



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

15 March 2018

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIQUIN
ON THURSDAY, 15 MARCH 2018 AT 9.00AM**

PRESENT: Cr Norm Brennan (Mayor), Cr Peta Betts, Cr Marg Bull, Cr Ashley Hall, Cr Norm McAllister, Cr Peter McCrabb, Cr Nick Metcalfe, Cr Mac Wallace

IN ATTENDANCE: Adam McSwain (General Manager), Caroline Wallis (Director Corporate Services), John Harvie (Director Economic Development & Business), Oliver McNulty (Director Infrastructure), Belinda Perrett (Executive Assistant)

1 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.

2 ACKNOWLEDGEMENT OF COUNTRY

"I would like to acknowledge that we are here today on the land of the 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 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

APOLOGY

2018/32 RESOLUTION

Moved: Cr Mac Wallace

That the apology received from Cr Pat Fogarty be accepted and leave of absence granted.

Seconded: Cr Norm McAllister

CARRIED

4 DISCLOSURE OF INTEREST

5 CONFIRMATION OF MINUTE FROM PREVIOUS MEETING

2018/33 DRAFT MINUTES EDWARD RIVER COUNCIL MEETING 15 FEBRUARY 2018

CONFIRMATION OF MINUTES

Moved: Cr Mac Wallace

Seconded: Cr Nick Metcalfe

That the minutes of the ordinary council meeting held 15 February 2018 be confirmed as a true and accurate record upon the amendment of the spelling of Myrtle Park Road.

CARRIED

2018/34 MINUTES OF THE QUARTERLY MEETING OF THE CENTRAL MURRAY REGIONAL LIBRARY COMMITTEE HELD WEDNESDAY 14 FEBRUARY 2018

Moved: Cr Marg Bull

Seconded: Cr Mac Wallace

That the Resolutions of the Central Murray Regional Library Committee **MEETING HELD 14 FEBRUARY 2018 BE ACCEPTED.**

CARRIED

2018/35 RESOLUTIONS OF COUNCIL

RESOLUTION

Moved: Cr Ashley Hall

Seconded: Cr Peter McCrabb

That Council note the information in the Resolutions of Council February 2018 update.

CARRIED

2018/36 MAYOR AND GENERAL MANAGER MEETINGS

RESOLUTION

Moved: Cr Peter McCrabb

Seconded: Cr Marg Bull

That Council note the information.

CARRIED

2018/37 STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM - FEBRUARY PROGRESS REPORT**RESOLUTION**

Moved: Cr Norm McAllister
Seconded: Cr Mac Wallace

That Council receive the Stronger Communities Fund – Major Projects program – Progress Report for February 2018.

CARRIED

2018/38 DRAFT MODEL CODE OF MEETING PRACTICE AND DRAFT COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT GUIDELINES**RESOLUTION**

Moved: Cr Mac Wallace
Seconded: Cr Norm McAllister

That Council:

1. Make a submission to the Office of Local Government requesting that financial assistance be provided to Councils to implement the proposed mandatory requirement to live-stream Council meetings as included in the Draft Model Code of Meeting Practice
2. Do not make a submission regarding the Draft Councillor Induction and Professional Development Guidelines

CARRIED

2018/39 DELIVERY PROGRAM/OPERATIONAL PLAN SIX MONTHLY UPDATE**RESOLUTION**

Moved: Cr Peter McCrabb
Seconded: Cr Norm McAllister

That Council

1. Note and receive the six-monthly update on the 2017-18 Delivery Program and Operational Plan

CARRIED

2018/40 GENERAL MANAGER PERFORMANCE REVIEW COMMITTEE POLICY**RESOLUTION**

Moved: Cr Ashley Hall
Seconded: Cr Mac Wallace

That Council

1. Approve the General Manager Performance Review Committee Policy
2. Appoint Councillor Hall and Councillor McCrabb to the Review Committee

CARRIED

2018/41 INVESTMENT REPORT AS AT 28 FEBRUARY 2018**RESOLUTION**

Moved: Cr Ashley Hall
Seconded: Cr Marg Bull

That Council:

1. Note and receive the Report on Investments totalling \$42,230,019 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of February 2018 was \$56,376.
3. Note that accrued interest earned to 28 February 2018 but not yet received was \$531,969.

CARRIED

2018/42 ENVIRONMENTAL SERVICES PROJECTS QUARTERLY REPORT**RESOLUTION**

Moved: Cr Mac Wallace
Seconded: Cr Nick Metcalfe

That Council receive the Environmental Services Projects Quarterly Report.

Formally acknowledge Julie Rogers and the Planning Team on the finalisation of the Kyalite Project and congratulate the two Planning Staff members nominated for awards Ms. Maree Sutton and Ms Shavaun Tasker.

CARRIED

2018/43 FLOOD PLANNING CONTROLS**RESOLUTION**

Moved: Cr Norm McAllister
Seconded: Cr Ashley Hall

That Council

1. Prepare a planning proposal to amend the Deniliquin Local Environmental Plan 2013 and Deniliquin Local Environmental Plan 1997 in accordance with section 3.33 of the

- Environmental Planning and Assessment Act 1979 to insert flood planning controls;
2. Forward the planning proposal to the Minister for Planning and Infrastructure in accordance with section 3.34(1) of the Environmental Planning and Assessment Act 1979.
 3. Request that the local plan making functions in relation to this planning proposal be delegated to Council.
 4. In relation to Chapter 10 Hazards of the Deniliquin Development Control Plan 2016:
 - (a) Prepare an amendment to this chapter relating to flood controls in accordance with section 3.43 of the Environmental Planning and Assessment Act.
 - (b) Publicly exhibit the amendment in accordance with Part 3 Division 2 of the Environmental Planning and Assessment Regulation.
 - (c) Receive a further report upon completion of the public exhibition.

Division

In Favour: Crs Norm Brennan, Peta Betts, Marg Bull, Ashley Hall, Norm McAllister, Peter McCrabb, Nick Metcalfe and Mac Wallace

Against: Nil

CARRIED 8/0

2018/44 BLUE GREEN ALGAE

RESOLUTION

Moved: Cr Norm Brennan

Seconded: Cr Ashley Hall

Mayor Cr Norm Brennan made a Mayoral Minute that a letter be sent to State Water NSW with regard to river health.

CARRIED

2018/45 ACCESS COMMITTEE

RESOLUTION

Moved: Cr Mac Wallace

Seconded: Cr Marg Bull

That Council:

1. Establish an access committee;
2. Invite Intereach and Kurrajong to provide one representative each on the committee; call for expressions of interest from the community to join the committee; Council to receive a report to determine the membership of the committee; and
3. Appoint the Mayor or a delegate to be a Councillor representative on this Committee.

CARRIED

2018/46 OPEN AND PUBLIC SPACE STRATEGIC WORKING GROUP**RESOLUTION**

Moved: Cr Mac Wallace
Seconded: Cr Peter McCrabb

That Council note the minutes of the Open and Public Space Strategic Working Group from its meeting on 13 February 2018.

CARRIED

2018/47 CENTRAL MURRAY REGIONAL LIBRARY - DRAFT DEED OF AGREEMENT**RESOLUTION**

Moved: Cr Peter McCrabb
Seconded: Cr Ashley Hall

That council;

1. Receive the report
2. Agree to adopt and sign the draft Central Murray Regional Library Deed of Agreement

CARRIED

2018/48 SERVICES NSW AGREEMENT**RESOLUTION**

Moved: Cr Ashley Hall
Seconded: Cr Peter McCrabb

That Council;

1. Agrees to participate in the Service NSW Easy to do Business Program
2. Delegates authority to the General manager to enter into a contract with Service NSW for the Easy to do Business Program.
3. Authorises the application of the Common Seal of Council to any required documentation.

CARRIED

2018/49 DENILIQVIN AIRPORT PROJECT BUSINESS CASE REPORT**RESOLUTION**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council

1. Receive the Deniliquin Airport Project Final Report prepared by KPMG.
2. Lodge an E.O.I seeking \$10 million in funding in the Regional Growth Fund and seek matching State funding.
3. Commence discussions with state and federal government in relation to the project.
4. Commence discussions with Brisbane West Wellcamp Airport regarding terms of agreement for the link between Deniliquin Airport and Brisbane West Wellcamp Airport should council proceed with the proposed upgrade.
4. Commence discussions with stakeholders identified in the KPMG report and any other stakeholders that may be identified through this process.
6. Seek formal letters of support from commercial partners and investors.
7. Further develop the phased approach regarding construction of a business park in the airport precinct. This should include site planning for a large indoor farming operation.
8. Develop a detailed risk management plan for the project to address or mitigate all identified risks.
9. Further develop financial modelling for the project to understand project costs depending on the level of government or private funding able to be received.
10. Request a further report be prepared for council updating on the outcome of each of the above items prior to further progressing the project.

CARRIED

2018/50 ENVIRONMENTAL SERVICES REPORT - FEBRUARY 2018**RESOLUTION**

Moved: Cr Ashley Hall

Seconded: Cr Nick Metcalfe

That Council receive the Environmental Services Projects Quarterly Report.

CARRIED

At 10.50am, Cr Ashley Hall left the meeting.

At 10.52am, Cr Ashley Hall returned to the meeting.

2018/51 RETIREMENT VILLAGE PROJECT TENDER**RESOLUTION**

Moved: Cr Mac Wallace

Seconded: Cr Nick Metcalfe

That Council

1. Approve the delegation for the General Manager to award a contract to the preferred contractor to carry out works to the proposed retirement village site on the land, situated between Harfleur, Poitiers, Hardinge and Napier Streets.
2. Note that this contract is likely to be in excess of \$150,000
3. Note that a further report will be presented to Council to inform them of the outcomes of the tender process and this project.

CARRIED

2018/52 SPECIAL EVENT APPLICATION - 2018 CRUISING NATIONALS**RESOLUTION**

Moved: Cr Nick Metcalfe

Seconded: Cr Ashley Hall

That Council resolves to approve the Special Event Application for the 2018 Cruising Nationals, to be held between Friday, 16 March 2018 and Sunday, 18 March 2018, subject to the following conditions:

1. The organisers of the event provide Council with a certificate of currency for public liability insurance for the event of not less than \$20M for any one instance prior to the commencement of the event;
2. That Edward River Council, NSW Police and Roads and Maritime Services are noted as interested parties on the certificate of currency for public liability insurance; and
3. That the members of the Edward River Council Local Traffic Committee provide in writing their agreement for the special event to proceed prior to the event commencing.

CARRIED

2018/53 CONFIDENTIAL MATTERS**RESOLUTION**

Moved: Cr Ashley Hall
Seconded: Cr Marg Bull

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:

16.1 Ethanol Plant Update

This matter is considered to be confidential under Section 10A(2) - d(i) and f 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 and details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

16.2 Retirement Village Project Update

This matter is considered to be confidential under Section 10A(2) - c, d(i), d(ii) and d(iii) 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, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it, information that would, if disclosed, confer a commercial advantage on a competitor of the council and information that would, if disclosed, reveal a trade secret.

CARRIED

At 11.02am, Cr Peter McCrabb left the meeting.

At 11.04am, Cr Peter McCrabb returned to the meeting.

2018/54 ETHANOL PLANT UPDATE**RESOLUTION**

Moved: Cr Peter McCrabb
Seconded: Cr Nick Metcalfe

That Council

1. Accept the advice of council's solicitor to continue with the process to recover the money owed to council but allow a short extension to the current timeframe to allow for the release of funds, contained in the MOU signed by Deniliquin Ethanol Plant Pty Ltd. The final date for payment of the debt shall be COB Friday 27th April 2018.
2. Advise the directors of Dongmun Greentec Pty Ltd of council's agreement to extend the final date for payment of the debt to COB Friday 27th April 2018 and that no further extensions will be considered.

CARRIED

2018/55 RETIREMENT VILLAGE PROJECT UPDATE

RESOLUTION

Moved: Cr Marg Bull

Seconded: Cr Norm McAllister

That Council;

1. Receive the report
2. Inform the preferred applicant in relation to their expression of interest to finance, design, build, own, and operate a retirement Village at Deniliquin, that they are the preferred respondent and that council agrees to provide a period of exclusivity for the preferred applicant to enter negotiations with council and to undertake further due diligence.
3. Provide delegated authority to the General Manager to enter negotiations with the preferred applicant and to prepare a draft development agreement for further consideration by council.

CARRIED

2018/56 RESOLUTION

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council moves out of Closed Council at 11.10am and into Open Council.

CARRIED

CLOSE OF MEETING

The Meeting closed at 11.11am

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 19 April 2018.

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CHAIRPERSON