



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

15 November 2018

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILQUIN
ON THURSDAY, 15 NOVEMBER 2018 AT 9AM**

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

IN ATTENDANCE: Adam McSwain (General Manager), Oliver McNulty (Director Infrastructure), Colleen O'Connor (Manager Finance), Cian Middleton (Governance and Communications Officer)

1 ACKNOWLEDGEMENT OF COUNTRY

2 STATEMENT OF PURPOSE

2018/273 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Moved: Cr Metcalfe

Seconded: Cr Betts

That the apology received for the non-attendance of Councillor Wallace be accepted.

CARRIED

2018/274 DISCLOSURE OF INTEREST

Councillor Fogarty declared a non-pecuniary interest in item 11.5 Riverview Community Association and Lawson Water Supply – Drought Assistance Request and 11.16 Denilquin Local Environmental Plan 2013 (amendment 10).

Councillor Bull declared a non-pecuniary interest in item 11.5 Riverview Community Association and Lawson Water Supply – Drought Assistance Request.

2018/275 CONFIRMATION OF MINUTE FROM PREVIOUS MEETING

RESOLUTION

Moved: Cr McCrabb

Seconded: Cr Betts

That the minutes of the Ordinary Council Meeting held on 18 October 2018 be confirmed and the Extraordinary Council Meeting held on 1 November 2018 be confirmed with amendment showing Councillor Fogarty was not present at the meeting.

CARRIED

2018/276 MINUTES OF THE TIDY TOWNS COMMITTEE

Moved: Cr Metcalfe
Seconded: Cr Fogarty

That the minutes of the Edward River Tidy Towns Committee held 16 October 2018 be confirmed.

CARRIED

2018/277 MINUTES OF THE EDWARD RIVER CONCERT BAND COMMITTEE

Moved: Cr Metcalfe
Seconded: Cr Fogarty

That the minutes of the Edward River Concert Band held 30 October 2018 be confirmed.

CARRIED

2018/278 ANNUAL REPORT 2017-18

RESOLUTION

Moved: Cr Fogarty
Seconded: Cr McAllister

That Council resolves to:

1. Adopt the Edward River Council's 2017-18 Annual Report; and
2. Note that the Annual Report will be submitted to the NSW Minister for Local Government by 30 November 2018

CARRIED

2018/279 MAYOR AND GENERAL MANAGER MEETINGS

RESOLUTION

Moved: Cr McCrabb
Seconded: Cr Betts

That Council note the information.

CARRIED

2018/280 RESOLUTIONS OF COUNCIL**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Bull

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

CARRIED

2018/281 EDWARD RIVER COUNCIL SCHOOL PRESENTATIONS**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr McCrabb

That Councillors will nominate the annual school presentations they will attend to represent Edward River Council. The list of dates and times will be circulated following the Council meeting

CARRIED

Councillor Fogarty and Councillor Bull declared non-pecuniary interests and remained with the Chambers.

2018/282 RIVERVIEW COMMUNITY ASSOCIATION & LAWSON WATER SUPPLY - DROUGHT ASSISTANCE REQUEST**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr McAllister

Council resolved that:

1. That given the current limitations to transferring water through Water NSW assistance is not able to be provided at this time.
2. That Riverview community Association and Lawson Water Supply be notified.

CARRIED

Mark Sienna (IT Manager) entered the Chambers at 9.25am.

2018/283 INVESTMENT REPORT AS AT 31 OCTOBER 2018**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Betts

That Council note and receive the Report on Investments totalling \$43,538,685 inclusive of cash at bank for day-to-day operations; Note that actual interest received for the month of October 2018 was \$124,386. Note that accrued interest earned to 31 October 2018 but not yet received was \$323,245. Note that Council's loan liability as at 31 October 2018 was \$2,245,284.

CARRIED

Julie Rogers (Manager Environmental Services) entered the Chambers at 9.30am.

2018/284 PRESENTATION OF 2017-2018 FINANCIAL STATEMENTS**RESOLUTION**

Moved: Cr Fogarty
Seconded: Cr Bull

That Council resolves to:

- (a) Publish the 2017-18 financial statements on the Edward River Council website
- (b) Receive the management letter, dated 30 October 2018 from the NSW Audit Office
- (c) Assign responsibility for implementing the action plan from the Management Letter to the General Manager or his delegate
- (d) Include the 2017-18 financial statements in Edward River Council's annual report, for submission to the Minister

CARRIED**2018/285 QUARTERLY BUDGET REVIEW STATEMENT FOR THE PERIOD 1 JULY 2018 TO 30 SEPTEMBER 2018****RESOLUTION**

Moved: Cr Betts
Seconded: Cr Metcalfe

That Council receives the September 2018 financial review of the 2018-19 Operational Plan as adopted at the Council meeting on 21 June 2018 and approves the budget variations detailed in the report.

CARRIED**2018/286 DELEGATIONS OF AUTHORITY****RESOLUTION**

Moved: Cr Hall
Seconded: Cr Fogarty

That Council:

1. Rescinds all previous versions of the Delegations of Authority Policy;
2. Adopts the suggested amendments to the Register of Delegations Part One.

CARRIED

2018/287 FRAUD AND CORRUPTION PREVENTION POLICY

RESOLUTION

Moved: Cr Betts
Seconded: Cr Fogarty

That Council:

1. Rescind the Fraud and Corruption Policy adopted 26 July 2017
2. Adopt the updated Draft Fraud and Corruption Policy

CARRIED

2018/288 MOBILE PHONE POLICY

RESOLUTION

Moved: Cr Hall
Seconded: Cr Bull

That Council resolves to adopt the mobile phone policy once modified to include all mobile devices.

CARRIED

Mark Sienna (IT Manager) left the Chambers at 9.50am.

2018/289 COUNCIL CHRISTMAS CLOSURE**RESOLUTION**

Moved: Cr Betts

Seconded: Cr McCrabb

That council resolves to note the following Council Christmas business closures:

a) **Council's Customer Service Centre**

Closed from 5 pm Friday, 21 December 2018, resuming standard operating hours from Wednesday, 2 January 2019;

b) **Central Murray Regional Library**

Closed from 12.30pm Saturday, 22 December 2018, resuming standard operating hours from Wednesday, 2 January 2019;

c) **Council's Works Depot**

Closed from 5 pm Friday, 21 December 2018, resuming standard operating hours from Wednesday, 2 January 2019;

d) **Deniliquin Visitor Information Centre & Peppin Heritage Centre**

Closed on Tuesday, 25 December, Wednesday 26th December 2018 and Tuesday, 1 January 2019, and maintaining standard operating hours on all other days throughout the Christmas period; and

e) **Deniliquin Waste Disposal Depot**

Closed on Tuesday, 25 December 2018 and Tuesday, 1 January 2019 and maintaining standard operating hours on all other days throughout the Christmas period.

2. Note that Customer Services Centre, Visitor Information Centre and Peppin Heritage Centre, Library, Depot and Landfill close from 12.00noon until close of business on Thursday 13th December 2018 to allow staff to attend the **official Christmas function**.

3. Note that Council's **kerbside waste collection** service will not operate on 25 December 2018 and 1 January 2019, both of which fall on a Tuesday.

From Tuesday all kerbside collection will be delayed by one day ie. Residents' kerbside waste that would usually be collected on a Tuesday will be collected on Wednesday, 26 December 2018, Wednesday collections will be collected on Thursday and Thursday collections will be collected on Friday. The same process will be put in place for collections following Tue 1st Jan 2019.

CARRIED

2018/290 ACCESS COMMITTEE**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr McAllister

That Council appoint Mrs Denise Thomas and Ms Jenny Hogan as the community representatives on the Access Committee; and note that Intereach and Kurrajong will provide one representative each for the Access Committee.

CARRIED

2018/291 DRAFT ALCOHOL IN PUBLIC PLACES POLICY**RESOLUTION**

Moved: Cr Hall
Seconded: Cr Metcalfe

That Council:

1. Repeal Town Planning Policy 5.11 Alcohol in Public Spaces;
2. Adopt draft Alcohol in Public Places Policy.

CARRIED

2018/292 DRAFT WAIVING AND REFUNDING OF APPLICATION FEES POLICY**RESOLUTION**

Moved: Cr Fogarty
Seconded: Cr Bull

That Council:

1. Repeal Town Planning Policy 5.2 Waiving and Refunding of Application Fees;
2. Adopt the draft Waiving and Refunding of Application Fees Policy.

CARRIED

Councillor Fogarty declared a non-pecuniary interest and remained in the Chambers.

2018/293 DENILIQVIN LOCAL ENVIRONMENTAL PLAN 2013 (AMENDMENT 10)**RESOLUTION**

Moved: Cr Betts
Seconded: Cr Metcalfe
Division

In accordance with the requirements of the Local Government Act, it is necessary for Council to call a division when voting on any resolution that involves making a planning decision.

That Council in accordance with section 3.36(2) of the Environmental Planning and Assessment Act make the proposed Deniliquin Local Environmental Plan 2013 (Amendment 10) and upon signing of the proposed Deniliquin Local Environmental Plan 2013 (Amendment 10) by Council's delegate, that the Department of Planning and Environment be notified of Council's decision.

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

Against: Nil

Abstained: Cr Pat Fogarty

CARRIED 7/0

2018/294 BUILDING POLICY 6.2 - RELOCATION OF DWELLING HOUSES**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Betts

That Council repeal Building Policy 6.2 – Relocation of Dwelling Houses and prepare a factsheet detailing requirements for this type of development.

CARRIED

2018/295 DEVELOPMENT APPLICATION 59/18 - EXTENSION OF EXISTING SKILLION STORAGE SHED**RESOLUTION/S**

Moved: Cr McAllister

Seconded: Cr Fogarty

That Council approve: -

1. The development application 59/18 for the extension of an existing skillion storage shed, on Lot 487 DP731813 (Crown Reserve 91035), Memorial Drive, Deniliquin dated 10 October 2018 as shown on plan numbered DA59/18, 1-5 inclusive and described in details accompanying the Development Application be **APPROVED** in accordance with section 4.16 of the Environmental Planning and Assessment Act 1979 for the following reason:

a) The development will have no significant adverse impacts on the natural or built environments.

2. Impose the following conditions on DA59/18:

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

Against: Nil

CARRIED 8/0

2018/296 ROADSIDE GRAZING**RESOLUTION**

Moved: Cr Hall

Seconded: Cr Metcalfe

That Council note the report on roadside grazing; and grant concurrence in accordance with section 78 of the Local Land Services Act for an additional four week period.

CARRIED

2018/297 DRAFT FLOOD PLANNING LEVELS POLICY**RESOLUTION**

Moved: Cr McAllister

Seconded: Cr Bull

That Council:

1. Exhibit the draft Flood Planning Levels Policy for a period of 28 days
2. Receive a further report upon completion of the exhibition period. Policy review will be November 2019.

CARRIED

2018/298 ENVIRONMENTAL SERVICES REPORT (OCTOBER 2018)**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr McAllister

That Council note the Environmental Services report for October 2018.

CARRIED

Councillor McCrabb left the Chambers at 10.32am

2018/299 ST MICHAEL'S SCHOOL FETE - SPECIAL EVENT**RESOLUTION**

Moved: Cr Metcalfe

Seconded: Cr Fogarty

That Council note the St Michael's School Fete Special Event Application with the following conditions:

1. The St Michael's School Fete be classified as a Class 3 event under the Traffic and Transport Management for Special Events Guide; Council to advertise any temporary road closures; Council to implement Traffic Control Plans

CARRIED

2018/300 STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COMMUNITIES PROGRAM - NOVEMBER PROGRESS REPORT

RESOLUTION

Moved: Cr Betts
Seconded: Cr Fogarty

That Council note the Stronger Communities Fund- Major Projects Program and the Stronger Country Communities Program- Progress Report for November 2018

CARRIED

Councillor McCrabb returned to the Chambers at 10.35am

2018/301 LAGOONS BRIDGE WORKS- REQUEST FOR REIMBURSEMENT

RESOLUTION

Moved: Cr Betts
Seconded: Cr Hall

That Council defer this report until the Lagoons Committee is an Incorporated Body and a formal request is made to Council.

CARRIED

Councillor McAllister left the Chambers at 10.50am and returned at 10.57am

2018/302 CAPITAL WORKS UPDATE - QUARTER ONE 2018/19

RESOLUTION

Moved: Cr Fogarty
Seconded: Cr McCrabb

That Council note this report on the Capital works update for the first quarter of 2018/19

CARRIED

2018/303 CONFIDENTIAL MATTERS**RESOLUTION**

Moved: Cr Bull
Seconded: Cr Betts

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 Contract 2.19.252 - Edward River Council Flood Recovery Works

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.

Moved into closed council at 10.58am

CARRIED

2018/304 CONTRACT 2.19.252 - EDWARD RIVER COUNCIL FLOOD RECOVERY WORKS**RESOLUTION**

Moved: Cr Fogarty
Seconded: Cr McAllister

That Council:

1. Accept the tender submitted by Deni Sand and Soil Pty Ltd for Contract 2.19.252 – Edward River Council Flood Recovery Works for the lump sum tender price of \$682,890.91 + 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 2.19.252 – Edward River Council Flood Recovery Works.

CARRIED

2018/305 RESOLUTION

Moved: Cr Fogarty
Seconded: Cr Metcalfe

That Council moves out of Closed Council into Open Council at 10.59am.

CARRIED

CLOSE OF MEETING

The Meeting closed at 10.59am.

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 20 December 2018.

.....

CHAIRPERSON