



# **SUPPLEMENTARY AGENDA**

## **Ordinary Council Meeting**

**Tuesday, 17 June 2025**

**Date: Tuesday, 17 June 2025**

**Time: 10:00 AM**

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

**Jack Bond  
Chief Executive Officer**

**Order of Business**

**1. Supplementary Report to previous item 1.1..... 3**  
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**1. SUPPLEMENTARY REPORT TO PREVIOUS ITEM 1.1**

**1.1. 11.1 - END STREET TREES REMOVAL - ADDITIONAL ATTACHMENT**

**Author: Executive Assistant**

**Authoriser: Chief Executive Officer**

**RECOMMENDATION**

That Council notes the attached report from Statewide Mutual regarding item 11.1 of the agenda and also notes that this report was not available when the agenda was compiled.

**COMMUNITY STRATEGIC PLAN**

**2. Natural environments: Respected and healthy natural environments**

**3. Built Environment: Liveable Built Environments**

3.2 Road network, and footpaths, cycleways (active transport)

**5. Leadership: Accountable Civic Leaders**

5.6 Good Corporate Governance

**BACKGROUND**

The Statewide Mutual attachment relates to item 11.1 of the June 17 2025 Council Agenda.

**OFFICER'S CONFLICT OF INTEREST DECLARATION**

As the author of this report and in providing this advice to Council, I have no interests to disclose in relation to this report.

**ATTACHMENTS**

1. Statewide Mutual Liability Report.

**Attachment 1 - End St London Plane Tree's Liability Report**



## Edward River Council

### End St. London Plane Tree's Liability Report

#### **Background.**

Statewide Mutual were notified of a request for advice regarding Edward River Council public liability risk to exposure with the London Plane tree's (*Platanus x acerifolia*) located within the road verge on End St. The tree variety is an introduced species to the Riverina region and is not a recommended planting within road verge environment due to root invasion, seasonal falling litter and persons allergic to plane tree pollen.

Background information: arboriculture reports and on-site inspection.



#### **Important Information.**

This report is not intended to offer legal advice, if you require legal advice about Council's exposure to liability please contact the Statewide Mutual Scheme's solicitors.

The report is not an arborist report to the health of the trees in question.

#### **Liability exposure to Edward River Council and Statewide Mutual.**

Tree claims are a major risk exposure to Council members, over the previous 10 years Statewide Mutual have managed 5,436 claims of liability for injury or property damage, 24% of these claims have resulted in a payment to claimants. The cost of these claims to member Councils through their excess (Council's Public Liability excess \$15,000) and the Mutual over the previous 10 years has amounted to \$24.5 million. The main area of claims, is tree root invasion damaging property. These claims align to damage to buildings, driveways, fences and sewer/water lines.

Council will be required to react to complaints and have a system of inspection. If an inspection is undertaken any failure to identify an issue with the tree, that later causes damage, will render Council liable.

The inspection should be based around **protecting persons and property** not the tree (from a liability perspective), if it presents a danger to people or property and that risk causes loss, Council will likely be held liable, notwithstanding the tree was healthy enough to remain. Negligent inspection or inaction are Council's primary exposure to loss.



**Trees of Concern.**



**Risks of Concern.**



Tree root undermining building columns



Surface cracking in pavement potential displacement



Exposed roots, potential trip and fall



**NSW Civil Liability Act 2002**

In NSW, the Civil Liability Act 2002 addresses civil liability for various harms, including nuisance. It doesn't directly define or create new types of nuisance, but it modifies the common law principles of negligence and causation related to nuisance claims, particularly concerning public authorities. The Act doesn't explicitly deal with private nuisance, but it does influence how claims in private nuisance are assessed, especially regarding fault and causation.

**Negligence**

(Failure to take the level of care that reasonable person would in similar circumstances).

**Nuisance**

(Interference with the use and enjoyment of property, typically involving actions that cause unreasonable harm or annoyance to others).

Key Points about the Civil Liability Act and Nuisance:

It focuses on the principles of negligence and causation that might be relevant to nuisance claims.

To establish liability for nuisance, the Council's actions or omissions must be at fault. This means they knew or ought to have known about the nuisance, it was reasonably foreseeable that the interference would occur, and they didn't take reasonable action to prevent it.

The claimant must prove a causal link between the Council's actions and the interference with the claimant's enjoyment of their land or property.

While the Act doesn't explicitly change the existence of a duty of care, it does modify how that duty is assessed, particularly for Council.

**Edward River Council Liability Risk**

Council are the responsible owner/manager of land growing or permitting growth of the trees.

Notification the trees have caused and continue to cause damage to adjoining property, structural and litter fall effect.

**Exposure**

Council creates a nuisance = liable.

Council receives "ample time" to address concerns of claimant.

Actions depend on the circumstances – removal, pruning, root trimming and root barriers.

Council will be held accountable.

**Reference claims.**

Rhodes v Lake Macquarie Council

Michos v City of Botany Bay

Timbs v Shoalhaven Shire Council



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## **2. MAKING OF THE RATES**

### **2.1. MAKING OF THE RATES 2025-26**

**Author: Coordinator Rating & Revenue**

**Authoriser: Finance Manager**

### **RECOMMENDATION**

That Council

1. Make the Rates and Charges for the 2025/26 rating year as outlined in this report using the land values with a base date valuation of 1 July 2024;
2. Make three (3) ordinary rates, being Business, Farmland and Residential;
3. Continue with the minimum rate / ad-valorem for Business rates and the base rate / ad-valorem basis for Farmland and Residential Rates;
4. Approves an increase to overall rates by 4.6%, being the maximum amount allowable as determined by the Independent Pricing & Regulatory Tribunal (IPART);
5. Adopts the overdue Rates & Charges maximum interest rate of 10.5% on all overdue interest rate, in accordance with section 566 (3) of the Act.

### **COMMUNITY STRATEGIC PLAN**

5. A community working together is achieve its potential

5.1 Our community is informed and engaged

5.3 Our local government is efficient, innovative and financially sustainable

### **BACKGROUND**

Since placing the draft 2025/26 Operational Plan on exhibition and the writing of this report, some minor changes required to the rates-in-the-dollar (Ad Valorem) charge and land valuations for all rating categories. This is because the draft 2025/26 figures were based on a snapshot of the Rates database as of February 2025 whereas this report utilises the latest Rates database to calculate the most current rates-in-the-dollar (Ad Valorem).

General increases in Council Rates are governed by the Independent Pricing & Regulatory Tribunal (IPART) IPART. For the 2025/26 rating year, IPART has determined that the maximum allowable general increase is 4.6%. In accordance with the rating structure, it is proposed that Council increase its rates by the maximum amount allowable by IPART.

In order for Council to levy rates and charges for the 2025/26 rating year, Council is required to resolve the making of all rates and annual charges, in accordance with the Local Government Act 1993 and Local Government (General) Amendment Regulation 2021.

### **PROPOSAL/DISCUSSION**

#### **Rates and Charges for Edward River Council for 2025/26**

It is recommended that the following rates be levied for the 2025/26 financial year.

#### **Residential Rates**

In the case of all rateable land within Edward River Council which is categorised as Residential land (Residential), and has been sub-categorised into Residential Deniliquin - Other, Residential Other and Residential Town:

Residential Town Deniliquin, an Ordinary Rate in the dollar of zero point zero zero five eight one five one (0.0058151) upon the land value

Residential Deniliquin Other, an Ordinary Rate in the dollar of zero point zero zero three nine three two six (0.0039326) upon the land value

Residential Other, an Ordinary Rate in the dollar of zero point zero zero five nine two (0.00592) upon the land value

A base rate has applied to each of these sub-category Residential Rates.

Residential Town Deniliquin, a base rate for each property in this category of five hundred and four dollars (\$504.00)

Residential Deniliquin Other, a base rate for each property in this category of five hundred and four dollars (\$504.00)

Residential Other, a base rate for each property in this category of two hundred and fifteen dollars (\$215.00)

2025/26	
Residential Rates	
Residential Town Deniliquin	
Ad Valorem	0.0058151
Base Rate	\$504.00
Residential Deniliquin Other	
Ad Valorem	0.0039326
Base Rate	\$504.00
Residential Other	
Ad Valorem	0.00592
Base Rate	\$215.00
Est Yield Residential	\$4,260,687

## Business Rates

In the case of all rateable land within Edward River Council which is categorised as Business land (Business), and has been sub-categorised into Business Town Deniliquin and Business Other:

Business Town Deniliquin, an Ordinary Rate in the dollar of zero point zero one nine one three five seven (0.0191357) upon the land value

Business Other, an Ordinary Rate in the dollar of zero point zero zero two one three (0.00213) upon the land value

The minimum amount of the rate which shall be payable for the year in respect of any individual rateable business property.

Business Town Deniliquin, a minimum amount of five hundred and fifty-nine dollars (\$559.00)

Business Other, a minimum amount of five hundred and nine dollars (\$509.00)

2025/26	
Business Rates	
Business Town Deniliquin	
Ad Valorem	0.0191357
Minimum	\$559.00
Business Other	
Ad Valorem	0.00213
Minimum Rate	\$509.00
Est Yield Business	\$1,260,495

### Farmland Rates

In the case of all rateable land within Edward River Council which is categorised as Farmland land (Farmland), and has been sub-categorised into Farmland Dry, Farmland Dry Unclaimed and Farmland Irrigable.

Farmland Dry, an Ordinary Rate in the dollar of zero point zero zero one one one five three (0.0011153) upon the land value

Farmland Dry Unclaimed, an Ordinary Rate in the dollar of zero point zero zero six three four (0.00634)

Farmland Irrigable, an Ordinary Rate in the dollar of zero point zero zero one five five eight three seven (0.00155837) upon the land value

A base rate has applied to each of these sub-category Farmland Rates.

Farmland Dry, a base rate for each property in this category of six hundred and thirty five dollars (\$635.00)

Farmland Dry Unclaimed, a base rate for each property in this category of ten dollars (\$10.00)

Farmland Irrigable, a base rate for each property in this category of six hundred and thirty five dollars (\$635.00)

2025/26	
Farmland Rates	
Farmland Dry	
Ad Valorem	0.0011153
Base Rate	\$635.00
Farmland Dry Unclaimed	
Ad Valorem	0.00634
Base Rate	\$10.00
Farmland Irrigable	
Ad Valorem	0.00155837
Base Rate	\$635.00
Est Yield Farmland	\$3,369,170

### Mixed Development Rates

In the case of all rateable land with Edward River Council which is categorised as Mixed Development and has been sub-categorised into Business Mixed Development and Residential Mixed Development.

Business (Mixed Development), an Ordinary Rate in the dollar of zero point zero two five nine four (0.02594) upon the land value

Residential (Mixed Development), an Ordinary Rate in the dollar of zero point zero one four six (0.0146)

Residential (Mixed Development), a base rate for each property in this category of four hundred and eleven dollars (\$411.00)

2025/26	
Mixed Development Rates	
Business Mixed Development	
Ad Valorem	0.02594
Residential Mixed Development	
Ad Valorem	0.0146
Base Rate	\$411.00
Est Yield Mixed Development	\$10,799

### Annual Charges for Edward River Council for 2025/26

In relation to domestic waste management service charges and pursuant to sections 496, 501 and 504 of the Local Government Act 1993, Council will make and levy the following annual charge for the provision of waste management collection services on each of the rateable properties for the year 1 July 2025 to 30 June 2026.

A domestic waste charge of five hundred and seventy-four dollars (\$574.00) per bin package, which includes one general waste (red 240 litre bin), one recycle waste bin (yellow 240 litre bin), and one garden/food waste bin (green 240 litre bin) bin. For an additional recycle bin (yellow), it is an extra charge of one hundred and fifty-five dollars (\$155.00) per bin (fortnightly service). For an additional garden/food waste bin (green), it is an extra charge of two hundred and twenty-six dollars (\$226.00) per bin (weekly service). For an additional general waste bin (red), it is an extra charge of five hundred and seventy-four dollars (\$574.00) and includes one general waste (240 litre bin), one recycle bin (240 litre bin), and one garden/ food waste bin ((240 litre bin) bin. Additional bins will incur a further pro-rata charge based on the additional service requested.

2025/26		
Domestic Waste Management Services		
Description	Charge	Unit
Residential and Non-Residential – Domestic Waste Charge Per Property – bin package includes 1 general waste, 1 recycle waste and 1 garden/food waste	\$574.00	Per Annum
Residential and Non-Residential – Vacant Land Domestic Waste Charge	\$114.00	Per Annum
Residential and Non-Residential – Additional recycle (yellow) bin collected per property	\$155.00	Per Annum
Residential and Non-Residential – Additional Garden/food waste (green) bin collected per property	\$226.00	Per Annum
Residential and Non-Residential – Additional General Bin (red) will include 1 green bin and 1 yellow bin	\$574.00	Per Annum

In relation to water supply charges and pursuant to sections 501 and 502 of the Local Government Act 1993, make and levy the following annual charges on all consumers connected to, or capable of being connected to, the Edward River Council water supply systems for water supply for the year 1 July 2025 to 30 June 2026.

2025/26		
Water Access and Usage Charges		
Description	Charge	Unit
<b>Residential – Filtered Water</b>		
Per Access Charge	\$440.00	Per Annum
Usage Charge 0-800kl	\$1.20	Per Kilolitre
Usage Charge > 800kl	\$1.72	Per Kilolitre
<b>Residential – Raw Water</b>		
Per Access Charge	\$223.00	Per Annum
Usage Charge	\$0.89	Per Kilolitre
<b>Residential – Non Potable Water</b>		
Access Charge (Conargo, Wanganella, Booroorban)	\$127.00	Per Annum
Connection Charge to main supply (Conargo, Wanganella, Booroorban)	\$398.00	Per Annum
Usage Charge (Conargo, Wanganella, Booroorban)	\$0.86	Per Kilolitre
<b>Non-Residential – Filtered and raw Water</b>		
Access Charge -20mm connection size (per service)	\$368.00	Per Annum
Access Charge-25mm connection size (per service)	\$596.00	Per Annum
Access Charge-32mm connection size (per service)	\$766.00	Per Annum
Access Charge-40mm connection size (per service)	\$978.00	Per Annum
Access Charge-50mm connection size (per service)	\$1,242.00	Per Annum
Access Charge-80mm connection size (per service)	\$2,413.00	Per Annum
Access Charge-100mm connection size (per service)	\$2,722.00	Per Annum
Raw Water Usage Charge	\$0.89	Per Kilolitre
Raw Water Usage Charge – Community Land	\$0.07	Per Kilolitre
Filtered Water Usage Charge	\$1.72	Per Kilolitre

The sewer access charge is an annual charge and pursuant to sections 501 and 502 of the Local Government Act 1993, it is levied to ratepayers connected to or capable of being connected to, the Edward River Council sewer system. This charge is independent of the level of usage.

2025/26		
Sewer Access Charges		
Description	Charge	Unit
<b>Sewer Access Charges</b>		
Residential Sewer Unconnected Charge	\$534.00	Per Annum
Residential Sewer Connected Charge	\$1,060.00	Per Annum
Business Sewer Unconnected Charge	\$534.00	Per Annum
Business Sewer Connected Charge	\$1,060.00	Per Annum
Non-Residential Volume Charge	\$2.20/kl	Based on %

In relation to liquid trade waste charges and pursuant to section 501 of the Local Government Act 1993, make and levy the following annual fixed and usage charges for all liquid waste other than sewerage of a domestic nature on three categories (based on the level of impact discharges have on the Edward River sewerage system) for the year 1 July 2025 to 30 June 2026.

2025/26		
Liquid Trade Waste Charges		
Application Fees	Charge	Unit
Description		
Category 1	\$142.00	Per application
Category 2	\$277.00	Per application
Category 3	\$411.00	Per application
Annual Fees		
Description		
Category 1 Discharger	\$228.00	Per Annum
Category 2 and 2S Discharger	\$228.00	Per Annum
Category 3 Discharger	\$228.00	Per Annum
Larger Discharger	\$228.00	Per Annum
Industrial Discharger	\$228.00	Per Annum
Pre-Inspection Fee	\$228.00	Per Inspection

2025/26		
Liquid Trade Waste Charges		
Description	Charge	Unit
Category 1 Discharger with appropriate equipment	\$0.00	Per Kilolitre
Category 1 Discharger without appropriate pre-equipment	\$2.13	Per Kilolitre
Category 2 Discharger with appropriate equipment	\$2.13	Per Kilolitre
Category 1 Discharger without appropriate pre-equipment	\$19.56	Per Kilolitre
Non-Compliant Category 3 Discharger (Ph coefficient 0.38 to calculated with equation 3 in Liquid Trade Waste Policy) (refer to equation 4 & 5 in the Liquid Trade Waste Policy for other parameters)	To be Calculated	Per Kilolitre
<b>Excess Mass Charges</b>		
Food Waste	\$29.00	Per Kilogram
Aluminium	\$1.15	Per Kilogram
Ammonia	\$3.45	Per Kilogram
Arsenic	\$100.00	Per Kilogram
Barium	\$51.00	Per Kilogram
Biochemical Oxygen demand – Up to 600mg/L (for greater than 600mg/L refer to Council's Policy for calculation)	\$1.15	Per Kilogram
Boron	\$1.15	Per Kilogram
Bromine	\$21.57	Per Kilogram
Cadmium	\$454.00	Per Kilogram
Chloride	No Charge	Per Kilogram
Chlorinated Hydrocarbons	\$51.00	Per Kilogram
Chromium	\$34.00	Per Kilogram
Cobalt	\$22.00	Per Kilogram
Copper	\$22.00	Per Kilogram
Fluoride	\$8.00	Per Kilogram
Formaldehyde	\$2.29	Per Kilogram
Oil and Grease (Total O & G)	\$2.29	Per Kilogram
Herbicides/defoliant	\$982.00	Per Kilogram
Iron	\$2.29	Per Kilogram
Lead	\$51.00	Per Kilogram
Lithium	\$12.00	Per Kilogram
Manganese	\$12.00	Per Kilogram
Mercury	\$3,301.00	Per Kilogram
Methylene Blue Active Substance (MBAS)	\$1.15	Per Kilogram
Molybdenum	\$1.15	Per Kilogram
Nickel	\$34.00	Per Kilogram



Total Kjeldahl Nitrogen (TKN)	\$1.15	Per Kilogram
Organoarsenic Compounds	\$982.00	Per Kilogram
Pesticides General (excludes organochlorines & organophosphates)	\$982.00	Per Kilogram
Petroleum Hydrocarbons (non-flammable)	\$3.45	Per Kilogram
Phenolic Compounds (non-chlorinated)	\$12.00	Per Kilogram
Phosphorus (Total P)	\$2.29	Per Kilogram
Polynuclear Aromatic Hydrocarbons (PAHs)	\$22.00	Per Kilogram
Selenium	\$70.00	Per Kilogram
Silver	\$2.29	Per Kilogram
Sulphate (SO4)	\$1.15	Per Kilogram
Sulphide	\$2.29	Per Kilogram
Sulphite	\$2.29	Per Kilogram
Suspended Solids (SS)	\$2.29	Per Kilogram
Thiosulphate	\$1.15	Per Kilogram
Tin	\$12.00	Per Kilogram
Total Dissolved Solids (TDS)	\$1.15	Per Kilogram
Uranium	\$12.00	Per Kilogram
Zinc	\$22.00	Per Kilogram

The stormwater management service charge is an annual charge and pursuant to sections 496A of the Local Government Act 1993, against rateable properties for which the service is available in order to establish and sustain a funding source for improved storm water management.

2025/26		
Stormwater Management Service Charges		
Description	Charge	Unit
<b>Stormwater Charges</b>		
Residential property	\$25.00	Per Annum
Residential strata property	\$12.50	Per Annum
Business property	\$25.00	Per Annum
Business strata property (apportioned by unit entitlement for business strata lot with a minimum charge of \$5 unit entitlement per annum)	\$5.00	Per Annum

## RISK AND IMPLICATIONS

### 6.1 Legislative and Policy

To avoid legal implication the Council required to resolve the making of all rates and annual charges, in accordance with the Local Government Act 1993 and Local Government (General) Amendment Regulation 2021.

**6.2 Financial**

The Financial implications are set out in Council's 2025/26 Operational Plan and budget.

Rates and charges are required to be made before 1 August 2025, in order to collect rates and charges income during the 2025/26 Financial (Rate) year in accordance with the Local Government Act 1993 and Local Government (General) Amendment Regulations 2021.

**6.3 Community Engagement/Consultation**

N/A

**OFFICER'S CONFLICT OF INTEREST DECLARATION**

As the author of this report and in providing this advice to Council, I have no interests to disclose in relation to this report.

**ATTACHMENTS**

Nil