



MINUTES

Ordinary Council Meeting

Tuesday, 21 February 2023

Philip Stone
Chief Executive Officer

Order of Business

1. OPENING MEETING	3
2. ATTENDANCE	3
3. LIVE STREAMING STATEMENT	3
4. ACKNOWLEDGEMENT OF COUNTRY	3
5. STATEMENT OF PURPOSE	3
6. APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS	3
7. CONFIRMATION OF MINUTES	3
7.1. Minutes Ordinary Council Meeting held 20 December 2022	3
8. DISCLOSURES OF INTERESTS	4
9. MAYORAL MINUTE(S)	4
10. URGENT ITEMS OF BUSINESS	4
11. REPORTS OF COMMITTEES	4
12. REPORTS TO COUNCIL	5
12.1. Delivery Program Progress Report to December 2022	5
12.2. Deniliquin Kolety Lagoons Landcare Group - Fishing Challenge Request	5
12.3. Investment & Reserves Report - December 2022	5
12.4. Investment Report & Reserves Report January 2023	6
12.5. Quarterly Budget Review Statement - December 2022	6
12.6. Development Services Activity Report	6
12.7. Conroy Street Deniliquin	7
12.8. Capital Works Update Qtr 2 - 2022/23	7
12.9. Major Projects report - January 2023	7
12.10. Resolutions of Council	7
12.11. Mayor, Councillor, CEO Meetings December 2022 and January 2023	8
13. NOTICES OF MOTIONS	8
14. QUESTIONS WITH NOTICE	8
14.1. Questions with Notice	8
15. CONFIDENTIAL MATTERS	12
15.1. C2022-03 - Sewer Relining Program 2022/2023	12
16. CLOSE OF MEETING	12

1. OPENING MEETING

Meeting opened at 10.03am

2. ATTENDANCE

Present: Cr Peta Betts (Mayor), Cr Harold Clapham, Cr Shirlee Burge, Cr Shannon Sampson, Cr Tarria Moore, Cr Marc Petersen, Cr Pat Fogarty,

Via Teams: Cr Linda Fawns, Cr Paul Fellows (Deputy Mayor)

In attendance: Chief Executive Officer, Director Infrastructure, Director Corporate Services, Executive Assistant to the CEO

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 Chief Executive Officer or Mayor.

4. ACKNOWLEDGEMENT OF COUNTRY

Edward River Council acknowledges and embraces the First Nations Peoples - the Wamba Wamba Perrepa Perrepa peoples as the Traditional Owners of the Lands within the Edward River Council area and also recognises the diversity of different cultures within our community and their contribution.

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

7.1. MINUTES ORDINARY COUNCIL MEETING HELD 20 DECEMBER 2022

RESOLUTION 2023/0221/7.1

Moved: Cr Tarria Moore

Seconded: Cr Shannon Sampson

That the draft minutes of the Ordinary Council Meeting held 20 December 2022 be moved as true and correct record.

CARRIED UNANIMOUSLY

8. DISCLOSURES OF INTERESTS

Mayoral Minute - Cr Linda Fawns declared a Non-Pecuniary - Significant Interest and did not participate in discussion.

9. MAYORAL MINUTE(S)**RESOLUTION 2023/0221/9**

Moved: Mayor Cr Peta Betts

Cr Linda Fawns declared a Non-Pecuniary - Significant Interest and did not participate in discussion.

That Council:

1. Support the National Reconciliation Week walk in Deniliquin, incorporating “the flats” as part of the walk.
2. Provide operational support for use of Waring Gardens, and any traffic control required
3. Authorise the Chief Executive Officer, to allocate \$250 from Council’s Quick Response Grants as requested, and authorise appropriate operational support for the initiative as needed, and
4. Write to Mr Fawns, expressing Council’s support for the idea via this resolution.

Cr Marc Petersen offered to provide the \$250 from his Councillor payment.

CARRIED UNANIMOUSLY

10. URGENT ITEMS OF BUSINESS

Nil

11. REPORTS OF COMMITTEES

Moved: Cr Pat Fogarty

Seconded: Cr Tarria Moore

RESOLUTION 2023/0221/11.1

That Council:

1.Receive and note the Blighty s355 Committee 21 November 2022 Minutes and August and September 2022 financial statements

CARRIED UNANIMOUSLY

12. REPORTS TO COUNCIL**12.1. DELIVERY PROGRAM PROGRESS REPORT TO DECEMBER 2022**

Moved: Cr Tarria Moore

Seconded: Cr Pat Fogarty

RESOLUTION 2023/0221/12.1

That Council receive and note the six-monthly Delivery Program progress report for the period ended 31 December 2022.

CARRIED UNANIMOUSLY

12.2. DENILQUIN KOLETY LAGOONS LANDCARE GROUP - FISHING CHALLENGE REQUEST

Moved: Cr Tarria Moore

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0221/12.2

That Council:

1. Note the request from the organisers of the Edward Kolety Fishing Challenge for additional support for the event, and
2. Provides support up to a value of \$2,500 for the event due to infrastructure that has been impacted by recent flooding.

CARRIED UNANIMOUSLY

12.3. INVESTMENT & RESERVES REPORT - DECEMBER 2022

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0221/12.3

That Council:

1. Note and receive the December 2022 report on Investments totalling \$44,152.inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of December 2022 was \$70,014.
3. Note that total interest earned for the year to 31 December 2022 was \$ 331,767.

Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report

CARRIED UNANIMOUSLY

12.4. INVESTMENT REPORT & RESERVES REPORT JANUARY 2023

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0221/12.4

That Council:

1. Note and receive the January 2023 report on Investments totalling \$43,911,534 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of January 2023 was \$74,132.
3. Note that total interest earned for the year to 31 January 2023, adjusted for a prior month over accrual, is \$394,547.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED UNANIMOUSLY

12.5. QUARTERLY BUDGET REVIEW STATEMENT - DECEMBER 2022

Moved: Cr Pat Fogarty

Seconded: Cr Marc Petersen

RESOLUTION 2023/0221/12.5

That Council

- Review and discuss the budget variations as detailed in the report noting the overall impacts of proposed adjustments on Council's budgeted operating result for 2022/23 being a surplus of \$5,130,000, and after removing Capital Grants a deficit of \$1,400,000.
- Adopt the 31 December 2022 Quarterly Budget Review and update of the 2022/23 Operational Plan as initially adopted at the Council Meeting in June 2022, and updated in November 2022.

CARRIED UNANIMOUSLY

12.6. DEVELOPMENT SERVICES ACTIVITY REPORT

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

RESOLUTION 2023/0221/12.6

That Council receives and note the Development Services update.

CARRIED UNANIMOUSLY

12.7. CONROY STREET DENILQUIN

Moved: Cr Pat Fogarty

Seconded: Cr Marc Petersen

RESOLUTION 2023/0221/12.7

That Council:

1. Note the status of the road closure procedure for part of the road reserve adjacent to 328 Conroy Street, Deniliquin, and
2. Authorise the Chief Executive Officer to affix the Council Seal to the subdivision for the road reserve at 328 Conroy Street, Deniliquin, for title issue and road closure under the Roads Act 1993.

CARRIED UNANIMOUSLY

12.8. CAPITAL WORKS UPDATE QTR 2 - 2022/23

Moved: Cr Tarria Moore

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0221/12.8

That Council note the Capital Works update for Quarter 2 of the 2022/23 financial year.

CARRIED UNANIMOUSLY

12.9. MAJOR PROJECTS REPORT - JANUARY 2023

Moved: Cr Paul Fellows

Seconded: Cr Linda Fawns

RESOLUTION 2023/0221/12.9

That Council receive and note the Major Projects Program – Progress Report for January 2023

CARRIED UNANIMOUSLY

12.10. RESOLUTIONS OF COUNCIL

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

RESOLUTION 2023/0221/12.10

That Council note the information in the Resolutions of Council as at 13 February 2023.

CARRIED UNANIMOUSLY

12.11. MAYOR, COUNCILLOR, CEO MEETINGS DECEMBER 2022 AND JANUARY 2023

Moved: Cr Shannon Sampson

Seconded: Cr Marc Petersen

RESOLUTION 2023/0221/12.11

That Council

1. Note the Mayor, Councillor and Chief Executive Officer meetings attended on behalf of Council during the months of December 2022 and January 2023, undertaken either remotely, or adhering to current health guidelines.
2. Continue to advise the Chief Executive Officer's Executive Assistant of their meeting diaries and activities attendance.

Further meetings attended by Councillors were noted.

CARRIED UNANIMOUSLY

13. NOTICES OF MOTIONS

Nil

14. QUESTIONS WITH NOTICE**14.1. QUESTIONS WITH NOTICE**

Moved: Cr Marc Petersen/Sampson

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0221/14.1

That Council note and receive the responses in relation to the following questions submitted by Councillor Marc Petersen.

Questions submitted and responses as below.

1. In regards to the chair promised at the end of 2021 in response to requests from the Multi Arts Users Group Deniliquilters, what happened to it's installation? Initial correspondence commenced in June 2001 and was finalised by Mayor N. Brennan and General Manager Stone at the end of November 2021 where Deniliquilters were notified a seat would be installed at the front of the Multi Arts Center by end of December 2021. To date, one has not appeared.

[Seating is being installed next week by contractor Beggs' Concreting & Fencing](#)

1. In regards to the letter received from Deniliquilters in 2022 re: toilet cleaning at the facility and window sealing around the frames, I have been approached and emailed by a member who would like a cleaning schedule made available so they know when cleaning will occur from ERC, and what is to be done regarding the windows as they appear loose.

[Council has liaised with a representative from Deniliquilters & Friends regarding the facility cleaning and the maintenance request. Cleaning frequency was increased at councillors request late last year to 3 days per week. The design of the amenity \(open toilet room with cubicles and gates\) is](#)

problematic for keeping clean and would benefit from a renovation. Window and rendering repairs have been completed. Council has since received feedback from the group as to their satisfaction with the outcomes of both requests.

1. Where is ERC positioned at the moment regarding staffing and vacancies, and what is the average cost of recruitment for each position in line with the operational budget allocation.

Council currently has 17 vacancies; 11 are progressing through recruitment. The 22-23 recruitment budget is \$130k and actual spend is \$65k to date.

Average cost per recruitment is \$5913 per position.

We would welcome any community members looking for a role in a fantastic organisation with a can-do culture to go to council's website and apply, or to contact our human resources team.

1. The Deniliquin Pool has been receiving complaints regarding lifeguard presence and pool access. Recently I was contacted by (redacted) regarding concerns about child safety at the pool. She stated that she was with a friend and the children and was helping one practice their swimming, when she was asked to vacate the pool as only LSA appointed persons could train "How to Swim" at the facility. How does this allow safety in the water if adults are not allowed to assist their children in practicing their swim lessons including different strokes? With the former operating group, practice does not seem to have been an issue.

LSA received a complaint from another swim instructor in town that the person in question was being paid to undertake weekly swim lessons at the pool. It is this complaint that LSA investigated and actioned.

1. What is the current status with the intersection by the Central Hotel? Is it possible to decrease the speed zone in the area to 40km/hr to reduce the risk of trucks overturning as they come off the bridge? What mitigation has been planned to reduce the risk that. Human fatalities may occur?

A 20km/hr warning sign for the intersection has been installed on the northern approach to the bridge. Council is working with TfNSW to increase the size of this sign and install one on the southern side as well to warn and advise motorists of a safe speed to travel through the intersection.

1. Along Crispe Street the newly planted trees are a mix of living and breathing and dying and decaying. What is the watering rotation and frequency, and how often are they being inspected? Currently 11 appear deceased, with many others especially on the Hetherington street side of Crispe Street appearing very dry and struggling. Those on the Faulkner Street side appear to be doing well, but they receive water from the sprinklers also when the lawn is watered.

The tree plantings on Crispe St have been troublesome since planted as they are hand watered. The dead trees would have normally been replaced in Spring, but no new plantings in the recent spring street tree program was undertaken due to flood works. A project will be submitted to the budget process to rectify the works along Crisp St, including possible garden beds and reticulated watering. If funded, we will remove any dead trees and undertake the project in time to plant in spring.

1. What is the current balance of unrestricted funds from the start of the financial year compared to now and how is that cost allocated.

This information is detailed in Council's monthly investments and reserves report. The balance of unrestricted funds on 31 January 2023 was \$21.060m. On 30 June 2022, the balance of unrestricted funds was \$20.570m. This represents a year-to-date increase of \$0.490m. It is important to note that

unrestricted funds refer to cash that Council holds and is not representative of budgeted works or operations.

1. How is the formation of Booroorban Hall 355 Committee going? Have new members been appointed?

The remaining volunteer has called an AGM for late February or early March, 2023. From that meeting we will have a better understanding of community interest in forming a committee and next steps. All committee members for s355 committees must be appointed by council resolution.

1. Advertising within the Pastoral Times for ERC events has been observed to have decreased dramatically in the last 12-18 months. Why is that and where are advertisements available now for upcoming events including town meetings and functions? Will these be made available again in the Pastoral Times?

Council pays for advertising in the *Pastoral Times* primarily through the *Community News column*. Council also places job vacancies, Development Application notices and other community information as required in the classified section of the *PT*. Edward River Council event promotion is included in the *Community News*, which costs \$770/wk or approx. \$40,000pa.

Last financial year (2021-2022) \$41k was spent on advertising with the Pastoral Times out of a budget of \$83k.

Spending this financial year with the PT is \$67k, with an adopted annual budget of \$85k for all of councils advertising efforts, not specifically just the PT.

It is speculated that the spending in 2021-22 was down because there were less events and required advertising as the community was still transitioning from COVID.

1. What is the current population of ERC estimated to be and how is that tracking compared to the Council's target of 20,000 by 2050?

The latest Census data indicates Edward River Council's population is 8437 and in decline. To address the decline and meet the community's objective for 20,000 residents by 2050, Council has resolved to develop a Growth Strategy. That work is currently underway.

1. What are the building codes and height requirements of buildings within the Davidson Street area in light of the recent floods and concerns raised regarding past policies and possible legislation relating to flood heights and protective measures required.

The required finished floor level (FFL) for new dwellings in the Davidson Street area is 500mm above the 1% flood level. Existing Dwellings have an existing use right, however, if they are to be rebuilt will be required to meet the required FFL.

Most of the land in the Davidson Street area is Bushfire Prone land (BFPL). There are specific construction requirements that apply to buildings on BFPL dependant on the assessed BAL (Bushfire Attack Level)

The BAL is determined at the time of application for a new residential development considering vegetation type, location, and proximity to the proposed dwelling. The higher the BAL the greater the Construction requirements to protect the building.

Further Planning provisions are contained in Deniliquin LEP 1997, Clause 21, Flood Planning; and in the Deniliquin DCP, Chapter 10, Hazards for the development of flood liable land and Bushfire Prone land in the Davidson Street area.

1. What is happening with the CWA building and what groups have been contacted regarding usage?

Council is waiting for confirmation from Crown Lands that the licence has been transferred to Council. Crown Lands have not given a timing for this to occur and our last follow-up with Crown Lands was 30/1/23. Will continue to follow this up. Unfortunately, Council can't move forward with use of the building until the licence is issued. Local groups have contacted Council regarding the use.

1. What is happening with the block of land purchased by ERC on Edwardes Street adjacent to the Water Resources Building and what is planned for its use?

The block of land on Edwardes St was purchased by Council in an open auction last year. It is currently used as a car park. There are no adopted plans for its use, but its future use may be considered in the Growth Strategy, if Council determines that it will consider a plan for public land in the future growth of Deniliquin as part of the Growth Strategy.

1. How are the Villages recovering from flood affected issues and are the roads repaired and usable again, especially around Conargo and Wanganella.

Emergency roadworks have been completed to allow access across the road network. Further repair work is subject to funding claims to Transport for NSW under DRFA guidelines.

Clean-up work in the villages has been completed.

1. Will the ERC be promoting the P&A Show and events this year, where and how?

Yes, Council has been in contact and discussed the show with the P & A Society. The big screen will be used and Visit Deni promotion platforms. They have asked to use Council's trailer screen to promote the show before it goes to Moomba. They are on the distribution list for the 'What's On' Edward River Council Event Guide that is emailed to all accommodation and food outlets and a long list of community groups. The show information has recently been provided for the Edward River Facebook and the Visit Deni social channels.

1. What are the new timelines for flood delayed programs and activities?

Changes to the capital works program due to impacts from the floods are attached. These impacts are due to lack of access to work sites and resources being prioritised for flood response and flood emergency works.

1. With the recent public notice regarding funds in round 5 received, why was more money required to be allocated to the Town Hall? What else is needed for the job to be complete, how will it operate and will it be able to fund itself? Is there a volunteer group with an operating plan in town that have offered to assist and work with council under their direction to assist in allowing regular access to the public?

Stronger Country Communities Fund Round 5 grant was provided for projects that improve community wellbeing in regional communities. Information was provided to councillors at the 7 September briefing on recommended projects for application to the fund prior to submissions to the state funding authority. These projects included funding for accessibility works and exhibition improvement for the Peppin Heritage Centre, and funding for the activation of the Town Hall, not for the completion of its construction.

Funding secured for the Town Hall will be applied to the curation of a historical exhibition for the hall, the development of a facility tour and volunteer program, completion of fit out of cabinetry for lobby and dressing rooms, procurement of theatre lighting to ensure venue is suitable for use by touring productions.

As outlined in a recent councillor briefing and subsequent Council meeting in December, the facility will not be able to fund itself. Council received a complete report on various operational models for

the facility at its December 2022 meeting. The recommended option estimates an annual operational cost to Council of \$244,500pa. All operational models explored will result in an annual cost to council, the extent of which is dependent on Council and the community's vision for the facility and what they are prepared to pay.

Note that community and stakeholder (including Councillor) engagement will be commencing in the coming weeks; this information was also detailed in the report in December.

15. CONFIDENTIAL MATTERS

Moved: Cr Tarria Moore

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0221/15

That Council move into Confidential Business at 11.36am

CARRIED UNANIMOUSLY

15.1. C2022-03 - SEWER RELINING PROGRAM 2022/2023

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

RESOLUTION 2023/0221/15.1

That Council:

1. Accepts the tender submitted by South West Pipe Relining Pty. and award South West Pipe Relining. Pty Ltd. Contract C2022-03 – Sewer Relining Program 2022/23 for the extended schedule of rates tender price of \$450,000 + 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 C2022-03 – Sewer Relining Program 2022/2023
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 UNANIMOUSLY

16. CLOSE OF MEETING

Moved: Cr Tarria Moore

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0221/16

That Council move back into open session at and the resolution read out loud.

CARRIED UNANIMOUSLY

There being no other business the meeting closed at 12noon.