

Moved: Cr Norm McAllister

Seconded: Cr Pat Fogarty

That Council:

1. Not accept any tenders as submitted for C2021/08 – Senior Living Precinct Dwelling Construction 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, and
2. Re-tender the contract following review of the project documentation.

CARRIED**13.4 CONTRACT C2021/09 - SENIOR LIVING PRECINCT CIVIL CONSTRUCTION****RESOLUTION 2021/174**

Moved: Cr Norm McAllister

Seconded: Cr Peta Betts

That Council:

1. Not accept any tenders as submitted for C2021/09 – Senior Living Precinct Civil Construction in accordance with Clause 178(1)(b) of the *Local Government (General) Regulations*, since no conforming tender submissions were received, and
2. Re-tender the contract following review of the project documentation.

CARRIED**13.5 PURCHASE WATER TRUCK 18,000 LITRE - CP001642****RESOLUTION 2021/175**

Moved: Cr Norm McAllister

Seconded: Cr Pat Fogarty

That Council:

1. Accept the tender submitted by The Truck Specialist for the purchase of an Isuzu FYJ 300-350 Auto MWB, fitted with a Barry Burrows 18,000 litre steel water tank at \$277,252.04+GST, and
2. Approve the existing truck, noted as FM91 in Council's asset register, to be sold at Pickles Auction where it is estimated to sell between \$28,000 to \$30,000

CARRIED

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

Against: Cr Nick Metcalfe

CARRIED 7/1

RESOLUTION 2021/176

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council moves out of Closed Council into Open Council at 11.41am.

CARRIED

13 CLOSE OF MEETING

The Meeting closed at 11.47am

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 November 2021.

.....
CHAIRPERSON