



**Edward  
River**  
COUNCIL

# **MINUTES**

**Ordinary Council Meeting**

**Tuesday, 22 February 2022**

**Philip Stone  
General Manager**

## 1. OPENING MEETING

Mayor Cr Peta Betts opened the meeting with an acknowledgement and condolences to Miles and Julie Rogers.

## 2. ATTENDANCE

**PRESENT:** Mayor Peta Betts, Deputy Mayor Paul Fellows, Cr Shirlee Burge, Cr Peter Connell, Cr Linda Fawns, Cr Pat Fogarty, Cr Tarria Moore

**ATTENDING:** Phil Stone, General Manager; Suni Campbell, Director Corporate Services; Mark Dalzell, Director Infrastructure; Michelle Cobb, Manager Economic Development and Tourism; Marie Chan, Manager Finance; Bruce Maunganidze, Financial Accountant; Jacinta Liefing, Management Accountant; Katrina Bennett, Manager Engineering and Assets; Greg Briscoe-Hough, Senior Governance Advisor; Libby Braybon, Executive Assistant; Belinda Perrett, Executive Assistant.

**GALLERY:** 1

## 3. 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 [Councils Website](#). 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.

## 4. 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.

## 5. 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 manner 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.

## 6. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Moved: Cr Tarria Moore

Seconded: Cr Peter Connell

That the leave of absence requested by Councillor Marc Petersen be accepted.

**CARRIED**

**7. CONFIRMATION OF MINUTES****RESOLUTION 2022/0222/7.0**

Moved: Cr Peter Connell

Seconded: Cr Harold Clapham

That the minutes of the ordinary Council Meeting held Thursday 20 January 2022 be accepted.

**CARRIED**

**8. DISCLOSURES OF INTERESTS**

11.1 Cr Linda Fawns disclosed a non-pecuniary – less than significant conflict of interest.

**9. MAYORAL MINUTE(S)**

Nil

**10. REPORTS OF COMMITTEES**

Nil

**11. REPORTS TO COUNCIL****11.1. POTENTIAL COUNTRY UNIVERSITIES CENTRE IN DENILIQWIN****RESOLUTION 2022/0222/11.1**

Moved: Cr Harold Clapham

Seconded: Cr Peter Connell

That Council:

1. Writes to the Minister for Skills and Training, The Hon. Alister Henskens, MP, MLA, indicating strong support from Edward River Council for the creation of a Country Universities Centre in Deniliquin to improve local tertiary education opportunities for the Edward River region and surrounds.
2. Indicates in the letter of support that increased tertiary education opportunities for the Edward River Region are a key priority for the community
3. Provides copies of the letter of support to the following NSW parliamentarians:
  - a. The Hon. Sarah Mitchell, MLC, Minister for Education and Early Learning,
  - b. The Hon. Paul Toole, MP, MLA, Deputy Premier and Minister for Regional New South Wales
  - c. Mr Justin Clancy, MP, MLA, Member for Albury
  - d. The Hon. Stephanie Cooke, MP, MLA, Minister for Emergency Services and Resilience
  - e. Mrs Helen Dalton, MP, MLA, Member for Murray
  - f. The Hon Sussan Ley, Member for Farrar, Minister for the Environment, and
  - g. Senator Perin Davey, Senator for NSW, Nationals Whip in the Senate
4. Issues a press statement encapsulating the letter of support.
5. Write to other local community groups and peak bodies seeking additional letters of support for the potential Country Universities Centre

**CARRIED**

**11.2. MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS****RESOLUTION 2022/0222/11.2**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Council note the Mayor, Councillors and General Manager meetings attended during the month of January 2022, undertaken either remotely, or adhering to COVID-19 distancing regulations. Noting that Cr Harold Clapham did not attend the National Party Dinner Meeting of 17 January 2022.

**CARRIED**

**11.3. RESOLUTIONS OF COUNCIL****RESOLUTION 2022/0222/11.3**

Moved: Cr Pat Fogarty

Seconded: Cr Linda Fawns

That Council note the information in the Resolutions of Council attachment as at 7 February 2022.

**CARRIED**

**11.4. INVESTMENTS AND RESERVES REPORT JANUARY 2021****RESOLUTION 2022/0222/11.4**

Moved: Cr Peter Connell

Seconded: Cr Pat Fogarty

That Council:

1. Note and receive the January 2022 report on Investments totalling \$46,656,383 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of January 2022 was \$28,296.
3. Note that accrued interest earned to January 2022 but not yet received was \$129,897.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

**CARRIED**

**11.5. QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2021****RESOLUTION 2022/0222/11.5**

Moved: Cr Tarria Moore

Seconded: Cr Paul Fellows

That Council

- Receive the 31 December 2021 financial review of the 2021/22 Operational Plan as adopted at the Council Meeting in May 2021

- Review the budget variations as detailed in this report. If all these variations are approved Council projected surplus will be \$13,523,000, and after removing Capital Grants a deficit of \$591,000

**CARRIED**

9.30am Manager Finance and Financial Accountant left the Chambers.

## **11.6. CONSIDERATION OF SUPERANNUATION FOR COUNCILLORS**

### **RESOLUTION 2022/0222/11.6**

Moved: Cr Linda Fawns

Seconded: Cr Shirlee Burge

That Council adopt payment of superannuation to elected members for the current term.

**CARRIED**

## **11.7. DA132/21 - 'WHAT'S ON' SIGNAGE**

### **RESOLUTION 2022/0222/11.6**

Moved: Cr Peter Connell

Seconded: Cr Harold Clapham

That Council resolves to: -

1. APPROVE the development application DA132/21 for Signage, in the road reserve adjacent to Lot 7310 DP1143278, Davidson Street, Deniliquin dated 22 December 2021 as shown on plans labelled site plan, G01 - specific summary and G01 - frame and footing detail 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 complies with the applicable planning controls and has demonstrated to have a satisfactory effect on the environment;
  - b. The proposal is consistent with the zone and desired future character of the area.
2. Impose the following conditions on DA 132/21:
  1. Development as per Plans  
The development shall take place in accordance with the approved plans and documentation, including any notations marked by Council thereon, as referenced in Schedule 1 - List of approved plans attached to DA No. 132/21 and the conditions of consent.
  2. Approved signage  
No advertising material other than that which is permissible without consent is to be displayed as part of the approved development unless development consent has been obtained to display other forms of advertising
  3. Road Opening Permit
    - The method and intensity of any illumination of the sign shall not be directed or transmitted in such concentration or intensity to cause distraction or glare to motorists.
    - The permissible level of reflectance of an advertisement is not to exceed the 'Minimum coefficients of Luminous intensity per unit area for Class 2A', as set out in Australian Standard AS/NZS 1906.1:2007;

- Any proposed sign and support structure to be located within close proximity to a road is required, as a minimum, to comply with the wind loading requirements as specified in AS1170.1 Structural design actions – Permanent, imposed and other actions and AS1170.2 Structural design actions – wind actions.
  - Any proposed sign and support structure shall not pose any risk to the safety of pedestrians or motorists.
- d. Any works associated with the development shall be at no cost to Transport for NSW.

**DIVISION**

For: Cr Tarria Moore, Cr Peter Connell, Cr Pat Fogarty, Cr Harold Clapham, Cr Shirlee Burge, Cr Linda Fawns, Deputy Mayor Cr Paul Fellows, Mayor Cr Betts.

Against: 0

The motion carried 8 to 0

**11.8. LODGING OF PECUNIARY INTEREST RETURNS - COUNCILLORS AND DESIGNATED PERSONS****RESOLUTION 2022/0222/11.8**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Councillors meet their obligations under the Code of Conduct to lodge a pecuniary interest return prior to 4 March 2022, and note that copies of the returns will be tabled at the March Council Meeting and placed on Council's website.

**CARRIED**

**11.9. EDWARD RIVER COUNCIL - GROWTH MANAGEMENT STRATEGY****RESOLUTION 2022/0222/11.9**

Moved: Cr Harold Clapham

Seconded: Cr Shirlee Burge

That Council

1. Authorise the development of the Edward River Council Growth Management Strategy.
2. Allocate \$227,272 funds from the sale of the Saleyards Road blocks to undertake the development of the Edward River Growth Management Strategy
3. Allocate \$33,000 which has been allocated to the McLean Beach Masterplan from the NSW COVID Response Fund, to ensure this strategic work is encompassed in the Edward River Growth Management Strategy
4. Allocate \$30,000 for the Residential Land Strategy from the proposed 2022-2023 Budget to ensure this strategic work is encompassed in the Edward River Growth Management Strategy

**CARRIED**

**11.10. LGNSW SPECIAL CONFERENCE - ATTENDANCE AND NOMINATION OF VOTING DELEGATE****RESOLUTION 2022/0222/11.10**

Moved: Cr Pat Fogarty

Seconded: Cr Peter Connell

That Council:

1. Approves the Mayor as the nominated voting delegate at the annual LGNSW Conference and payment of expenses as set out in the *Councillor Facilities and Expenses Policy* (clause 6.29(b) and clauses 6.38-42);
2. Approve the attendance of the Deputy Mayor at the LGNSW Special Conference, when the mayor cannot attend, including voting delegations;
3. Approves the attendance of the Deputy Mayor and Cr Linda Fawns at the 2022 Special Conference in early March 2022, the General Manager will attend on behalf of Council (non-voting), and
4. Notes that Council has no motions for consideration at the LGNSW Special Conference in accordance with LGNSW guidelines.

**CARRIED**

**11.11. RESPONSE TO LETTER TO AUDIT OFFICE****RESOLUTION 2022/0222/11.11**

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

That Council note the response from the NSW Audit Office following the letter sent by Council in compliance with resolution 2021/201, 2 December 2021.

**CARRIED**

10.07am Communications Advisor left the Chambers and returned at 10.08am.

10.07am Management Accountant left the Chambers and did not return.

10.08am Manager Community & Economic Development left the Chambers and did not return

**11.12. AUDIT RISK AND IMPROVEMENT COMMITTEE REPORT****RESOLUTION 2022/0222/11.12**

Moved: Cr Pat Fogarty

Seconded: Cr Peter Connell

That Council:

1. Receive and notes the report outlining the history of the Audit, Risk and Improvement Committee (ARIC) ;
2. Invite the current independent committee members for a renewed term to coincide with the current Council term to September 2024;
3. Invite additional community member candidates to apply for the existing vacancy and / or, in the event of one of the current members declining their invitation, any other vacancy.

4. That the ARIC independent member fees be set at \$1100.00 per meeting, with the chair receiving \$1500.00 per meeting, noting that, where applicable, travelling costs for attendance in person will also be met according to the established expenses policy.

**CARRIED**

**11.13. DELIVERY PROGRAM 2018-2022 AND OPERATIONAL PROGRAM 2021-2022  
PROGRESS REPORT DECEMBER 2021**

**RESOLUTION 2022/0222/11.13**

Moved: Cr Pat Fogarty

Seconded: Cr Linda Fawns

That Council receive and note the quarterly update.

**CARRIED**

**11.14. DEVELOPMENT SERVICES REPORT**

**RESOLUTION 2022/0222/11.14**

Moved: Cr Tarria Moore

Seconded: Cr Pat Fogarty

That Council receive and note the January Development Services update.

**CARRIED**

**11.15. MAJOR PROJECTS REPORT – FEBRUARY 2022**

**RESOLUTION 2022/0222/11.15**

Moved: Cr Pat Fogarty

Seconded: Cr Peter Connell

That Council receive and note the Major Projects Program – Progress Report for February 2022.

**CARRIED**

10.29am Director Corporate Services left the Chambers and returned at 10.32am

**11.16. CAPITAL WORK UPDATE - QUARTER 2**

**RESOLUTION 2022/0222/11.16**

Moved: Cr Peter Connell

Seconded: Cr Linda Fawns

That Council notes the Capital Works update for Quarter 2 of the 2021/22 financial year.

**CARRIED**

**12. NOTICES OF MOTIONS**

Nil

**13. QUESTIONS WITH NOTICE**

Nil



**14. QUESTIONS WITHOUT NOTICE**

Nil

**15. CONFIDENTIAL MATTERS**

Moved: Cr Tarria Moore

Seconded: Cr Peter Connell

That Council considers the confidential report(s) listed below in a meeting closed to the public at 10.43am in accordance with Section 10A(2) of the Local Government Act 1993:

**15.1 Edward River Village Update and Draft Budget**

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.

**15.2. Request for quote RQ2021-40 Power & NBN Supply & Installation – Edward River Village**

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.

**15.3. Contract C2021/09 – Civil Construction – Edward River Village**

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.

**15.4. Contract C2021/11a – Deniliquin (Wellington Street) Shoulder Reconstruction Request for Tender**

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.

**15.5. Contract C2021/08 Dwelling Construction – Edward River Village**

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.

**15.6. C2021-14 – Construction of Public Amenities Building – Memorial Park**

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**

**15.1. EDWARD RIVER VILLAGE UPDATE AND DRAFT BUDGET****RESOLUTION 2022/0222/15.1**

Moved: Cr Harold Clapham

Seconded: Cr Linda Fawns

That Council note the Edward River Village Update and Draft Budget Report.

**CARRIED**

**15.2. REQUEST FOR QUOTE RQ2021-40 POWER & NBN SUPPLY & INSTALLATION - EDWARD RIVER VILLAGE****RESOLUTION 2022/0222/15.2**

Moved: Cr Harold Clapham

Seconded: Cr Peter Connell

That Council delegate to the General Manager, to receive quotes and engage the best value conforming contractor, for the provision of on-site power and data at the Edward River Village, to a value up to \$240,000.00 Ex GST.

**CARRIED**

**15.3. CONTRACT C2021/09 - CIVIL CONSTRUCTION - EDWARD RIVER VILLAGE****RESOLUTION 2022/0222/15.3**

Moved: Cr Harold Clapham

Seconded: Cr Shirlee Burge

That Council accept the tender for the construction of the first Separable Portion (Civil SP1) of the civil construction of the Edward River Village development plan, as submitted in Tender C2021/08 – Senior Living Precinct Dwelling Construction, and confirmed subsequently by the tenderer, Deni Civil for \$1,051,275.00 (Ex GST).

**CARRIED**

**15.4. CONTRACT C2021/11A - DENILIQVIN (WELLINGTON STREET) SHOULDER RECONSTRUCTION 21/22 REQUEST FOR TENDER****RESOLUTION 2022/0222/15.4**

Moved: Cr Pat Fogarty

Seconded: Cr Peter Connell

That Council:

1. Accepts the tender submitted by Miller Pipe and Civil Pty Ltd for Contract C2021/11a – Deniliquin (Wellington Street) Shoulder Reconstruction 21/22 the lump sum tender price of \$296,931.00+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 C2021/11a – Deniliquin (Wellington Street) Shoulder Reconstruction 21/22.
3. Authorise the reallocation of budget to meet the Project Cost from within the Local Road Reconstruction Program;

4. 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**

**15.5. CONTRACT C2021/08 DWELLING CONSTRUCTION - EDWARD RIVER VILLAGE  
RESOLUTION 2022/0222/15.5**

Moved: Cr Pat Fogarty

Seconded: Cr Tarria Moore

That Council:

1. Not accept any of the revised tenders for the construction of the first six dwellings in the Edward River Village development plan
2. Delegate authority to the Edward River Village (Seniors Living Precinct) committee to look at further options to reduce the entry costs for residents, and
3. Report back to council at a future meeting

**CARRIED**

**15.6. C2021-14 - CONSTRUCTION OF PUBLIC AMENITIES BUILDING - MEMORIAL  
PARK**

**RESOLUTION 2022/0222/15.6**

Moved: Cr Peter Connell

Seconded: Cr Pat Fogarty

That Council:

1. Accept the B. Green Construction tender submission for C2021/14 Construction of Public Amenities Building at Memorial Park, in accordance with Clause 178(1)(a) of the *Local Government (General) Regulations*,
2. Authorise that the budget shortfall of \$110,769.17 (excl GST) is funded from savings made to the Asbestos Removal project and the Medical Centre Upgrades,
3. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract document for Contract 2021/14 – Construction of Public Amenities Building at Memorial Park,
4. Authorise the contract superintendent to approve variations on the contract up to a maximum value of 10%.

**CARRIED**

**RESOLUTION 2022/0222/15.7**

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

That Council moves out of Closed Council into Open Council at 12.12pm

**CARRIED**

**16. CLOSE OF MEETING**

**The Meeting closed at 12.18pm**

**The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 15 March 2022.**

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**CHAIRPERSON**