



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

Date: Tuesday, 20 December 2022

Time: 10:00 AM

**Location: Council Chambers, Estates Building Cressy Street
Deniliquin**

MINUTES

Ordinary Council Meeting

Tuesday, 20 December 2022

**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	4
7.1. Minutes Ordinary Council Meeting 15 November 2022 and Extraordinary Council Meeting 6 December 2022.....	4
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.....	4
12.1. Review of Organisational Structure.....	4
12.2. Appointment of NSW Electoral Commission for 2024 Election.....	5
12.3. Deniliquin Town Hall - Future Management Models.....	5
12.4. Arts and Culture Committee.....	5
12.5. DA1/22 - Car Park with Solar Shade Structures - RSL.....	6
12.6. Development Services Activity Report - November 2022.....	6
12.7. Investments and Reserves Report November 2022.....	7
12.8. Major Projects - November 2022	7
12.9. Resolutions of Council	7
12.10. Mayor, Councillor, CEO Meetings November 2022.....	8
13. NOTICES OF MOTIONS	8
13.1. Notice of Motion - Blue Tree Project	8
13.2. Notice of Motion - Flood Plans and Mitigation Works.....	9
14. QUESTIONS WITH NOTICE	9
15. CONFIDENTIAL MATTERS	9
15.1. Deniliquin Airport Runway and Lighting Upgrade.....	10
16. CLOSE OF MEETING	10

1. OPENING MEETING

2. ATTENDANCE

PRESENT: Cr Peta Betts (Mayor); Cr Paul Fellows (Deputy Mayor); Cr Shirlee Burge; Cr Harold Clapham; Cr Linda Fawns; Cr Pat Fogarty; Cr Tarria Moore; Cr Shannon Sampson

Via Teams: Cr Marc Petersen, Acting Finance Officer

IN ATTENDANCE: Chief Executive Officer; Director Infrastructure; Acting Director Infrastructure, Director Corporate Services; Executive Assistant to the CEO; Senior Governance Advisor, Manager Development

GALLERY: 3

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.

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.

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

Mayor Cr Peta Betts informed Councillors and the gallery that Cr Harold Clapham and Cr Pat Fogarty had to step out of the Chambers at 10am and will return shortly.

7. CONFIRMATION OF MINUTES**7.1. MINUTES ORDINARY COUNCIL MEETING 15 NOVEMBER 2022 AND EXTRAORDINARY COUNCIL MEETING 6 DECEMBER 2022****RESOLUTION 2022/1220/7.1**

Moved: Cr Tarría Moore

Seconded: Cr Linda Fawns

That the draft minutes of the Ordinary Council Meeting held 15 November 2022 and the draft minutes of the Extraordinary Council Meeting held 6 December 2022 be moved as true and correct records.

CARRIED UNANIMOUSLY

Cr Harold Clapham returned to the Chambers at 10.04am

8. DISCLOSURES OF INTERESTS

The following Disclosure of Conflicts of Interest was registered.

12.5 Chief Executive Officer registered a non-pecuniary - significant interest and will leave the Chambers and will not take part in any debate or voting on the issue.

9. MAYORAL MINUTE(S)

Nil

10. URGENT ITEMS OF BUSINESS

Nil

11. REPORTS OF COMMITTEES

Nil

12. REPORTS TO COUNCIL**12.1. REVIEW OF ORGANISATIONAL STRUCTURE**

Moved: Cr Linda Fawns

Seconded: Cr Tarría Moore

RESOLUTION 2022/1220/12.1

That Council:

1. Notes that a review of the organisation structure of Edward River Council has been completed in compliance with the legislative requirements of section 333 of the Local Government Act 1993 (the Act)
2. Under section 332(1) of the Local Government Act 1993, confirms the revised organisational structure as included in this report noting no change to the senior staff positions
3. Endorses the proposed changes to the functional structure
4. Notes that implementation of the structure is planned to commence in the 23-24 financial year

CARRIED UNANIMOUSLY

12.2. APPOINTMENT OF NSW ELECTORAL COMMISSION FOR 2024 ELECTION

Moved: Cr Shannon Sampson

Seconded: Cr Marc Petersen

RESOLUTION 2022/1220/12.2

That Council:

1. Pursuant to sections 296AA, 296(2) and (3) of the Local Government Act 1993, enter into an election arrangement by way of contract for the Electoral Commissioner to administer the ordinary election for Council scheduled for September 2024
2. Ensures that the contract includes the administration of council polls (if any) or constitutional referenda (if any) of the Council conducted as part of the September 2024 elections
3. Authorises the CEO to take necessary action in relation to the contract document and any other documentation, should it be required to give effect to this resolution
4. Include the costs associated with the council's elections in the 2024/25 operational budget and plan

CARRIED UNANIMOUSLY

12.3. DENILIQUN TOWN HALL - FUTURE MANAGEMENT MODELS

Moved: Cr Marc Petersen

Seconded: Cr Linda Fawns

RESOLUTION 2022/1220/12.3

That Council:

1. Receives the report on Deniliquin Town Hall - Future Management Models
2. Endorse the recommended management model for the Deniliquin Town Hall, being a line managed performing arts venue operated and staffed by Council, for a minimum of two years whilst the venue becomes established
3. Consider the resourcing impacts of the recommended management model in the 23-24 Operational Plan and Budget process and notes indicative staffing and operational costs.

CARRIED

Cr Shirlee Burge voted against the motion.

12.4. ARTS AND CULTURE COMMITTEE

Moved: Cr Shirlee Burge

Seconded: Cr Marc Petersen

RESOLUTION 2022/1220/12.4

That Council

1. Approve the establishment of an Edward River Council Arts & Culture Advisory Committee by 30 April 2023

2. Endorse the draft Terms of Reference with the addition of the Aboriginal Lands Council, Art Right and the Deniliquin High School Arts Department to confirm purpose and membership composition and to enable appointment of suitable members to the committee

3. Note that the development of an Arts and Culture strategy is currently an unfunded project for consideration in the 23-24 Operational Plan and budget process.

CARRIED UNANIMOUSLY

12.5. DA1/22 - CAR PARK WITH SOLAR SHADE STRUCTURES - RSL

10.38am Chief Executive Officer left the Chambers and took no part in the debate.

Moved: Cr Linda Fawns

Seconded: Cr Paul Fellows

RESOLUTION 2022/1220/12.5

That Council

1. Approve the development application 1/22 for a Car Park with Solar Shade Structures , on Lot 1 DP 720280 and Lot 402 DP 756325, 290 - 308 Duncan Street, Deniliquin as shown on plans numbered 2251:LP01-LP04, TP-0000-G, TP-0100-G, TP-0101-G, TP-0300-G, TP-0301-G, TP-0701-W, TP-1101-W, TP-1601-W, TP-2001-W, TP-2002-W, TP-2003-W, TP-2100-G, TP-4100-S, TP-4101-S, TP-4102-S, TP-5101-W, TP-5102-W, TP-5103-W, TP-5104-W, TP-5105-W, TP-5106-W, TP-5107-W, TP-5108-W, TP-5109-W, TP-5110-W, TP-5111-W and TP-5112-W 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:
 1. The application is generally compliant with the key planning provisions contained within the DLEP 2013 and the Deniliquin Development Control Plan 2016.
 2. Through the imposition of appropriate conditions the development will have no significant adverse impacts on the natural or built environments.
 3. Council considered the concerns raised in the submissions and given the amended plans received does not consider the submissions warrant refusal of the application.
2. Impose the conditions as detailed in Attachment 1
Cr Burge voiced opposition as alternatives could have been looked at rather than an additional car park.

CARRIED

10.43am Chief Executive Officer returned to the Chambers and all members of the gallery left.

12.6. DEVELOPMENT SERVICES ACTIVITY REPORT - NOVEMBER 2022

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

RESOLUTION: 2022/1220/12.6

That Council receive and note the November 2022 Development Services update report.

CARRIED UNANIMOUSLY

Cr Paul Fellows left the Council Chambers at 10.45am

12.7. INVESTMENTS AND RESERVES REPORT NOVEMBER 2022

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

RESOLUTION 2022/1220/12.7

That Council:

1. Note and receive the November 2022 report on Investments totalling \$45,834,143 inclusive of cash at bank for day-to-day operations.
2. Note that actual interest earned in the month of November 2022 was \$71,701.
3. Note that total interest earned for the year to 30 November 2022 was \$ 275,608.
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED UNANIMOUSLY

Cr Paul Fellows returned to the Council Chambers at 10.47am

12.8. MAJOR PROJECTS - NOVEMBER 2022

Moved: Cr Paul Fellows

Seconded: Cr Shannon Sampson

RESOLUTION 2022/1220/12.8

That Council receive and note the Major Projects Program – Progress Report for November 2022.

CARRIED UNANIMOUSLY

12.9. RESOLUTIONS OF COUNCIL

11.02am Cr Pat Fogarty returned to the Chambers.

Moved: Cr Linda Fawns

Seconded: Cr Paul Fellows

RESOLUTION 2022/1220/12.9

That Council note the information in the Resolutions of Council as at 9 December 2022.

CARRIED UNANIMOUSLY

12.10. MAYOR, COUNCILLOR, CEO MEETINGS NOVEMBER 2022

Moved: Cr Tarria Moore

Seconded: Cr Shannon Sampson

RECOMMENDATION -

Alternative motion moved:-

RESOLUTION 2022/1220/12.10

That Council

1. Note the Mayor, Councillor and Chief Executive Officer meetings attended on behalf of Council during the month of November 2022, 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.

Against Cr Harold Clapham, Cr Shirlee Burge, Cr Pat Fogarty

CARRIED

Cr Shannon Sampson left the chambers at 11.35am

Moved: Cr Harold Clapham

Seconded: Cr Tarria Moore

RESOLUTION 2022/1220/12.2

That the meeting adjourn at 11.45am to attend the public turning on of the Town Hall Clock.

CARRIED

13. NOTICES OF MOTIONS

Moved: Cr Tarria Moore

Seconded: Cr Shirlee Burge

RESOLUTION 2022/1220/13

That the Council Meeting resume at 12.24pm.

CARRIED

13.1. NOTICE OF MOTION - BLUE TREE PROJECT

Moved: Cr Shirlee Burge

Seconded: Cr Linda Fawns

RESOLUTION 2022/1220/13.1

That Council:

1. In recognition of the increasing prevalence of mental health concerns and suicide in our community, supports the initiation of a Blue Tree project in the township of Deniliquin.
2. Supports the mission of the Blue Tree Project, to help spark difficult conversations and encourage people to speak up when battling mental health concerns.

3. Works with community members who have been impacted by suicide in our community to identify a dead tree in our community that needs a “Blue Lease on Life”
4. Supports those members of the community to initiate an event to paint the tree blue and foster increased education about mental health to “kick the stigma”

CARRIED UNANIMOUSLY

13.2. NOTICE OF MOTION - FLOOD PLANS AND MITIGATION WORKS

Moved: Cr Shirlee Burge

Seconded: Cr Harold Clapham

RESOLUTION 2022/1220/13.2

That Council:

1. Agree to hold a community meeting prior to end of March 2023, providing an overview of Council’s flood plans and mitigation works that are currently in place, and discussing potential options for North Deniliquin, following the November 2022 floods.
2. Requests the Chief Executive Officer to invite an appropriate panel of expert staff to answer questions and provide information to the community on what could potentially be developed into the future.
3. Provides a further report to a Councillor briefing, prior to June 2023, outlining a potential project for flood mitigation to be advocated to the state government for funding.

CARRIED UNANIMOUSLY

Director Infrastructure left the Council Chambers at 12.37pm and did not return.

14. QUESTIONS WITH NOTICE

Cr Marc Petersen requested a progress report on the Deniliquin Pool.

Acting Director Infrastructure responded:-

- Concerns around contacting the operator seems to be resolved.
- Swimming lessons? Will follow through with customer service.
- Monthly inspections are undertaken and customer complaints reviewed.

15. CONFIDENTIAL MATTERS

Moved: Cr Tarria Moore

Seconded: Cr Shannon Sampson

RESOLUTION 2022/1220/15

That Council move into Confidential Council at 12.54pm.

The Council is satisfied that, pursuant to Section 10A(2) of the Local Government Act 1993, the information to be received, discussed or considered in relation to this agenda item is:

- d (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

CARRIED UNANIMOUSLY

15.1. DENILIQVIN AIRPORT RUNWAY AND LIGHTING UPGRADE

Moved: Cr Harold Clapham

Seconded: Cr Paul Fellows

RESOLUTION 2022/1220/15.1

That Council:

1. Accepts the tender submitted by Bild Infrastructure Pty Ltd (as varied through post tender discussions) for Contract C2021-25 Deniliquin Airport Runway & Lighting Upgrade for the lump sum price of \$4,754,521.32 + GST;
2. Authorise the Chief Executive Officer and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2021-25 Deniliquin Airport Runway & Lighting Upgrade.
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.
4. Approve the application for a loan facility of up to \$1.9M over the 2022/23 and 2023/24 financial years, being an additional \$150,000 more than the previous Resolution 2021/98 allowed for, to cover the shortfall in the project not covered by current funding.

CARRIED UNANIMOUSLY

16. CLOSE OF MEETING

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns /Linda 1.06pm

RESOLUTION 2022/1220/16

That Council move out of closed Council at 1.06pm and that the Chief Executive Officer read the resolution.

CARRIED UNANIMOUSLY