



MINUTES

Ordinary Council Meeting

Tuesday, 15 March 2022

**Philip Stone
General Manager**

PRESENT: Cr Peta Betts (Mayor), Cr Paul Fellows (Deputy Mayor), Cr Shirlee Burge, Cr Harold Clapham, Cr Peter Connell, Cr Tarria Moore, Cr Marc Petersen

Via Zoom: Cr Linda Fawns, General Manager Phil Stone, Senior Governance Officer, Greg Briscoe-Hough (10am – 11am)

IN ATTENDANCE: Mark Dalzell, Director Infrastructure, Marie Sutton, Manager Development Services, Tiffany Carroll, Communications Advisor, Libby Braybon, Executive Assistant, Belinda Perrett, Executive Assistant

GALLERY: Two

2. OPENING MEETING

3. LIVE STREAMING STATEMENT

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 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.

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

Nil

7. CONFIRMATION OF MINUTES

RESOLUTION 2022/0315/7.1

Moved: Cr Paul Fellows

Seconded: Cr Peter Connell

That the minutes of the Ordinary Council meeting held 22 February 2022 be confirmed.

CARRIED

9. DISCLOSURES OF INTERESTS

Nil

10. MAYORAL MINUTE(S)

RESOLUTION 2022/0315/10.1

That Council

1. Endorse the statement of the Edward River Council in support of the 57 Councils impacted by the recent floods
2. Request the mayor read out the statement as a public record of Council's support

CARRIED

10. REPORTS OF COMMITTEES

11.1. MEMORIAL PARK MEETING MINUTES - 9TH MARCH 2022

RESOLUTION 2022/0315/11.1

Moved: Cr Shirlee Burge

Seconded: Cr Marc Petersen

That Council note the minutes of the Memorial Park Users Meeting of 9 March 2022.

CARRIED

12. REPORTS TO COUNCIL**12.1. MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS****RESOLUTION 2022/0315/12.1**

Moved: Cr Peter Connell

Seconded: Cr Harold Clapham

That Council note the Mayor, Councillors and General Manager meetings attended during the month of February 2022, undertaken either remotely, or adhering to COVID-19 distancing regulations.

CARRIED

12.2. RESOLUTIONS OF COUNCIL**RESOLUTION 2021/0315/12.2**

Moved: Cr Harold Clapham

Seconded: Cr Pat Fogarty

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

CARRIED

12.3. INVESTMENTS AND RESERVES REPORT FEBRUARY 2022**RESOLUTION 2022/0315/12.3**

Moved: Cr Peter Connell

Seconded: Cr Paul Fellows

That Council

1. Note and receive the February 2022 report on Investments totalling \$48,216,346 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of February 2022 was \$20,144
3. Note that accrued interest earned to 28 February 2022 but not yet received was \$143,847.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report

CARRIED

Director Infrastructure left the Chambers at 9.25am and returned at 9.26am

12.4. ESTABLISHMENT OF HEALTH SERVICES ADVOCACY COMMITTEE**RESOLUTION 2022/0315/12.5**

Moved: Cr Shirlee Burge

Seconded: Cr Pat Fogarty

That Council:

1. Agree in principle with the establishment of a Health Services Advocacy Committee and;

2. Seek nomination of interested Councillors to be delegated to, in consultation with the Mayor and General Manager, seek community representation and;
3. Develop the committee's terms of reference

CARRIED

12.5. TABLING OF PECUNIARY INTEREST RETURNS - COUNCILLORS AND DESIGNATED PERSONS

RESOLUTION 2022/0315/12.5

Moved: Cr Peter Connell

Seconded: Cr Paul Fellows

That Council note that all returns, as required under the Code of Conduct, have been received and be formally tabled.

CARRIED

12.6. SECTION 355 COMMITTEES - APPOINTMENTS AND INSTRUMENTS OF DELEGATION

RESOLUTION 2022/0315/12.6

Moved: Cr Tarria Moore

Seconded: Cr Paul Fellows

That Council:

1. Appoint the recommended committee members for the following Section 355 Committees:
 - a. Blighty Hall and Recreation Reserve Committee - MaryLynne Bradford, Malcolm Holm, Andrew Lostroh, Judith Plattfuss
 - b. Conargo Memorial Hall and Recreation Ground Committee - Lynette Baker, Colin Bull, Margaret Bull, Lyn (Linda) Hardcastle, Aileen Loader, Elizabeth McNamara, Ian Paton, Michael Pisasale, Deborah Stockton
 - c. Mayrung Hall Committee - Gordan Ball, Phyllis Ball, Stephen Ball, John Beer, Lorraine Beer, Bruce Moore, Birgit Schultz.
 - d. Pretty Pine Hall Committee - Matthew Allitt, Ben Chartres, John Jenkins, Gabrielle van der Linde
 - e. Wanganella Hall Committee - Simon Bain, Sarah Hooke, Tom Hooke, Amanda McCrabb, Colin McCrabb, Susie Wallace
2. Issue the standard instrument of delegation in the specific name of each committee as their Terms of Reference;
3. Adopt the revised committee guidelines and associated *pro forma* documents for the committees use, and;
4. Provide committee members with the necessary documents and undertake a 'benchmark' site assessment and conduct the formal induction of committee members at their April 2022 meetings.

5. Note that the Booroorban Hall Committee cannot be determined at this time due to insufficient numbers, and a report will be tabled with Council pending further work on this and other committees.

CARRIED

12.7. RATES VARIATION TO PREVIOUS BUDGETED LEVELS

RESOLUTION 2022/0315/12.7

Moved: Cr Harold Clapham

Seconded: Cr Peter Connell

That Council:

- a) Note the Minister's correspondence that highlights the inadequacy of the IPART determination of 0.7%;
- b) Apply for the balance (1.8%) of the expected 2.5% as earlier outlined in Office of Local Government circular 18-31;
- c) Explore other Special Rate Variations options in the released guidelines for further determination at the April 2022 Council meeting.

CARRIED

12.8. DA 9/22 - 'WHAT'S ON' SIGNAGE, CHARLOTTE STREET

RESOLUTION 2022/0315/12.8

Moved: Cr Pat Fogarty

Seconded: Cr Tarria Moore

That Council resolves to: -

1. APPROVE the development application 9/22 for 'What's On' Signage on Lot 7010 DP1126536, Charlotte Street Deniliquin as shown on site plan, G01 - specific summary and G01 - frame and footing detail 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 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 DA9/22:

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. 9/22 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

Prior to any works being undertaken in the road reserve, a road opening permit is to be

obtained from Council.

4. Safety

The proposed sign and support structure shall not pose any risk to the safety of pedestrians or motorists.

Division:

For: Cr Paul Fellows, Cr Shirlee Burge, Cr Harold Clapham, Cr Peter Connell, Cr Tarria Moore, Cr Marc Petersen, Cr Linda Fawns, Cr Peta Betts

Against: Nil

Carried: 9 to 0

CARRIED

12.9. DA15/22 - CONSTRUCTION OF A STEEL FABRICATION SHED, STORAGE SHED AND DEMOUNTABLE OFFICE (STAGED DEVELOPMENT)

RESOLUTION 2022/0315/12.9

Moved: Cr Harold Clapham

Seconded: Cr Shirlee Burge

That Council resolves to: -

1. APPROVE the development application 15/22 for the Construction of a Steel Fabrication Shed, Storage Shed and Demountable Office (staged development) on Lots 34 & 35 DP 1189132, Saleyards Road, Deniliquin as shown on plans drawn by R. J. Cassise titled Stage No.1 Sheets 00 - 08 and Stage No.2 Sheets 00 - 05 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 is generally compliant with the key planning provisions contained in the DLEP 2013 and the Deniliquin Control Plan 2016.
 - b. The development will have no significant adverse impacts on the natural or built environments.
2. Impose the conditions as detailed in Attachment 1.

Division:

For: Cr Paul Fellows, Cr Shirlee Burge, Cr Harold Clapham, Cr Peter Connell, Cr Tarria Moore, Cr Marc Petersen, Cr Linda Fawns, Cr Peta Betts

Against: Nil

Carried: 9 to 0

CARRIED

12.10. DA82/21 - DOG BREEDING FACILITY

RECOMMENDATION

That Council resolves to: -

1. APPROVE the development application 82/21 for a Dog Breeding Facility, on Lot A DP410469, 383 Birganbidgil Road, Warragoon as shown on plans numbered Job No:1647 Sheet 1 to Sheet 9 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 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, 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 effects.
2. Impose the conditions as detailed in Attachment 6.

RESOLUTION 2022/0315/12.10

Moved: Cr Peter Connell

Seconded: Cr Pat Fogarty

That consideration of this item be deferred to the April Council Meeting as Councillors have further questions regarding the conditions of consent.

For: 5

Against: 4

CARRIED

12.11. DEVELOPMENT SERVICES REPORT - FEBRUARY 2022**RESOLUTION 2022/0315/12.11**

Moved: Cr Peter Connell

Seconded: Cr Pat Fogarty

That Council receive and note the February Development Services update.

CARRIED

10.10am Manager Development Services and one member of the Gallery left the Chambers.

12.12. MAJOR PROJECTS REPORT - MARCH 2022**RESOLUTION 2022/0315/12.12**

Moved: Cr Shirlee Burge

Seconded: Cr Marc Peterson

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

CARRIED

12.13. OPERATIONS REPORT**RESOLUTION 2022/0315/12.13**

Moved: Cr Pat Fogarty

Seconded: Cr Peter Connell

That Council receive and note the February 2022 Operations Department update.

CARRIED

Cr Paul Fellows left the Chambers at 10.26am and returned at 10.27am.

13. NOTICES OF MOTIONS

Nil

14. QUESTIONS WITH NOTICE

Nil

15. QUESTIONS WITHOUT NOTICE

- Cr Marc Petersen requested a list of project managers, contacts and projects assigned to each.
- Cr Marc Petersen enquired as to appraisal of the general manager and the process. The General Manager Phil Stone, said whilst awaiting final confirmation, this will potentially take place Tuesday 22 March 2022.
- Cr Marc Petersen enquired about the gates that were vandalised in the Waring Gardens, and if we had received an update from the police? Director Infrastructure Mark Dalzell responded that once police are informed it is in their hands and Edward River Council endeavours to make things safe as soon as possible.
- Cr Pat Fogarty spoke about the timing of the business papers and requested that they be sent out earlier – Monday or Tuesday of the week prior.
- Cr Pat Fogarty enquired about the Staff Survey conducted in September and when would the Councillors receive a full report.
- Cr Pat Fogarty requested that the dot points from the regular weekly meetings held with the Mayor, Deputy Mayor and General Manager, continue to be put into the councillor teams folder.
- Cr Tarria Moore expressed an interest in the correspondence between the Pastoral Times and Council is proving to be successful. General Manager Phil Stone suggested a review of how Council currently communicates be discussed at a briefing.
- Cr Paul Fellows has been approached by a ratepayer who wishes to put up further Can Assist signs around town. Director Infrastructure directed that the person should contact Council directly.

10.48am The remaining member of the gallery left the Chambers.

15. CONFIDENTIAL MATTERS**RESOLUTION 2022/0315/15.1**

Moved: Cr Moore

Seconded: Cr Pat Fogarty

That Council considers the confidential report(s) listed below in a meeting closed to the public at 10.49am in accordance with Section 10A(2) of the Local Government Act 1993:

17. EDWARD RIVER VILLAGE - STAGE 1 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.

18. CONTRACT C2021/19 SALEYARDS ROAD RECONSTRUCTION

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.

17. EDWARD RIVER VILLAGE - STAGE 1 DWELLING CONSTRUCTION

RECOMMENDATION

That Council:

1. Notes the minutes from the Edward River Village Committee, held on 10 March 2022,
2. Proceeds with Stage 1 of the Edward River Village project, involving the construction of six two-bedroom dwellings and associated infrastructure works, and
3. Calls for tenders for the construction of six two-bedroom dwellings by way of open tender in accordance with the Local Government Act.

RESOLUTION 2022/0315/17.1

Moved: Cr Harold Clapham

Seconded: Cr Marc Petersen

That Council:

1. Notes the minutes from the Edward River Village Committee, held on 10 March 2022,
2. Refer the Edward River Village project to Council's Audit Risk and Improvement Committee for review.
3. Council receive a further report following the ARIC committee review.

CARRIED**18. CONTRACT C2021/19 SALEYARDS ROAD RECONSTRUCTION****RESOLUTION 2022/0315/18.1**

Moved: Cr Peter Connell

Seconded: Cr Harold Clapham

That Council

1. Accepts the tender submitted by RECivil Pty Ltd for Contract C2021/19 – Saleyards Road Reconstruction 21/22 for the lump sum tender price of \$1,092,562 +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 C2021/19 – Saleyards Road Reconstruction 21/22,
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, and
4. Reallocate \$100,000 from the Local Road Reseal project and Drainage Related to Roadworks project within the 2021/22 Capital Works Program to the Saleyards Road Reconstruction project.

CARRIED

RESOLUTION 2022/0315/18.2

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That Council moves out of Closed Council into Open Council at 11.39am

CARRIED

19. CLOSE OF MEETING

The meeting closed at 11.41am