



**Edward
River**
COUNCIL

MINUTES

Ordinary Council Meeting

19 March 2020

**MINUTES OF EDWARD RIVER COUNCIL
ORDINARY COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER 180 CRESSY STREET DENILIKUIN
ON THURSDAY, 19 MARCH 2020 AT 10.00AM**

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), Oliver McNulty (Director Infrastructure), Julie Rogers (Manager Environmental Services), Marie Sutton (Planning & Continuous Improvement Coordinator), Belinda Perrett (Executive Assistant)

GALLERY: 9

OPENING MEETING

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 www.edwardriver.nsw.gov.au.

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 General Manager or Mayor.

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.

APOLOGIES AND APPLICATIONS FOR A LEAVE OF ABSENCE BY COUNCILLORS

Nil

CONFIRMATION OF MINUTES

RESOLUTION 2020/32

Moved: Cr Pat Fogarty

Seconded: Cr Peta Betts

That the minutes of the Ordinary Council Meeting held on 20 February 2020 and the Extraordinary Council Meeting held on 5 March 2020 be confirmed.

CARRIED

DISCLOSURES OF INTERESTS - RESOLUTION 2020/33

Item 10.4 – Cr Margaret Bull declared a Non-Pecuniary – Less than Significant interest.

REPORTS OF COMMITTEES

MINUTES OF THE EDWARD RIVER CONCERT BAND COMMITTEE MEETING HELD ON 19 FEBRUARY 2020

RESOLUTION 2020/33

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

That Council:

Receive and note the Minutes of the Edward River Concert Band Committee Meeting held on 19 February 2020, contained at Attachment A.

CARRIED

REPORTS TO COUNCIL

MAYOR, COUNCILLORS AND GENERAL MANAGER MEETINGS

RESOLUTION 2020/34

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

That Council note the Mayor, Councillor and General Manager meetings for February 2020.

CARRIED

RESOLUTIONS OF COUNCIL

RESOLUTION 2020/35

Moved: Cr Pat Fogarty

Seconded: Cr Mac Wallace

That Council note the information in the Resolutions of Council as at 6 March 2020.

CARRIED

INVESTMENT REPORT FEBRUARY 2020**RESOLUTION 2020/36**

Moved: Cr Peter McCrabb

Seconded: Cr Nick Metcalfe

That Council:

1. Note and receive the Report on Investments totalling \$45,378,410 inclusive of cash at bank for day-to-day operations;
2. Note that actual interest received for the month of February 2020 was \$52,674;
3. Note that accrued interest earned to 29 February 2020 but not yet received was \$316,505;
4. Note the Certificate of the Responsible Accounting Officer and adopt the Investment Report.

CARRIED

MODIFICATION OF 16/15/DA**RESOLUTION 2020/37**

Moved: Cr Peter McCrabb

Seconded: Cr Peta Betts

That Council:

1. **APPROVE** the modification of development application 16/15/DA A for an intensive livestock facility/feedlot, on Lot 5 DP720227, Lots 8,22,30,31,33 ,34,35 ,36,61,72 DP756268 "Peppinella", Conargo Road and Lots 23 and 84 DP756247 "Boonoke" Conargo Road dated 13 July 2018 as detailed in the documentation listed in attachment 18 of this report, in accordance with section 4.55(2) of the *Environmental Planning and Assessment Act 1979* and subject to the following reasons:
 - (a) *The modification complies with the relevant environmental planning instruments;*
 - (b) *The modification demonstrates capacity on site for the proposed variations in livestock numbers; and*
 - (c) *The modification identifies a suitable location for the proposed composting pad.*

And modify the development consent as detailed in attachment 19 of this report.

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

Against: Cr Marg Bull

CARRIED 8/1

Two members of the Gallery left the Council Chambers at 10.21am

ENVIRONMENTAL SERVICES REPORT (FEBRUARY 2020)**RESOLUTION 2020/38**

Moved: Cr Peter McCrabb

Seconded: Cr Marg Bull

That Council note the Environmental Services report for February 2020.

CARRIED

Six members of the Gallery left the Council Chambers at 10.23am

Cr Norm McAllister left the Council Chambers at 10.24am

REQUEST FOR WATER TRANSFERS**RESOLUTION 2020/39**

Moved: Cr Nick Metcalfe

Seconded: Cr Marg Bull

That Council

- 1) Approve providing a water transfer to the Racecourse Reserve of 15 megalitres.
- 2) Provide the water to the Racecourse free of charge and only pass on administrative charges as incurred in establishing the water transfer
- 3) Note that this approval is a once off approval and that Council may not be able to provide this support in future years if increased water restrictions are applied.

CARRIED

Cr Norm McAllister re-entered the Council Chambers at 10.28am

MAYORAL MINUTE(S)**MAYORAL MINUTE - GENERAL MANAGER RECRUITMENT****RESOLUTION 2020/40**

Moved: Cr Norm Brennan

Seconded: Cr Peter McCrabb

1. That the proposal received from Stephen Blackadder & Associates to manage the recruitment of a General Manager be approved.
2. That a selection panel of three Councillors and one member of the Audit Risk and Improvement Committee (if available) be formed to work with Stephen Blackadder & Associates and provide recommendations back to Council on the preferred candidate/s for the role of General Manager.
 - (a) That the selection panel include the Mayor, Deputy Mayor, Cr Ashley Hall plus one member of the Audit Risk and Improvement Committee if available.
3. That the Mayor source an interim external General Manager for a period of up to six (6) months while the recruitment for an ongoing General Manager be finalised

CARRIED

CUSTOMER SERVICE CHARTER

RESOLUTION 2020/41

Moved: Cr Mac Wallace

Seconded: Cr Norm McAllister

That Council adopt the Customer Service Charter, Attachment 1.

CARRIED

EQUAL OPPORTUNITY AND DIVERSITY POLICY

RESOLUTION 2020/42

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council adopt the Equal Opportunity and Diversity Policy, Attachment 1, and note the Equal Employment Opportunity and Diversity Plan, Attachment 2.

CARRIED

DRAFT PRIVACY MANAGEMENT PLAN

RESOLUTION 2020/43

Moved: Cr Pat Fogarty

Seconded: Cr Norm McAllister

That Council:

- 1) Place the draft Privacy Management Plan, Attachment 1, on public exhibition for a period of 28 days; and
- 2) Adopt the Privacy Management Plan subject should no public submissions being received.

CARRIED

DA 4/20 NORTH DEPOT STAGES 2 & 3**RESOLUTION 2020/44**

Moved: Cr Norm McAllister

Seconded: Cr Pat Fogarty

That Council resolves to: -

1. **APPROVE** the development application DA 4/20 dated 30 January 2020 for Stages 2 and 3 of the redevelopment of a depot, on Lots 11, 12 and 13 DP1123768 and Lot 2 Section 36 DP758782, 334-342 Augustus Street, 219 Wanderer Street and 221 Wanderer Street, North Deniliquin, Deniliquin as shown on plan numbered 02 C3, 03 C3, 12 C3 and 13 C3 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 complies with key planning provisions contained within the Deniliquin Local Environmental Plan 2013 and the Deniliquin Development Control Plan 2016; and*
- (b) *The proposal is consistent with the zone objectives and the existing character of the area.*

And impose the conditions as detailed in Attachment 2 of this report.

CARRIED

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

Against: Nil

CARRIED 9/0

Mark Dalzell (Manager Engineering Assets) entered the Council Chambers at 10.32am

MAJOR PROJECTS PROGRAM - MARCH 2020 PROGRESS REPORT**RESOLUTION 2020/45**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

That Council note the Major Projects Program from various funding sources - Progress Report for March 2020.

CARRIED

Julie Rogers (Manager Environmental Services) and Marie Sutton (Planning & Continuous Improvement Coordinator) left the Council Chambers at 10.34am.

DRAFT ASSET CAPITALISATION POLICY**RESOLUTION 2020/46**

Moved: Cr Peta Betts

Seconded: Cr Marg Bull

That Council:

1. Place the draft Asset Capitalisation Policy, contained in Attachment 1, on public display for a period not less than 28 days;
2. Subject to receiving no submissions during the public exhibition period, adopt the draft Asset Capitalisation Policy contained in Attachment 1.

CARRIED**CROWN LAND PLANS OF MANAGEMENT****RESOLUTION 2020/47**

Moved: Cr Norm McAllister

Seconded: Cr Marg Bull

That Council:

1. Adopt the Plans of Management for the following Crown Land reserves:
 - (a) Former Scout Hall reserve, contained as Attachment 1 to this report;
 - (b) Old Landfill Site reserve, contained as Attachment 2 to this report;
 - (c) Sewerage Treatment Plant reserve, contained as Attachment 3 to this report;
 - (d) North Tennis Courts reserve, contained as Attachment 4 to this report; and
2. Submit the adopted Plans of Management to Crown Lands for endorsement

CARRIED**ROAD CLOSURES ALONG CRESSY STREET FOR UPCOMING ROADWORKS****RESOLUTION 2020/48**

Moved: Cr Peta Betts

Seconded: Cr Marg Bull

That Council approve the implementation of the traffic control plan for work along Cressy Street starting in May 2020, subject to the endorsement of the traffic control plan by all members of the Edward River Council Local Area Traffic Committee.

CARRIED

RATES HARMONISATION - DRAFT COMMUNITY ENGAGEMENT PLAN

RESOLUTION 2020/49

Moved: Cr Peta Betts
Seconded: Cr Pat Fogarty

That Council adopt the updated Community Engagement Plan for the Rates Harmonisation project, Attachment 1.

CARRIED

Councillor Hall left the Council Chambers at 10.56am and re-entered at 10.57am.

POLICY REVIEW - PUBLIC INTEREST DISCLOSURE POLICY

RESOLUTION 2020/50

Moved: Cr Pat Fogarty
Seconded: Cr Mac Wallace

That Council adopts the reviewed and updated Public Interest Disclosures Policy, Attachment 1

CARRIED

SUPPLEMENTARY REPORTS

RESOLUTION 2020/51

Moved: Cr Mac Wallace
Seconded: Cr Nick Metcalfe

That Council accepts the inclusion of the Supplementary Reports.

CARRIED

CEMETERY OPERATIONS

RESOLUTION 2020/52

Moved: Cr Mac Wallace
Seconded: Cr Nick Metcalfe

That Council note the

- (a) Place the draft Cemetery Policy on public display for a period of 28 days
- (b) Subject to receiving no submissions during the public exhibition period, adopt the draft Cemetery Policy
- (c) Adopt the Terms of Reference for the Cemetery Advisory Committee
- (d) Note the draft cemetery operations plan

CARRIED

CONFIDENTIAL MATTERS**RESOLUTION 2020/53**

Moved: Cr Pat Fogarty
Seconded: Cr Peta Betts

That Council considers the confidential report(s) listed below in a meeting closed to the public at 10.59am in accordance with Section 10A(2) of the Local Government Act 1993:

13.1 Contract C2020/19 Supply, Installation and Maintenance of Solar Panel Systems

This matter is considered to be confidential under Section 10A(2) - 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

13.2 Contract C2020/20 - Peppin Heritage Centre & Crossing Cafe Refurbishments

This matter is considered to be confidential under Section 10A(2) - 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 commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

13.4 Contract C2020/17 - Cressy Street Revitalisation and Contract C2020/18 - Waring Garden Upgrade

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.

13.2 Sale 143-147 Hardinge Street Deniliquin

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.

CARRIED

Manager Tourism & Economic Development entered the Council Chambers at 11.10am

CONTRACT C2020/19 SUPPLY, INSTALLATION AND MAINTENANCE OF SOLAR PANEL SYSTEMS**RESOLUTION 2020/54**

Moved: Cr Peter McCrabb

Seconded: Cr Pat Fogarty

That Council

1. Accepts the tender submitted by The Green Guys Group Pty Ltd and award The Green Guys Group Pty Ltd Contract C2020/19 Supply, Installation and Maintenance of Solar Power Systems for the lump sum tendered price of \$474,311.82 + GST;
2. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for C2020/19 Supply, Installation and Maintenance of Solar Power Systems;
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. Note that this project will lead to total savings in year one of approx. \$146,000, savings across ten years of approx. \$1,412,000 and savings across twenty-five years of approx. \$3,321,000

CARRIED

Cr Nick Metcalfe left the Council Chambers at 11.12am and did not return.

Contractor Paul Arthurson entered the Council Chambers at 11.20am.

Cr Ashley Hall declared a conflict and left the Council Chambers at 11.29am

SALE 143-147 HARDINGE STREET DENILIKUIN**RESOLUTION 2020/55**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

That Council

1. Rescind its decision to sell 143-147 Hardinge Street Deniliquin to Jason O'Connor Fabrications
2. Undertake a further expression of interest process to find a suitable buyer

CARRIED

Councillor Norm McAllister left the Council Chambers at 11.31am after declaring a conflict.

CONTRACT C2020/20 - PEPPIN HERITAGE CENTRE & CROSSING CAFE REFURBISHMENTS**RESOLUTION 2020/56**

Moved: Cr Pat Fogarty

Seconded: Cr Peter McCrabb

That Council

1. Approve the reallocation of funding from the following projects to Contract C2020/20 – Peppin Heritage Centre and Crossing Café refurbishments
 - (a) \$110,000 from the library refurbishment project carried forward from 2018/19
 - (b) \$13,000 from the Council Depot allocation of the Renewal Energy project
2. Note that the works proposed at the library and the Depot will be reconsidered through future budget process,
3. Exclude the front decking are from George Street and the new double new entrance from the contract at an estimated value of \$16,000
4. Accepts the tender from Denbrok Constructions PTY LTD for Contract C2020-20 - PEPPIN HERITAGE CENTRE & CROSSING CAFÉ REFURBISHMENTS for the total lump sum of \$525,172.73 excluding GST;
5. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020-20 - PEPPIN HERITAGE CENTRE & CROSSING CAFÉ REFURBISHMENTS; and
6. Authorise the General Manager to approve variations to the contract to cover contingencies of up to 20% of the contract amount,
7. Note that works to construct the new cool room and works to upgrade the power supply to the building will be completed by alternate contractors outside this contract,
8. Approve the suspension of the monthly lease amount for a period of six months as from 31 October 2019, being Council's consideration. No further consideration will be given.

CARRIED

Councillor Norm McAllister returned to the Council Chambers at 11.42am.

CONTRACT C2020/17 - CRESSY STREET REVITALISATION AND CONTRACT C2020/18 - WARING GARDEN UPGRADE

RESOLUTION 2020/57

Moved: Cr Peta Betts
Seconded: Cr Ashley Hall

That Council

1. Accept the Tender from Quarrell Constructions for Contract C2020/17 – Cressy Street Revitalisation for a total lump sum of \$1,301,220 Ex.GST).
2. Accept the tender from Quarrell Construction for Contract C2020/18 – Waring Gardens Upgrade for a total lump sum of \$1214567 (Ex.GST).
3. Approve \$400,000 to be funded from Councils General Reserve for the installation of underground power on Cressy Street between Napier and Edwardes Street, with any balance to be returned to Councils General Reserve.
4. Authorise the General Manager and Mayor to sign and affix the Common Seal of Edward River Council to the contract documentation for Contract C2020/17 – Cressy Street Revitalisation and C2020/18 – Waring Gardens Upgrade
5. Authorise the General Manager to approve variations to the contract to cover contingencies of up to 20% of the contract amount

CARRIED

RESOLUTION 2020/58

Moved: Cr Peta Betts
Seconded: Cr Marg Bull

That Council moves out of Closed Council into Open Council.

CARRIED

Mayor Norm Brennan read the Resolutions of Council.

CLOSE OF MEETING

The Meeting closed at 12.10pm

The minutes of this meeting were confirmed at the Ordinary Council Meeting held on 16 April 2020.

.....
CHAIRPERSON