



# **MINUTES**

## **Ordinary Council Meeting**

**Tuesday, 20 June 2023**

**I hereby give notice that an Ordinary Council Meeting will be held on:**

**Date: Tuesday, 20 June 2023**  
**Time: 10:00 AM**  
**Location: Council Chambers, Estates Building Cressy Street  
Deniliquin**

**Philip Stone**  
**Chief Executive Officer**

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## 1. OPENING MEETING

The meeting opened at 10am

## 2. ATTENDANCE

Present: Mayor Cr Peta Betts, Deputy Mayor Cr Paul Fellows, Cr Shirlee Burge, Cr Linda Fawns, Cr Tarria Moore, Cr Pat Fogarty, Cr Shannon Sampson, Cr Marc Petersen, Chief Executive Officer, Director Corporate Services, Director Infrastructure

In Attendance: Acting Chief Finance Officer, Acting Senior Governance Officer, Executive Assistant to the Chief Executive Officer

## 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

The Edward River Council acknowledges and embraces the Traditional Owners of the Lands within the Edward River Council area - the Wamba Wamba/Perrepa Perrepa Peoples – and pay our respects to their elders, past, present, and emerging. The Edward River Council 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

### RESOLUTION 2023/0620/6

Moved: Cr Moore

Seconded: Cr Sampson

That the leave of absence requested by Cr Harold Clapham be accepted.

**CARRIED UNANIMOUSLY**

## **7. CONFIRMATION OF MINUTES**

### **7.1. DRAFT MINUTES ORDINARY COUNCIL MEETING HELD 16 MAY 2023**

#### **RESOLUTION 2023/0620/7.1**

Moved: Cr Fawns

Seconded: Cr Petersen

That Council accept the Draft Minutes of the Ordinary Council Meeting held 16 May 2023 as a true and correct record.

**CARRIED UNANIMOUSLY**

## **8. DISCLOSURES OF INTERESTS**

12.5 DA 2023/0026 - Residential Shed - 205 Henry Street, Deniliquin Mayor Cr Peta Betts declared a Non-Pecuniary - Less than significant interest and will leave the Chambers during the discussion.

## **9. MAYORAL MINUTE(S)**

Nil

## **10. URGENT ITEMS OF BUSINESS**

Nil

## **11. REPORTS OF COMMITTEES**

### **11.1. ARIC DRAFT MINUTES - MEETING NO 22, THURSDAY 11 MAY 2023**

#### **RESOLUTION 2023/0620/11.1**

Moved: Deputy Mayor Cr Paul Fellows

Seconded: Cr Linda Fawns

That Council receives the draft Minutes of the Audit, Risk & Improvement Committee meeting held on 11 May 2023, and endorse the resolutions of that meeting.

**CARRIED UNANIMOUSLY**

**11.2. DRAFT MINUTES ABORIGINAL LIAISON COMMITTEE**

**RESOLUTION 2023/0620/11.2**

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

That Council

1. Notes the recommendations made by the Aboriginal Liaison Committee.
  - a. That a thank you be given to Intereach for their participation in the Recognition Walk Project.
  - b. That Yarkuwa be congratulated on the relocation to their Forever Home in Hay Road.
  - c. That progress of the Werai Land and Water Corporation be noted and that there will be a celebration during October 2023.
2. Notes the draft minutes of the Aboriginal Liaison Committee held Wednesday 24 May 2023.

**CARRIED UNANIMOUSLY**

**11.3. DRAFT MINUTES EDWARD RIVER COUNCIL HEALTH SERVICES ADVISORY COMMITTEE**

**RESOLUTION 2023/0620/11.3**

Moved: Cr Shirlee Burge

Seconded: Cr Pat Fogarty

That Council

1. Notes the recommendations made by the Edward River Council Health Services Advisory Committee:
  - a. Note that an additional motion will come to Council in relation to the Blue Tree Project.
  - b. Note that an Expression of Interest to join the Edward River Council Health Services Advisory Committee is currently on the Edward River Council website and social media page.
2. Note the draft Minutes of the Edward River Council Health Services Advisory Committee Meeting of 29 May 2023.

**CARRIED UNANIMOUSLY**

**12. REPORTS TO COUNCIL****12.1. 2023-24 OPERATIONAL PLAN & BUDGET - REVISED DRAFT**

Moved: Deputy Mayor Cr Paul Fellows

Seconded: Cr Tarria Moore

**RESOLUTION 2023/0620/12.1**

That Council adopt the 2023-24 Operational Plan and Budget as amended based on community consultation.

Cr Shirlee Burge requested her vote against the motion be recorded.

**CARRIED**

**12.2. RESOURCING STRATEGY****RESOLUTION 2023/0620/12.2**

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Council:

1. Adopts the updated Resourcing Strategy incorporating the Long-Term Financial Plan, Asset Management Strategy and Workforce Management Strategy.
2. Notes that the Long-Term Financial Plan Scenario 2 Enhanced Asset Investment Model, is the recommended scenario as detailed in the endorsed Financial Sustainability Report.
3. Notes that, in response to community feedback, the Long-Term Financial Plan Scenario 1, Base Case, is the scenario on which the 2023-24 Operational Plan and budget have been prepared.

**CARRIED**

**12.3. MAKING OF THE RATES 2023-24****RESOLUTION 2023/0620/12.3**

Moved: Deputy Mayor Cr Paul Fellows

Seconded: Cr Linda Fawns

That Council

1. Make the Rates and Charges for the 2023/24 rating year as outlined in this report using the land values with a base date valuation of 1 July 2022;
2. Make three (3) ordinary rates, being Business, Farmland and Residential;
3. Continue with the minimum rate / ad-valorem for Business rates and the base rate / ad-valorem basis for Farmland and Residential Rates
4. Approves an increase to overall rates by 4.4%, being the maximum amount allowable as determined by the Independent Pricing & Regulatory Tribunal (IPART)
5. Adopts the overdue Rates & Charges maximum interest rate of 9% on all overdue interest rate, in accordance with section 566 (3) of the Act.

**CARRIED UNANIMOUSLY**

**12.4. DA2022/0090 - SERVICE STATION - 66-72 HARDINGE ST, DENILIKUIN**  
**RESOLUTION 2023/0620/12.4**

Moved: Cr Shirlee Burge

Seconded: Cr Shannon Sampson

That Council resolves to: -

1. APPROVE the development application DA2022/0090 for a Service Station , on Lot 1 DP 839101 and Lot 3 50 DP 758913, 66-70 & 72 Hardinge Street, Deniliquin as shown on plan numbered TP01 - TP06, BD-EDEN-0901, BD-EDEN-0401, BD-EDEN-3802, BD-EDEN-0701 & LAN LA/01/DEN SS/PP2022 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 proposed development is permissible within the zone under the Deniliquin Local Environmental Plan 2013 and complies with the provisions of the 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 the effects.
2. Impose conditions of consent as outlined in attachment 1.

Division:-

For: Cr Shirlee Burge, Cr Shannon Sampson, Cr Linda Fawns, Mayor Cr Peta Betts

Against: Cr Tarria Moore, Deputy Mayor Cr Paul Fellows, Cr Pat Fogarty, Cr Marc Petersen

**CARRIED UNDER CASTING VOTE OF THE CHAIR**

**12.5. DA 2023/0026 - RESIDENTIAL SHED - 205 HENRY STREET DENILIKUIN**

Mayor Cr Peta Betts left the Chambers at 10.43am

**RESOLUTION 2023/0620/12.5**

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

That Council resolves to: -

1. APPROVE Development Application DA2023/0026 for use of the Residential Shed, at Lot E DP402718, 205 Henry Street , Deniliquin, as shown on plan numbered A101, A201, A202, A302, A303 & A304 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 complies with the applicable planning controls and has demonstrated to have a satisfactory effect on the environment.
  - b) Council has considered the concerns raised regarding the development and has determined that there are insufficient grounds to refuse the application.



c) The application is compliant with the key planning provisions contained within the Deniliquin Local Environmental Plan 2013 and the Deniliquin Development Control Plan 2016.

2. Impose the conditions outlined in attachment 4

Division

For: Cr Shirlee Burge, Cr Linda Fawns, Cr Tarria Moore, Cr Pat Fogarty, Cr Shannon Sampson, Cr Marc Petersen, Deputy Mayor Cr Paul Fellows

Against: Nil

Mayor Cr Peta Betts returned to the Chambers at 10.49am

**CARRIED UNANIMOUSLY**

## **12.6. DEVELOPMENT SERVICES ACTIVITY REPORT MAY 2023**

### **RESOLUTION 2023/0620/12.6**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That Council receive and note the May 2023 Development Services Activity Report

**CARRIED UNANIMOUSLY**

## **12.7 COUNCILLOR AND MAYORAL FEES 2023-24**

### **RESOLUTION 2023/0620/12.7**

Moved: Cr Linda Fawns

Seconded: Cr Shirlee Burge

That Council:

1. Set the Mayoral annual fee for 2023-24 at \$28,430, the maximum amount allowable, being a 3% increase from the previous years maximum, in line with the annual determination by the Local Government Remuneration Tribunal dated 27 April 2023, noting that Council declined to accept the 2% increase in 2022-23.
2. Set the Councillor's annual fee for 2023-24 at \$13,030, the maximum amount allowable, being a 3% increase from the previous years maximum, in line with the annual determination by the Local Government Remuneration Tribunal dated 27 April 2023, noting that Council declined to accept the 2% increase in 2022-23.
3. Notes that the total 2023-24 Councillor and Mayoral fees, should Council adopt the maximum fees, will be \$145,700, an increase of \$4,250 from the 2022-23 actual fees.

**CARRIED**

**12.8 ADOPTION OF PLANS OF MANAGEMENT****RESOLUTION 2023/0620/12.8**

Moved: Cr Pat Fogarty

Seconded: Cr Linda Fawns

That Council:

- 1 Adopt the Plans of Management noted below, pursuant to Section 40 of the Local Government Act 1993 and in accordance with 3.23(6) of the Crown Land Management Act 2016:
  - Plan of Management for Gorman Park Reserve,
  - Plan of Management for North Tennis Club Reserve,
  - Plan of Management for the Deniliquin Sewerage Treatment Plant,
  - Plan of Management for Davidson Street Old Landfill Site,
  - Plan of Management for Former Scout Hall,
  - Plan of Management for Various Reserves (Mayrung Hall, Maude Soil Conservation Area, Wanganella Common, Macauley Street, Wanganella Tennis Courts and Rotary Park Plantation), Plan of Management for Murray Valley Industry Park Reserve and;
  - Plan of Management for Various Reserves (Coonambigil Creek, Outback Youth Centre Reserve, Sloane Street Boat Ramp, Edward River Reserve, Yarralong Park Reserve, Strip between VRA & Medical Centre, Twin Rivers Reserve, Russell Street Stormwater Basin Reserve, Wanderer Street Reserve, R J Edwards Park Reserve, Bound by Burton, Harfleur, Decimus Streets Reserve, Henry Street Boat Ramp Reserve, Neighborhood Park Reserve, Warragoon Public School Reserve and Bills Park Reserve).
- 2 Give public notice of the adoption of the Plans of Management.

**CARRIED UNANIMOUSLY**

**12.9 EDWARD RIVER COUNCIL ARTS & CULTURE ADVISORY COMMITTEE – APPOINTMENT OF COMMITTEE MEMBERS****RESOLUTION 2023/0620/12.9**

Moved: Cr Tarria Moore

Seconded: Cr Marc Petersen

That Council:

1. Amend the Terms of Reference to provide for four community representatives
2. Appoint the following representatives to the Edward River Council Arts & Culture Advisory Committee:
  - a. Bronwyn Bathgate, ArtLife representative

- b. Deidre Hamilton, Yarkuwa Indigenous Knowledge Centre representative
- c. Helen Thomson, U3A representative
- d. Kerry-Anne Jones, South West Arts representative
- e. Matthew Johnson, Kurrajong representative
- f. Paul Young, South West Music representative
- g. Sarah Parsons, Outback Theatre for Young People representative
- h. Tina Pisasale, Deniliquin Dramatic Society representative
- i. Vicki Lowry, Deni Play on the Plains Festival Ltd representative
- j. Virginia Reid, Edward River Arts Society representative
- k. Baron De Merxhausen, Community representative
- l. Melanie Andersen, Community representative
- m. Narelle Whitham, Community representative
- n. Kate Butler, Community representative

**CARRIED UNANIMOUSLY**

## 12.10 EDWARD RIVER VILLAGE UPDATE

### RESOLUTION 2023/0620/12.10

Moved: Cr Tarria Moore

Seconded: Deputy Mayor Cr Paul Fellows

That Council notes the update on the status of the Edward River Village Project  
Note that a table has been missed in the agenda and will be added to the public minutes.

**CARRIED UNANIMOUSLY**

Updated 23 May 2023						
Seniors Living Precinct (SLP) - Stage 1 Civils, 6 homes Budget 2022/23	2022/23 Adopted Budget	2022/23 YTD Actuals, Commitments & Planned	YTD Forecast Surplus/Defi cit (& CF)	2023/24 Estimated Expenses	Overall Project Forecast	Overall Project Surplus/Deficit
Expenses						
Preliminaries (or other expenses)	-\$600,000.00	-\$413,517.88	\$186,482.12	-\$99,000.00	-\$512,517.88	\$87,482.12
Marketing & Advertising		-\$89,862.40		\$0.00	-\$89,862.40	-\$89,862.40
Dwellings	-\$2,280,000.00	-\$2,054,233.81	\$225,766.19	\$0.00	-\$2,054,233.81	\$225,766.19
Civil	-\$1,200,000.00	-\$1,146,694.37	\$53,305.63	\$0.00	-\$1,146,694.37	\$53,305.63
Electrical	-\$300,000.00	-\$377,649.50	-\$77,649.50	-\$48,978.50	-\$426,628.00	-\$126,628.00
Landscape construction stage 1	-\$50,000.00	\$0.00	\$50,000.00	-\$50,000.00	-\$50,000.00	\$0.00
Total Expenses	-\$4,430,000.00	-\$3,992,095.56	\$437,904.44	-\$197,978.50	-\$4,190,074.06	\$239,925.94

## 12.11 MAJOR PROJECTS UPDATE

Cr Linda Fawns left the Chambers at 11.14am and returned at 11.16am

Deputy Mayor Cr Paul Fellows left the Chambers at 11.16am

### RESOLUTION 2023/0620/12.11

Moved: Cr Linda Fawns

Seconded: Cr Marc Petersen

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

**CARRIED UNANIMOUSLY**

**12.12 INVESTMENT AND RESERVES REPORT - MAY 2023**

Deputy Mayor Cr Paul Fellows returned to the Council Chambers at 11.18am

**RESOLUTION 2023/0620/12.12**

Moved: Cr Tarria Moore

Seconded: Cr Pat Fogarty

That Council:

1. Note and receive the May 2023 report on Investments totalling \$43,851,668 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of May 2023 was \$81,843.
3. Note that total interest earned for the year to 31 May 2023 is \$773,442.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

**CARRIED UNANIMOUSLY**

**12.13 RESOLUTIONS OF COUNCIL**

Acting Chief Financial Officer left the Chambers at 11.18am and returned at 11.21am

**RESOLUTION 2023/0620/12.13**

Moved: Cr Tarria Moore

Seconded: Deputy Mayor Cr Paul Fellows

That Council note the information in the Resolutions of Council as at 9 June 2023.

**CARRIED UNANIMOUSLY**

**12.14 MAYOR, COUNCILLOR, CEO MEETINGS MAY 2023****RESOLUTION 2023/0620/12.14**

Moved: Cr Marc Petersen

Seconded: Cr Tarria Moore

That Council

1. Note the Mayor, Councillor and Chief Executive Officer meetings attended on behalf of Council during the month of May 2023.
2. Continue to advise the Chief Executive Officer's Executive Assistant of their meeting diaries and activities attendance.

**CARRIED UNANIMOUSLY**

**13. NOTICES OF MOTIONS****13.1 NOTICE OF MOTION - CR SHIRLEE BURGE****NOTICE OF MOTION**

Moved Cr Shirlee Burge

Seconded: Cr Marc Petersen

I, Shirlee Burge, put forward the motion that from the July Ordinary Meeting the Councillor Group receive a monthly detailed financial analysis and report on the progress of the Edward River Village project in order to monitor and maintain financial stability and viability during the construction stages of the Village.

**MOTION LOST**

**14. QUESTIONS WITH NOTICE**

The following question on notice was provided to the Chief Executive Officer by Cr Shirlee Burge within the required timeframe, however was omitted from the produced agenda.

*For the benefit of all Councillors could you please provide a detailed list of all expenditure to date on the ERV SLP Project from Inception to May31st 2023. Please include all costs ie: planning surveying drafting, architectural, project management, consultancy, site decontamination, fencing, advertising & promotional, legal costs, civil construction and initial electrical, latent and non-latent variations.*

The Chief Executive Officer initially thought the Notice of Motion and the Questions with Notice were the same.

As the question had been answered by way of the staff report included in the Business Paper, the Chief Executive Officer inadvertently excluded the Question On Notice in the Business Paper.

A response was provided to the Notice of Motion by way of a comment to the notice of motion, which was essentially an answer to the question.

Questions on Notice that comply with the requirements of the Code of Meeting Practice are to be included in the Business Paper, however this meeting the omission of the question was an oversight.

**15. CONFIDENTIAL MATTERS**

Nil

**16. CLOSE OF MEETING**

The meeting closed at 11.34am.