



ORDINARY COUNCIL MEETING

Held on Wednesday 19 April, 2023

at 9:15

Council Chambers, 56 Chanter Street, Berrigan



Minutes



Ordinary Council Meeting
 Wednesday 19 April, 2023

MINUTES

The Ordinary Council Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 19 April, 2023 when the following business was considered:-

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Present:

Councillors:

Matthew Hannan (Mayor), Edward (Ted) Hatty, Julia Cornwell McKean, Sarah McNaught, Renee Paine, Roger Reynoldson and John Taylor

The following staff were also in attendance:

Karina Ewer (Chief Executive Officer), Matthew Hansen (Deputy CEO/Director Corporate Services), Rohit Srivastava (Director Infrastructure), Jo Ruffin (Director Strategic Planning & Development), Keelan McDonald (Executive Assistant)

1 OPENING OF MEETING

The Council opened its meeting at 9:24am.

Mayor, Matthew Hannan read the following statement:

In the spirit of open, accessible and transparent government, Berrigan Shire Council's meetings are audio recorded. By speaking at a Council Meeting, members of the public agree to being recorded. Berrigan Shire Council accepts no liability for any defamatory, discriminatory or offensive remarks or gestures that are made during the course of the Council Meeting. Opinions expressed or statements made by individuals are the opinions or statements of those individuals and do not imply any form of endorsement by Berrigan Shire Council.

Confidential matters of Council will not be audio recorded.

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An audio recording of the Council Meeting will be taken for administrative and minute preparation purposes only and is provided to the public for listening purposes to support Council's statutory obligations.

2 ACKNOWLEDGEMENT OF COUNTRY

Mayor, Matthew Hannan made an Acknowledgement of Country with the following statement:

“We acknowledge the Traditional Owners whose country we are gathered on, and we pay respect to the elders, past, present, and future and extend respect to all First Nations People.”

3 APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS

3.1 Apologies/Leave of Absence

Deputy Mayor Carly Marriott is on leave of absence from 19 April to 20 April
Tahlia Fry (Acting Director Corporate Service)

3.2 Applications for Leave of Absence

3.3 Attendance Via Audio-Visual Link

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

Recommendation

That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 15 March, 2023 be confirmed.

5 DISCLOSURES OF INTERESTS

Cr Sarah McNaught declared a significant pecuniary interest in item *10.1 7 Flight Place – Call for proposals*.

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil

7.1 Local Traffic Committee Meeting

Resolved OCM 070/23

Moved: Cr Renee Paine

Seconded: Cr Sarah McNaught

That Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 23 February 2023.

- LTC1. Council to obtain traffic data to identify times and speed of vehicles regarding Berrigan Children's Centre – Trucks
- LTC2. Council note the review of speed zone for Jerilderie Road, Berrigan and that the request is progressing with Transport for NSW. (currently takes 3-5 months to undertake)
- LTC3. Council note the review of speed zone for Tuppal Road, near Pumps Beach and that the request is progressing with Transport for NSW.
- LTC4. Council note the review of speed zone for Snell Road, Barooga and that the request is progressing with Transport for NSW.
- LTC5. Council approve, subject to the Council obtaining a Road Occupancy Licence from Transport for NSW, the application made by the Berrigan Sub-Branch of the Returned Services League to hold their annual parade on ANZAC Day, Tuesday 25 April, 2023 and the temporary road closure of Chanter Street, Berrigan between the hours of 8.30am and 10.30am.
- LTC6. Council approve, subject to the Council obtaining a Road Occupancy Licence from Transport for NSW, the application made by the Finley Sub-Branch of the Returned Services League to hold their annual parade on ANZAC Day, Tuesday 25 April, 2023 and the temporary road closure of Murray Street, Finley between the hours of 10.30am and 12.30pm.
- LTC7. Council approve, subject to the Council obtaining a Road Occupancy Licence from Transport for NSW, the application made by the Tocumwal Sub-Branch of the Returned Services League to hold their annual parade on ANZAC Day, Tuesday 25 April, 2023 and the temporary road closure of Deniliquin Street, Tocumwal between the hours of 10.30am and 11.30am.

CARRIED

8 REPORTS TO COUNCIL

8.1 NSW Public Libraries Association Campaign - Birth to Five - Read and Thrive

Resolved OCM 071/23

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Sarah McNaught

That Council write a letter of support under the Mayor's signature to relevant State Representatives supporting the Birth to Five – Read to Thrive Campaign

CARRIED

8.2 Previous Council Action Items Review

Resolved OCM 072/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Edward (Ted) Hatty

That Council

1. acknowledge all of the outstanding motions that are currently being addressed and direct each item to be added to the current Council Action list.
2. rescind motion 2019/43.3 that Council develop strategies aimed at creating growth in the aged care and health services sector and the food manufacturing area, noting Council's current work in Key Worker housing has the potential to provide supports in this area;
3. rescind motion 2020/148 noting the changed circumstances since this motion was passed. The house has been moved to Berrigan for Key Worker housing and the block will be placed out under a Call for Proposals shortly these projects will be reported to Council as they are progressed.;
4. rescind motion 2020/199 regarding the formation of a Floodplain Risk Management Committee, noting that the Flood Study required will be completed in August 2023 and a report will be presented to Council regarding those outcomes at that time.
5. rescind motion 2020/238 and direct Council staff to develop a Food Van Policy for the Shire that will outline the criteria within which Food Vans may operate within this Shire;

6. move that the refurbishment of the old aerodrome house, now located at Flynn Street in Berrigan, be refurbished as suitable key worker housing to accommodate Council staff;
7. regarding motion 2017/24 Council require further information to reconsider the installation of a footpath along Lawson Drive in Barooga under the half cost scheme;
8. determine to recommence the process to issue a demolition order for Lot 22 DP802966, 7 Davis Street Berrigan to ensure the illegal structure is removed from the site (2017/199);
9. determine to no longer pursue the development of a car and bike learner area in the Berrigan Shire area (2019/43.1);
10. regarding motion 2019/121, Council would not like to revisit the possibilities for the Old Recreation Reserve in Berrigan;
11. regarding motion 2020/37 Council would not like to pursue the development of a concept plan for an Indoor Play Centre in Finley (if Council do want to deliver this service staff will need to consider options for a potential site of the facility, the cost of delivering such a facility and the FTE required to do so);
12. regarding motion 2020/37.19, Council would like a report to Council to explain the half cost scheme legislation and how it works;
13. regarding the repainting of the interior or the Berrigan Sportsground Clubrooms, exterior of change rooms and time keepers box, Council direct staff to develop a assets and facilities maintenance program and include this project in that program; and
14. note the motions requiring further investigation and direct staff to ensure these are individually added to Council's Action Item list so progress on these matters may be provided.

CARRIED

8.3 Designated Area Migration Agreements and Other Visa Options for Supported Employment for Council

Resolved OCM 073/23

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

Council direction is sought

CARRIED

Action

Staff to further explore options for Supported Employment Services.

8.4 Chief Executive Officer Application for Annual Leave

Resolved OCM 074/23

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council approve the leave of the CEO from 31 July 2023 through to and including 21 August 2023 and approve Mr Matthew Hansen as Acting CEO during the period 1 August 2023 through to and including 21 August 2023.

CARRIED

8.5 Local Roads and Community Infrastructure - Phase 4

Recommendation

The direction of the Council is sought

Action

Councillors to dedicate an hour of their time, to supply Matt Hansen (Deputy Chief Executive Officer) with appropriate suggestions for the Local Roads and Community Infrastructure – Phase 4 Grant. Suggestions need to be supplied prior to the May Strategic and Policy Workshop.

8.6 Cultural Audit

Resolved OCM 075/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Sarah McNaught

That Council adopt the Cultural Audit as attached and direct the CEO to place the document out for tender.

CARRIED

8.7 Organisational Chart - Update and Changes

Resolved OCM 076/23

Moved: Cr John Taylor

Seconded: Cr Renee Paine

That Council:

1. adopt the updated Organisational Structure; and
2. endorse the decision of the Chief Executive Officers to directly appoint Darron Freund to the Operations Manager, Transport position due to his having acted in the position for 6 months and doing the job well in that time.

CARRIED

8.8 NSW EV Destination Charging Program

Resolved OCM 077/23

Moved: Cr Sarah McNaught

Seconded: Cr Edward (Ted) Hatty

That Council adopt the locations of eight EV Charging stations across the Shire as noted in the report.

CARRIED

8.9 Finley Lake Master Plan

Resolved OCM 078/23

Moved: Cr John Taylor

Seconded: Cr Roger Reynoldson

That the Council adopt the Finley Lake masterplan attached to this report and incorporate the actions from the masterplan into its suite of integrated planning and reporting documents.

CARRIED

8.10 NSW Local Government Recovery Grants Program - Barooga Swing (Pedestrian) Bridge

Recommendation

That Council adopt Option 2, considering low usage of the pedestrian bridge.

Amendment

Moved: Cr Roger Reynoldson

Seconded: Cr Sarah McNaught

Amendment

That Council adopt Option 2 – immediate requirement to replace the timber Barooga Pedestrian Bridge with steel and the inclusions of a new compliant barrier and with the replacement of the BBQ.

CARRIED

Resolved OCM 079/23

Moved: Cr Roger Reynoldson

Seconded: Cr Sarah McNaught

That Council, using its Local Government Disaster Recovery Fund allocation

- a) immediately replace the timber portions of the Barooga Pedestrian Bridge with steel and include a new compliant barrier
- b) replace the electric public BBQ adjacent to the pedestrian bridge that was submerged in the same flood event

CARRIED

8.11 Finance - Accounts

Resolved OCM 080/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Edward (Ted) Hatty

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 March 2023,
- b) Confirm the accounts paid as per Warrant No. 03/23 totaling \$3,712,380.40 and
- c) Note the report on investments attached

CARRIED

8.12 Tocumwal Carpark

Resolved OCM 081/23

Moved: Cr Sarah McNaught

Seconded: Cr John Taylor

That the Council

1. develop a plan to construct a car park on Barooga St, Tocumwal, excluding land under 9 and 11 Barooga St, Tocumwal
2. after consultation with Tocumwal Rotary, demolish the old Tocumwal hardware shop at 15 Murray St, Tocumwal
3. demolish the house at 11 Barooga St Tocumwal

CARRIED

Amendment to the motion

That the Council

1. develop a plan to construct a car park on Barooga St, Tocumwal, excluding land under 9 and 11 Barooga St, Tocumwal
2. after consultation with Tocumwal Rotary, demolish the old Tocumwal hardware shop at 15 Murray St, Tocumwal
3. explore options for 11 Barooga St Tocumwal

Resolved OCM 082/23

Moved: Cr Roger Reynoldson

Seconded: Cr Julia Cornwell McKean

That the Council

1. develop a plan to construct a car park on Barooga St, Tocumwal, excluding land under 9 and 11 Barooga St, Tocumwal
2. after consultation with Tocumwal Rotary, demolish the old Tocumwal hardware shop at 15 Murray St, Tocumwal
3. explore options for 11 Barooga St Tocumwal

CARRIED

The meeting adjourned at 10:35am for morning tea.

The meeting reconvened at 10:50am.

8.13 Financial Review - January - March 2023

Resolved OCM 083/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Roger Reynoldson

1. Note the third quarterly review of the 2022/23 budget and vote the funds contained therein as shown in "Appendix 1"
2. Note the March Quarterly Budget Review Statement attached also as "Appendix 2"

CARRIED

8.14 Cemeteries Policy - For Adoption

Resolved OCM 084/23

Moved: Cr Roger Reynoldson

Seconded: Cr Julia Cornwell McKean

That Council

1. revoke the Cemeteries Policy adopted on 19 November 2003; and
2. adopt the Cemeteries Policy attached as Appendix 1 to this report.

CARRIED

8.15 Development Application - 60-23-DA-D1 153 Seppelts Road, Barooga

Recommendation

That Council support the Council Officers recommendation for DA 60-23-DA-D1 to approve the construction of a single dwelling (replacement dwelling) with deferred commencement conditions at 153 Seppelts Road Barooga, as outlined below.

GENERAL

Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and supporting documentation (stamped by Council), except where the conditions of this consent expressly require otherwise.

Description	Sheet	Prepared by	Revision	Date
Site plan (1)	1 of 9	Nixon Design and Drafting		Aug 22
Site plan (2)	1 of 9	Nixon Design and Drafting		Aug 22
Site plan (3)	2 of 9	Nixon Design and Drafting		Aug 22
Floor plan	3 of 9	Nixon Design and Drafting		Aug 22
Elevation	4 of 9	Nixon Design and Drafting		Aug 22
Section plan	5 of 9	Nixon Design and Drafting		Aug 22
Windows	6 of 9	Nixon Design and Drafting		Aug 22
Lights	7 of 9	Nixon Design and Drafting		Aug 22
Specifications	8 of 9	Nixon Design and Drafting		Aug 22
Specifications	9 of 9	Nixon Design and Drafting		Aug 22

Document Title	Version No.	Prepared by	Dated
NATHERS	-	Nixon Design	30/09/22
BASIX	-	Energyrathers	30/09/2022

In the event of any inconsistency between the approved plans and the supporting documentation, the approved plans prevail. In the event of any inconsistency between the approved plans and a condition of this consent, the condition prevails.

Note: an inconsistency occurs between an approved plan and supporting documentation or between an approved plan and a condition when it is not possible to comply with both at the relevant time.

Deferred commencement

In accordance with the Environmental Planning and Assessment Act 1979, this development consent is a deferred commencement until the following conditions are approved to the satisfaction of the consent authority. The conditions must be satisfied prior to the issue of a construction certificate for the dwelling:

- a) A Land Capability Assessment is provided by a suitably qualified consultant. The LCA must recommend a preferred location and type of effluent disposal system, noting that the land is significantly inundated by riverine flooding during flood events.
- b) A revised site plan showing the proposed replacement dwelling being setback 100m from the nearest billabong top of bank.
- c) An Emergency Management Plan which details the monitoring of flood events, and the actions taken by residents prior to, during and after a flood emergency.

Removal of existing house

Prior to the occupation certificate being issued, the existing house must be removed from the site.

Finished Floor Level

The finished floor level of the proposed house must be no less than datum 117.6 RL taken from the Frank Rennick and Company Pty Ltd Survey 2016.

Compliance with Rural Fire Service Conditions

Compliance with the conditions issued by Rural Fire Services on 16 December 2022. A copy of the conditions is provided as an **Appendix 1** to this development consent.

Earthworks

All excavation of earthworks in relation to this development consent to increase the finished floor level of the proposed dwelling, must be sourced from within a floodway area of the site.

Vegetation Removal

The development must not remove any native vegetation including the removal of vegetation for Asset Protection Zone purposes, without the permission of Berrigan Shire Council.

Water Supply

The dwelling must be connected to a rainwater tank supply for potable water of 100,000 litres.

Effluent Disposal

Prior to the occupation certificate being issued, the dwelling must be connected to the effluent disposal system outlined in the recommendations of the LCA requested at Condition 2A of this consent.

Uncovering relics or Aboriginal objects

While demolition or building work is being carried out, all such works must cease immediately if a relic or Aboriginal object is unexpectedly discovered. The applicant must notify the Heritage Council of NSW in respect of a relic and notify the Secretary of the Department of Planning, Industry and Environment and the Heritage Council of NSW in respect of an Aboriginal object.

Building work may recommence at a time confirmed by either the Heritage Council of NSW or the Secretary of the Department of Planning, Industry and Environment.

In this condition:

- “relic” means any deposit, artefact, object or material evidence that:

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance; and

- “Aboriginal object” means any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Stormwater - Drainage

All runoff from the proposed dwelling must be directed to the rainwater tanks and/or fire tanks.

Construction Management

A construction management plan must be prepared and approved prior to commencement of the dwelling. The construction management plan must include measures to prevent sediment runoff directly into native vegetation zones and the waters of the Murray River.

Motion lapsed

Council delegated decision authority to the relevant Council Officers.

8.16 Development Determinations for Month of March 2023

Resolved **OCM 085/23**

Moved: **Cr Julia Cornwell McKean**

Seconded: **Cr Renee Paine**

That Council receive and note this report.

CARRIED

8.17 Council Action List Report

Resolved OCM 086/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Edward (Ted) Hatty

That Council receive and note the Council Action List Report.

CARRIED

Action

That the Council actions are crossed checked, as there appear to be some that have been missed.

8.18 Local Government NSW Conference 2022 - Update

Resolved OCM 087/23

Moved: Cr John Taylor

Seconded: Cr Renee Paine

This report was for information only.

CARRIED

8.19 Cross-Council Collaboration - Grant Funding

Resolved OCM 088/23

Moved: Cr John Taylor

Seconded: Cr Roger Reynoldson

This report was for information only.

CARRIED

9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Cr Renee Paine

- Consultation at Tank Paddock in Berrigan

Cr Julia Cornwell McKean

- Netball Changerooms DA Application

MOTION

Resolved OCM 089/23

Moved: Cr Julia Cornwell McKean

That due to special circumstances, with the Grant funding being at risk, Barooga Netball Amenities room - DA 110/23/DA/DM. application expedite the regular planning process for this application.

CARRIED

The meeting entered closed Council at 11:34am.

Cr Sarah McNaught left the Council Chambers at 11:34am, due to significant pecuinray interest in item 10.1.

10 CONFIDENTIAL MATTERS

Recommendation

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:

10.1 7 Flight Place - Call for Proposals

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.

10.2 CEO Performance Plan Third Quarter Update

This matter is considered to be confidential under Section 10A(2) - (a) 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 personnel matters concerning particular individuals (other than councillors).

10.3 Wage Harmonisation Project

This matter is considered to be confidential under Section 10A(2) - (a) 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 personnel matters concerning particular individuals (other than councillors).

10.4 Unsolicited proposal - Worker housing

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.

During closed Council, the following resolutions were made.

10.1 7 Flight Place - Call for Proposals

Resolved OCM 090/23

Moved: Cr John Taylor

Seconded: Cr Renee Paine

That Council adopt the Call for Proposals for 7 Flight Place document and direct the Chief Executive Officer to send out through relevant advertising agents

CARRIED

10.2 CEO Performance Plan Third Quarter Update

This report was for information only

10.3 Wage Harmonisation Project

Resolved OCM 091/23

Moved: Cr Roger Reynoldson

Seconded: Cr Renee Paine

That Council adopt the wage harmonisation outcomes as provided in this report.

CARRIED

10.4 Unsolicited proposal - Worker housing

Resolved OCM 090/23

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council staff continue the negotiations with the proponents, with Cr Sarah McNaught appointed to represent Council on the consultative panel.

Carried

11 MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE

12 COUNCILLOR REPORTS

12.1 Mayor's Report

17.03.2023: Sir John Monash Dinner in Jerilderie

21.03.2023: Finley Chamber of Commerce Meeting

22.03.2023: Meeting with Chief Executive Officer to discuss the Sister City Proposal

22.03.2023: Destination NSW Meeting

26.03.2023: RAMJO Meeting

Various Easter weekend events

Resolved OCM 091/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Edward (Ted) Hatty

That the Mayor's Report be received.

CARRIED

12.2 Verbal Reports from Delegates

Motion

That the Councillors' Reports be received.

Cr Renee Paine

- Berrigan Listening Post: 5 people in attendance

Cr Roger Reynoldson

- Rural Fire Service Group meeting

Cr Julia Cornwell McKean

- 11.04.2023: Barooga Advancement Group meeting
- 12.04.2023: Barooga Library Listening Post

Joanne Ruffin

- LEP Review
- Recruiting for Planning and Building Manager

Matthew Hansen

- Telstra leases
- Website update
- Interest in Lewis Crescent again

Cr Matthew Hannan

- Foundry Park art proposal

Mural Costs at Foundry Park

- Action

Council staff to investigate mural costs for Foundry Park.

- Corella Update

Corella Report and Survey

- Action

Corella survey to be shared with the community and Council staff to prepare a report for the next Council meeting.

Cr John Taylor left the Council Chambers at 12:30pm and did not return.

13 CONCLUSION OF MEETING

The next Ordinary Council Meeting will be held on 17 May 2023 from 9:15am in the Council Chambers, 56 Chanter Street, Berrigan.

There being no further business the Mayor, closed the meeting at 12:39pm.