



MINUTES

Ordinary Council Meeting

Tuesday, 05 December 2023

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

Date: Tuesday, 05 December 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 10.02am

Mayor Cr Peta Betts congratulated Dr Robert Campbell on his recent award, and thanked all our medical practitioners.

Congratulations also to Conargo Public School on their Ruby Saltbush work and publication.

2. ATTENDANCE

Present: Mayor Cr Peta Betts, Deputy Mayor Paul Fellows, Cr Shirlee Burge, Cr Tarria Moore, Cr Shannon Sampson, Cr Linda Fawns, Cr Marc Petersen, Cr Pat Fogarty.

In attendance: Chief Executive Officer, Director Corporate Services, Director Infrastructure, Acting Manager Risk, Safety and Governance, Executive Assistant

Gallery: 5

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

Moved: Cr Marc Petersen

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0512/6

That the request for a leave of absence by Cr Harold Clapham be accepted.

CARRIED

7. CONFIRMATION OF MINUTES

7.1. DRAFT MINUTES ORDINARY COUNCIL MEETING 21 NOVEMBER 2023

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0512/7.1

That Council accept the Draft Minutes of the Ordinary Council Meeting held 21 November 2023 as a true and correct record.

CARRIED

8. DISCLOSURES OF INTERESTS

Nil

9. MAYORAL MINUTE(S)

Nil

10. URGENT ITEMS OF BUSINESS

Nil

11. REPORTS OF COMMITTEES**11.1. DRAFT MINUTES OF THE CONARGO MEMORIAL HALL AND RECREATION GROUND COMMITTEE - ANNUAL GENERAL MEETING AND GENERAL MEETING HELD 8 NOVEMBER 2023**

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0512/11.1

That Council:

1. Receive the draft minutes of the Conargo Memorial Hall and Recreation Ground Committee Annual General Meeting held on 8 November 2023 and note the resolutions of that meeting
2. Endorse the following nominations for appointment to the Conargo Memorial Hall and Recreation Ground Committee:
 - a. Colin Bull - Chair
 - b. Michael Pisasale - Deputy Chair
 - c. Deb Stockton - Secretary and Bookings Officer
 - d. Ian Paton - Treasurer
 - e. Alistair McNamara
 - f. Lyn Hardcastle
 - g. Alan Hardcastle
 - h. Terry Dashwood
 - i. Scott Fullerton
 - j. Brett Jervis
 - k. Christie Jervis
 - l. Dave Woodhead
 - m. Bronwyn Chappell
 - n. Peri Chappell
 - o. Marg Bull
 - p. Allison Pearson
 - q. Brett Rose
 - r. Aileen Loader
 - s. Liz McNamara
 - t. Mick Loader
3. Receive the draft minutes of the Conargo Memorial Hall and Recreation Ground Committee General Meeting on 8 November 2023 and note the resolutions of that meeting

CARRIED

12. REPORTS TO COUNCIL**12.1. DISABILITY INCLUSION ACCESS PLAN 2023-2026 FOR ADOPTION**

Moved: Cr Marc Petersen

Seconded: Cr Shirlee Burge

RESOLUTION 2023/0512/12.1

That the recommendation be deferred until the February 2024 meeting.

CARRIED

12.2. DA2023/0066 - ALTERATIONS AND ADDITIONS - SOUTH WEST MUSIC - 241 CRESSY STREET, DENILIQUN

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0512/12.2

That Council resolves to: -

1. APPROVE the development application DA2023/0066 for Alterations and Additions - South West Music (Community Facility) , on Lot 1 DP797598, 241 Cressy Street , Deniliquin as shown on plan numbered DA000 - DA021 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 complied with the applicable planning controls and has demonstrated to have a satisfactory effect on the environment.
 - b) The application is compliant with the key planning provisions contained within the DLEP 2013 and the Deniliquin Development Control Plan 2016.
 - c) The proposal is appropriate on the site given the existing character of the area.
 - d) The development will have no significant adverse impacts on the natural or built environments.
2. Impose conditions in Attachment 1.

Division:

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

Against: Nil

8/0

CARRIED

12.3. CODE OF CONDUCT COMPLAINT STATISTICS REPORT 2022-2023

Moved: Deputy Mayor Cr Paul Fellows

Seconded: Cr Linda Fawns

RESOLUTION 2023/0512/12.3

That Council:

1. receive and note the 2022-2023 annual report on Code of Conduct Complaint Statistics;
2. note that a copy of the report will be provided to the NSW Office of Local Government.

CARRIED

12.4. DEVELOPMENT SERVICES ACTIVITY REPORT NOVEMBER 2023

Moved: Cr Tarria Moore

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0512/12.4

That Council receive and note the November 2023 Development Services Report

CARRIED

12.5. RESOLUTIONS OF COUNCIL

Moved: Cr Linda Fawns

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0512/12.5

That Council note the information in the Resolutions of Council as at 28 November 2023.

CARRIED

13. NOTICES OF MOTIONS

Nil

14. QUESTIONS WITH NOTICE

Nil

15. CONFIDENTIAL MATTERS

Moved: Cr Tarria Moore

Seconded: Cr Sampson

RESOLUTION 2023/0512/15

That Council close the meeting to the public at 10.26am to consider confidential items pursuant to Section 10A(2) of the Local Government Act 1993.

CARRIED

15.1. CONTRACT C2023/05 ROAD RECONSTRUCTION - JOINT COUNCIL SEALED ROADS - PACKAGE 2

Moved: Cr Pat Fogarty

Seconded: Cr Shannon Sampson

RESOLUTION 2023/0512/15.1

That Council

1. Accepts the tender submitted by Bild Infrastructure Pty Ltd for Contract C2023/05 – Road Reconstruction - Joint Council Sealed Roads - Package 2 for the lump sum tender price of \$1,023,774.50 + GST,
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2023/05 – Road Reconstruction - Joint Council Sealed Roads - Package 2, and
3. Authorises the Contract Superintendent to approve variations on the contract up to a maximum value of 5% of the contract sum.

CARRIED

15.2. CONTRACT C2023/06 ROAD RECONSTRUCTION - JOINT COUNCIL SEALED ROADS - PACKAGE 3

Moved: Cr Linda Fawns

Seconded: Deputy Mayor Cr Paul Fellows

RESOLUTION 2023/0512/15.2

That Council:

1. Accepts the tender submitted by Deni Civil & Construction for Contract C2023/06 – Road Reconstruction - Joint Council Sealed Roads - Package 3 for the lump sum tender price of \$461,550.00 + GST,

2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2023/06 – Road Reconstruction - Joint Council Sealed Roads - Package 3, and
3. Authorises the Contract Superintendent to approve variations on the Contract up to a maximum value of 5% of the contract sum.

CARRIED

15.3. CONTRACT C2023/07 ROAD RECONSTRUCTION - JOINT COUNCIL UNSEALED ROADS - NORTHERN PACKAGE

Moved: Cr Shannon Sampson

Seconded: Cr Marc Petersen

RESOLUTION 2023/0512/15.3

That Council:

1. Accepts the tender submitted by Bild Infrastructure Pty Ltd for Contract C2023/07 – Road Reconstruction - Joint Council Unsealed Roads – Northern Package for the lump sum tender price of \$419,467.21 + GST,
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2023/07 – Road Reconstruction - Joint Council Unsealed Roads – Northern Package, and
3. Authorises the Contract Superintendent to approve variations on the Contract up to a maximum value of 5% of the contract sum.

CARRIED

15.4. CONTRACT C2023/08 ROAD RECONSTRUCTION - JOINT COUNCIL UNSEALED ROADS - SOUTHERN PACKAGE

Moved: Cr Linda Fawns

Seconded: Cr Tarria Moore

RESOLUTION 2023/0512/15.4

That Council:

1. Accepts the tender submitted by Andrew Goldman Excavation Pty Ltd for Contract C2023/08 – Road Reconstruction - Joint Council unsealed Roads – Southern Package for the lump sum tender price of \$121,810.80 + GST,
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2023/08 – Road Reconstruction - Joint Council unsealed Roads – Southern Package, and
3. Authorises the Contract Superintendent to approve variations on the Contract up to a maximum value of 5% of the contract sum.

CARRIED

15.5. CONTRACT C2023/09 ROAD RECONSTRUCTION - JOINT COUNCIL UNSEALED ROADS - WESTERN PACKAGE

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

RESOLUTION 2023/0512/15.5

That Council:

1. Accepts the tender submitted by Civil and Earth Australia for Contract C2023/09 – Road Reconstruction - Joint Council Unsealed Roads – Western Package for the lump sum tender price of \$150,969.08 + GST,
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2023/09 – Road Reconstruction - Joint Council unsealed Roads – Western Package, and
3. Authorises the Contract Superintendent to approve variations on the Contract up to a maximum value of 5% of the contract sum.

CARRIED

15.6. CONTRACT C2023/10 - SCCF - SPORTS FACILITY LIGHTING UPGRADES

Moved: Cr Shannon Sampson

Seconded: Cr Shirlee Burge

RESOLUTION 2023/0512/15.6

That Council:

1. Accepts the tender submitted by DeAraugo & Lea Pty Ltd for Contract C2023/10 - SCCF - Sports Facility Lighting Upgrades for the Lump Sumtender price of \$1,408,275.00 + GST for the installation of sport facility lighting at the Hardinge Street oval and netball courts, Memorial Park main oval and adjoining netball courts and Blighty Recreation Reserve oval and netball courts,
2. Authorises the Mayor and Chief Executive Officer to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2023/10 - SCCF - Sports Facility Lighting Upgrades,
3. Authorises the Contract Superintendent to approve variations on the contract up to a maximum value of 10% of the contract sum, and
4. Allocates \$600,000 from the Local Roads Community Infrastructure Round 4 program towards the Sports Facility Lighting Upgrade project.

CARRIED

16. OPEN THE MEETING TO THE PUBLIC

Moved: Cr Tarria Moore

Seconded: Cr Linda Fawns

That Council reopens the meeting to the public at 10.39am and the resolutions of council considered in Item 15 Confidential Matters are read out to the public.

17. CLOSE OF MEETING

The meeting closed at 10.45am