



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

20 September 2018

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE BLIGHTY RECREATION RESERVE
ON THURSDAY, 20 SEPTEMBER 2018 AT 9.00AM**

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, Cr Mac Wallace

IN ATTENDANCE: Adam McSwain (General Manager), Caroline Wallis (Director Corporate Services), Oliver McNulty (Director Infrastructure), Julie Rogers (Manager Environmental Services, Michelle Cobb (Manager Tourism and Economic Development

GALLERY: One from 10.50am

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.”

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.

2018/202 APOLOGIES AND REQUESTS FOR LEAVE OF ABSENCE

Moved: Cr Wallace
Seconded: Cr McCrabb

That the apology tendered for non-attendance from Cr Metcalfe be accepted.

CARRIED

2018/203 DISCLOSURE OF INTEREST

Cr Fogarty declared an interest in report number 11.4 Deniliquin Boat Club Request and 11.12 2018/19 Community Grants Program.

Cr Peter McCrabb declared an interest in report number 11.21 Drought Relief.

Moved: Cr Fogarty
Seconded: Cr Wallace

CARRIED

2018/204 CONFIRMATION OF MINUTE FROM PREVIOUS MEETING**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Hall

That the minutes of the Ordinary Council Meeting held on 16 August 2018 and the Extraordinary Council Meeting held on 6 September 2018 be confirmed.

CARRIED

2018/205 BUSINESS ARISING FROM MINUTES

Moved: Cr Wallace

Seconded: Cr Betts

RESOLUTION

That minute 2018/179 Section 355 Funding be amended to reflect the amount of up to \$15,000 be available to the Booroorban Sporting and Social Club.

CARRIED

2018/206 MAYORAL MINUTES

Mayor Brennan suggests Edward River Council submit a motion to the Local Government New South Wales Annual Conference being held in Albury October 21 – 23, 2018. The motion to be prepared and submitted to Local Government New South Wales by Sunday 23 September 2018. The proposed motion, will be regarding water and water strategies and when written will be forwarded to all councillors for approval.

RESOLUTION

Moved: Cr McAllister

Seconded: Cr Bull

A motion to be submitted to the Local Government New South Wales Annual Conference from Edward River Council on Dilution Flows and EC Levels.

CARRIED

2018/207 MAYOR AND GENERAL MANAGER MEETINGS**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Betts

That Council note the information.

CARRIED

2018/208 RESOLUTIONS OF COUNCIL**RESOLUTION**

Moved: Cr Wallace

Seconded: Cr McCrabb

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

CARRIED

2018/209 LOCAL GOVERNMENT ACT SECTION 333 REVIEW OF ORGANISATIONAL STRUCTURE**RESOLUTION**

Moved: Cr McAllister

Seconded: Cr McCrabb

That Council

1. Note that this review was undertaken to ensure compliance with section 333 of the Local Government Act 1993
2. Reaffirm the existing organisational structure

CARRIED

2018/210 DENILIQVIN BOAT CLUB REQUEST**RESOLUTION**

That Council consider the request for additional funding from the Deniliquin Boat Club for the accessible toilet project.

Moved: Cr Wallace

Seconded: Cr McCrabb

That Council defer this request to the October 18, 2018 Council Meeting to allow a delegation from the Deniliquin Boat Club to attend.

CARRIED

2018/211 CENTRAL MURRAY COUNTY COUNCIL**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Betts

That Council in the event that the Central Murray County Council is wound up

1. Resolve to deliver its weed control authority responsibilities as an internal Council service
2. Requests that the following equipment be provided:
 - The Deniliquin Depot including sheds and demountables and all equipment, fixtures and fittings contained therein
 - Two Ranger utes based in Deniliquin
 - Two quick spray units
 - One Canter Truck – BE34DL
 - Two rearing cages
 - Two motion tablets
 - Software for tablets
 - Two kestrel wind meters
 - Two mobile phones
3. Requests that the two Deniliquin CMCC staff be transferred to Council
4. Resolve that any financial return to Council be established in an internally restricted 'weeds authority' reserve
5. Requests Council Officers investigate other plant items held by the County Council, and if the cost benefit of having the plant is positive, that Officers bring a further report to Council for consideration.

CARRIED

Mayor Brennan left the meeting at 9.48am and returned at 9.50am.

2018/212 AIRPORT FUNDING APPLICATION - STATE APPLICATION**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Betts

That Council

1. Note that additional information was submitted by the deadline of 7 September 2018 for the NSW State Government Growing Local Economies airport funding application
2. Note that the application submitted maintained the \$10 million funding request from the State Government
3. Note that the expected total project cost for the project, factoring in the indexing of funding for the future years in which it will be spent, is \$20,550,118
4. Note that the expected ongoing operational and capital expenditure required from Council for the project commencing in 2021/22 until 2026/27, if completed, is \$219,320 annually (based off the expected annual operating and capital costs minus the projected revenue from the project). In 2018/19 it costs Council \$82,850 to operate the airport
5. Approve that in the 2020/21 financial year Council allocate \$550,118 towards the project if the \$20 million in grant funding applied for is successful.

CARRIED

Congratulations was extended to General Manager Adam McSwain and staff on the work that has been done so far.

Cr McAllister left the meeting at 10.06am.

Cr McAllister returned to the meeting at 10.08am.

2018/213 COUNCIL MEETING ANNUAL SCHEDULE**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Betts

That Council:

1. Will hold its monthly Council meetings on the third Thursday of the month commencing at 9am and these meetings will all be held in the Edward River Council Chambers, 180 Cressy Street, Deniliquin.
2. Resolves to not hold a Council meeting in January 2019.
3. Publishes the new schedule of Council meetings on the Edward River Council website.

CARRIED

2018/214 FEES AND CHARGES 2018-19**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr McCrabb

1. That Council, having received one submission from the debtor officer make and levy a Non Residential Filtered Water Usage Charge of \$1.38 cents per kilolitre for non residential properties in the former Deniliquin Council area sub-categorised as NON RESIDENTIAL, to rectify an omission.
2. That Council, having received nil submissions from members of the public following a public exhibition period of 28 days, adopts the amended Fees and Charges 2018-19.
3. That Council publishes the amended Fees and Charges 2018-19 on Council's website.

CARRIED

2018/215 INVESTMENT REPORT 31 AUGUST 2018**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Wallace

That Council

1. Note and receive the Report on Investments totalling \$45,053,298 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of August 2018 was \$60,753.
3. Note that accrued interest earned to 31 August 2018 but not yet received was \$392,942

CARRIED

2018/216 PECUNIARY INTEREST RETURNS - DISCLOSURES BY COUNCILLORS AND DESIGNATED PERSONS 2018**RESOLUTION**

Moved: Cr Wallace

Seconded: Cr Betts

That Council tables the pecuniary interest returns in accordance with Section 449 and 450A of the *Local Government Act 1993 (Act)*.

CARRIED

2018/217 RECORDS MANAGEMENT POLICY**RESOLUTION**

Moved: Cr Fogarty

Seconded: Cr Betts

That Council adopts the Records Management Policy as attached to this report.

CARRIED

2018/218 COMMUNITY GRANTS PROGRAM

Cr Fogarty declared an interest and left the meeting at 10.35am.

RESOLUTION

Moved: Cr Wallace

Seconded: Cr Bull

That Council approve and fund the recommended projects through the 2018/19 Edward River Community Grants Program.

CARRIED

Cr Fogarty returned to the room at 10.46am

2018/219 ECONOMIC DEVELOPMENT STRATEGY 2018-2021**RESOLUTION**

Moved: Cr Betts

Seconded: Cr Fogarty

That Council adopt the Edward River Economic Development Strategy 2018-2021

CARRIED

Councillors congratulated Manager Tourism and Economic Development, Michelle Cobb on the Strategy.

2018/220 DRAFT MANAGEMENT OF FERAL AND/OR INFANT COMPANION ANIMALS POLICY**RESOLUTION**

Moved: Cr McAllister

Seconded: Cr Fogarty

That Council adopt the draft Management of Feral and/or Infant Companion Animals Policy.

CARRIED

2018/221 ENVIRONMENTAL SERVICES PROJECT QUARTERLY REPORT (SEPTEMBER 2018)**RESOLUTION**

Moved: Cr Betts

Seconded: Cr McAllister

That Council note the Environmental Services Project Quarterly Report (September 2018).

CARRIED

Manager Tourism and Economic Development left the meeting at 11.01am

2018/222 MINUTES - OPEN AND PUBLIC SPACE STRATEGIC WORKING GROUP**RESOLUTION**

Moved: Cr Wallace

Seconded: Cr McAllister

That Council adopt the minutes from the Open and Public Space Strategic Working Group meeting held on 27 August 2018.

CARRIED

Cr McAllister left the meeting at 11.04am and returned at 11.06am

Cr Fogarty left the meeting at 11.06am and returned at 11.08am

2018/223 DRAFT ROADSIDE GRAZING POLICY**RESOLUTION**

Moved: Cr McAllister

Seconded: Cr McCrabb

That Council:

- a) Adopt the draft Roadside Grazing Policy with the amendment that Public Liability Insurance Policy should read \$20 million; and
- b) Delegate to the General Manager in accordance with section 377 of the Local Government Act 1993 the power to grant concurrence to the issuing of a roadside grazing permit on a road vested in Council in accordance with section 78 of the Local Land Services Act.

CARRIED

Moved: Cr McAllister

Seconded: Cr Fogarty

The local roads will remain closed for the next four weeks with a review to be held during the October Council meeting.

CARRIED

2018/224 ENVIRONMENTAL SERVICES REPORT (AUGUST 2018)**RESOLUTION**

Moved: Cr McAllister

Seconded: Cr Bull

That Council notes the Environmental Services report for August 2018.

CARRIED

2018/225 STRONGER COMMUNITIES FUND - MAJOR PROJECTS PROGRAM AND THE STRONGER COUNTRY COMMUNITIES PROGRAM - SEPTEMBER PROGRESS REPORT**RESOLUTION**

Moved: Cr McCrabb

Seconded: Cr Betts

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

CARRIED

Manager Environmental Services, Julie Rogers, left the meeting at 11.29am

2018/226 DENI PLAY ON THE PLAINS - UTE MUSTER 2018**RESOLUTION**

Moved: Cr McAllister

Seconded: Cr Hall

That Council approve the 2018 Play on the Plains Festival (Ute Muster) Special Event Application with the following conditions:

1. No Camping” Signs be erected on both sides of the road. No camping will be allowed on any road side or public reserves near the event. All Campers must be contained within the fenced Ute Muster allocated camping area on the corner of Moonee Swamp Road and Conargo Road (MR 552). Police will monitor and move on any campers not in the designated fenced area of the Ute Muster site.
2. The Ute Muster as the event owner must provide a duty of care to the patrons of their event and ensure that there is adequate fencing to prevent anyone camping outside the designated Ute Muster area. This is to ensure the safety of the campers.
3. If traffic starts to impact non-event traffic the reserve between Smart Street and Augustus Street will be used as a holding area. Traffic will then be intermittently (with the use of a traffic controller) directed across Conargo Road into the Ute Muster entrance. The area is noted on TCP 1A.

CARRIED

2018/227 DROUGHT RELIEF

RESOLUTION

Moved: Cr McAllister

Seconded: Cr Wallace

That Council approve that during this period of drought;

1. Ratepayers can apply for 30,000 litres of rural water for their private use by completing the necessary application form,
2. That Council will donate this water to ratepayers for their use
3. That ratepayers purchase a temporary fob for the Avdata system to enable them to collect and transport this water to their properties and that staff will work with ratepayers to ensure the best way of collection.
4. This resolution will be reviewed at the March 2019 Council meeting

CARRIED

2018/228 SALE OF LAND TO CARUSO - LOT 234 BARHAM ROAD DENILQUIN

RESOLUTION

Moved: Cr McAllister

Seconded: Cr Fogarty

That Council ratify the decision to sell Lot 1 DP 1213955 (Barham Rd, Deniliquin) to EL-Max Nominees Pty Ltd for \$66,000.00 as per the agreement signed 22nd May 2013 and that the Common Seal of Council be affixed to the relevant documents.

CARRIED

2018/229 CONFIDENTIAL MATTERS**RESOLUTION**

Moved: Cr McAllister

Seconded: Cr Wallace

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 Retirement Living Project Update

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.

16.2 Planning and Design Services - Deniliquin Town Hall Revitalisation and Staff Accommodation

This matter is considered to be confidential under Section 10A(2) - c and 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 information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business and commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Council moved into closed council at 11.47am

CARRIED

2018/230 RETIREMENT LIVING PROJECT UPDATE**RESOLUTION**

Moved: Cr McAllister

Seconded: Cr Bull

That Council

1. Note the correspondence received from the preferred site developer and operator
2. Note that final approval for the proposed development on the site and the acquisition of the second piece of land is still pending approval from the Office of Local Government
3. Approve that following written confirmation from the Office of Local Government that the proposed development complies with the site and that the compulsory acquisition for the second piece of land is completed, that Council agree to entering into a further 12-week period with the proposed developer to complete a community consultation, market testing and feasibility assessment process
4. Approve the General Manager to draft a letter to the preferred developer in line with the above recommendations.

CARRIED

**2018/231 PLANNING AND DESIGN SERVICES - DENILIQUN TOWN HALL
REVITALISATION AND STAFF ACCOMMODATION****RESOLUTION**

Moved: Cr McAllister

Seconded: Cr Fogarty

That Council

1. Accepts the tender from Gerard Brandrick & Associates Pty Ltd for Contract 2.19.260 – Planning and Design Services – Deniliquin Town Hall Revitalisation and Staff Accommodation for the overall price of \$283,620 (ex GST)
2. Approves a total budget for the project of \$302,000 to cover additional sub-consultants (if-required) for acoustic engineering, environmentally sustainable design, fire consultants and in-ground service locations
3. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract 2.19.260 – Planning and Design Services – Deniliquin Town Hall Revitalisation and Staff Accommodation
4. Notes that as per the Tender documentation only Stage One of the project currently has funding to proceed
5. Approves that if funding for the Town Hall Revitalisation is confirmed, the General Manager can approve the Town Hall Revitalisation stage of this project to proceed
6. Notes that the stage relating to Staff Accommodation will only proceed following the completion of Stage One and the subsequent approval and allocation of budget from Council

CARRIED

2018/232 RESOLUTION

Moved: Cr McCrabb

Seconded: Cr Wallace

That Council moves out of Closed Council into Open Council.

CARRIED

1 CLOSE OF MEETING

The Meeting closed at 11.54am

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 18 October 2018.

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CHAIRPERSON