



BERRIGAN SHIRE

BAROOGA • BERRIGAN • FINLEY • TOCUMWAL



ORDINARY COUNCIL MEETING

Held on Wednesday 6 December, 2023

at 9:15am

Council Chambers, 56 Chanter Street, Berrigan



Minutes



Ordinary Council Meeting
Wednesday 6 December, 2023
MINUTES

The Ordinary Council Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 6 December, 2023 when the following business was considered:-

ITEMS OF BUSINESS

1	OPENING OF MEETING	4
2	ACKNOWLEDGEMENT OF COUNTRY	4
3	APOLOGIES AND APPLICATIONS FOR LEAVE OF ABSENCE OR ATTENDANCE VIA AUDIO-VISUAL LINK BY COUNCILLORS.....	5
3.1	Apologies/Leave of Absence	5
3.2	Applications for Leave of Absence	5
3.3	Attendance Via Audio-Visual Link	5
4	CONFIRMATION OF PREVIOUS MINUTES	5
5	DISCLOSURES OF INTERESTS.....	5
6	MAYORAL MINUTE(S).....	5
	Nil	
7	REPORTS OF COMMITTEES.....	5
	Nil	
8	REPORTS TO COUNCIL.....	5
8.1	Confirmation of designated persons - ARIC	5
8.2	Continuous Improvement Plan - monthly update.....	6

8.3	Reconciliation Action Plan - Final Draft for Submission	6
8.4	Rural Land Use Strategy	7
8.5	Tocumwal Foreshore Building - Tenancy 1	7
8.9	Development Determinations for Month of November 2023	7
8.6	Flood affected works - Tenders.....	8
8.7	Finley Hospital Redevelopment	9
8.10	Council Action List Report	9
8.11	Riverina Murray Housing Report.....	9
8.12	Roads and Funding Report.....	9
8.13	Bullying and Harassment Cultural Audit.....	10
8.14	Local Government NSW Annual Conference 2023	10
8.15	Correspondence Incoming and Outgoing November - December 2023.....	10
8.16	The Grattan Report - Potholes and Pitfalls.....	10
8.17	LGNSW Cost Shifting Report	10
8.18	Public Accounts Committee - Rural Fire Services (Red Fleet) Bill 2023.....	11
8.19	IPART - Review of the Rate Peg methodology.....	11
8.20	Rate Peg 2024-25.....	11
8.21	Finance - Accounts	11
9	NOTICES OF MOTION/QUESTIONS WITH NOTICE.....	11
9.1	Notice of Motion - Finley Hospital	11
9.2	Notice of Motion - Water Buy Back Opposition.....	12
9.3	Notice of Motion - Change to April Ordinary Council Meeting Date	12
10	CONFIDENTIAL MATTERS.....	12
10.1	Flood Affected Works - Tenders - Assessment	Error! Bookmark not defined.
11	MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE.....	13
12	COUNCILLOR REPORTS	14
12.1	Mayor’s Report	14
12.2	Verbal Reports from Delegates	14
13	CONCLUSION OF MEETING.....	15



Present:

Councillors:

Julia Cornwell McKean (Mayor), Carly Marriott (Deputy Mayor), Edward (Ted) Hatty, Matthew Hannan, 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), Andrew Fletcher (Director Strategic Planning & Development), Keelan McDonald (Executive Assistant)

1 OPENING OF MEETING

The Council opened its meeting at 9:58am.

Mayor Julia 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.

Recordings are protected by copyright and owned by Berrigan Shire Council. No part may be copied, recorded, reproduced or transmitted without the prior written consent of the Chief Executive Officer. Any recording is not, and shall not, be taken to be an official record of Berrigan Shire Council meetings or the discussion depicted therein. Only the official minutes may be relied upon as an official record of the meeting.

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 Julia made an Acknowledgement of Country with the following statement:

"We acknowledge the original inhabitants 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

Nil

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 Tuesday 28 November, 2023 be confirmed.

5 DISCLOSURES OF INTERESTS

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil

8 REPORTS TO COUNCIL

8.1 Confirmation of designated persons - ARIC



Resolved OCM 348/23

Moved: Cr Renee Paine

Seconded: Cr John Taylor

That Council formally identify the following positions and occupants as designated persons as defined in the Berrigan Shire Council Code of Conduct

Audit Risk and Improvement Committee Chair	Linda MacRae
Audit Risk and Improvement Committee Member	Angela Urquhart
Audit Risk and Improvement Committee Member	Todd Bentley

CARRIED

8.2 Continuous Improvement Plan - monthly update

Resolved OCM 349/23

Moved: Cr Sarah McNaught

Seconded: Cr Roger Reynoldson

That Council note the monthly progress report on the Continuous Improvement Plan resulting from the Cultural Review and Compliance Audit, attached as Appendix 1

CARRIED

8.3 Reconciliation Action Plan - Final Draft for Submission

Resolved OCM 350/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That Council adopt the finalised Reconciliation Action Plan and direct the CEO to submit to Reconciliation Australia for final approval.

CARRIED

In Favour: Cr Matthew Hannan, Cr Carly Marriott, Cr Julia Cornwell McKean, Cr Sarah McNaught, Cr Renee Paine and Cr John Taylor

Against: Cr Edward (Ted) Hatty and Cr Roger Reynoldson

CARRIED 6/2



8.4 Rural Land Use Strategy

Resolved OCM 351/23

Moved: Cr Renee Paine

Seconded: Cr Sarah McNaught

Action

Council direct staff to undertake an internal Rural Land Use Strategy.

CARRIED

8.5 Tocumwal Foreshore Building - Tenancy 1

Resolved OCM 352/23

Moved: Cr Edward (Ted) Hatty

Seconded: Deputy Mayor Carly Marriott

That Council :

1. note the lease for Shop 1 - 2 Deniliquin Rd, Tocumwal (Tocumwal Foreshore Building)
2. authorises its Seal to be affixed to the lease, in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2021.

CARRIED

8.9 Development Determinations for Month of November 2023

Resolved OCM 353/23

Moved: Cr Matthew Hannan

Seconded: Deputy Mayor Carly Marriott

That Council direct staff to bring updated December figures to the January Council Meeting.

CARRIED



8.6 Flood affected works - Tenders

Resolved **OCM 354/23**

Moved: Cr John Taylor

Seconded: Cr Roger Reynoldson

That the Council

1. award T07-23-24 (Package 2) to Olex Civil Construction for the value of \$445,721.34 excl. GST,
2. award T08-23-24 (Package 3) to Lawrence Brothers Quarries for the value of \$ 472,254.93 excl. GST, subject to the CEO reviewing the scope and negotiating with the preferred supplier if any changes are required
3. award T09-23-24 (Package 4) to RECivil for the value of \$ 676,803.48 excl. GST subject to the CEO reviewing the scope and negotiating with the preferred supplier if any changes are required
4. authorises its Seal to be affixed to the above contracts in the presence of two signatories authorised to affix the Seal pursuant to Regulation 400 of the Local Government (General) Regulation 2021
5. Council delegate the super intendent role to Michael Eddie under a service level agreement with Council.

CARRIED

John Bruce entered the Council Chambers at 10:24am.

SUSPENSION OF STANDING ORDERS

Resolved **OCM 355/23**

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

A motion was moved that Council suspend standing orders.

CARRIED

John Bruce presented a certificate of 15 years' service to LGNSW, to Cr Matthew Hannan.

RESUMPTION OF STANDING ORDERS

Resolved **OCM 356/23**

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor



A motion was moved that Council resume standing orders.

CARRIED

The Council Meeting adjourned for morning tea at 10:32am.

The Council Meeting resumed at 10:48am.

8.7 Finley Hospital Redevelopment

Resolved OCM 357/23

Moved: Cr John Taylor

Seconded: Cr Sarah McNaught

That Council receive and note this report.

CARRIED

8.10 Council Action List Report

Resolved OCM 358/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Roger Reynoldson

That Council receive and note the Council Action List Report.

CARRIED

8.11 Riverina Murray Housing Report

Resolved OCM 359/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That Council receive and note this report.

CARRIED

8.12 Roads and Funding Report

Resolved OCM 360/23

Moved: Cr John Taylor



Seconded: Cr Roger Reynoldson

That Council receive and note this report.

CARRIED

8.13 Bullying and Harassment Cultural Audit

Resolved OCM 361/23

Moved: Cr Matthew Hannan

Seconded: Cr Renee Paine

That Council receive and note this report.

CARRIED

8.14 Local Government NSW Annual Conference 2023

This report was for information only.

8.15 Correspondence Incoming and Outgoing November - December 2023

This report was for information only.

8.16 The Grattan Report - Potholes and Pitfalls

This report was for information only.

8.17 LGNSW Cost Shifting Report

Resolved OCM 362/23

Moved: Cr John Taylor

Seconded: Cr Roger Reynoldson

That Council receive and note this report.

CARRIED



8.18 Public Accounts Committee - Rural Fire Services (Red Fleet) Bill 2023

This report was for information only.

8.19 IPART - Review of the Rate Peg methodology

This report was for information only.

8.20 Rate Peg 2024-25

This report was for information only.

8.21 Finance - Accounts

Resolved OCM 363/23

Moved: Cr Sarah McNaught

Seconded: Cr Matthew Hannan

that the Council:

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 November 2023,
- b) Confirm the accounts paid as per Warrant No. 11/23 totaling \$4,014,425.21

CARRIED

9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

9.1 Notice of Motion - Finley Hospital

Resolved OCM 364/23

Moved: Cr Matthew Hannan

Seconded: Cr John Taylor

That Council contact:

1. the Department of Health Infrastructure,



2. NSW Premier Chris Minns,
3. Minister for Health, The Hon Ryan Park MP and
4. State Member for Murray, Helen Dalton MP,

Demanding that Finley Hospital upgrades be delivered in full as per the agreed Clinical Services Plan, including pre and post operative rehabilitation and mental health services.

CARRIED

9.2 Notice of Motion - Water Buy Back Opposition

Resolved OCM 365/23

Moved: Cr Matthew Hannan

Seconded: Cr John Taylor

That Council call on the NSW State government to support the communities of the Southern Riverina in their fight against the federal government's intention to enact the *Water Amendment (Restoring our Rivers) Bill 2023* and further call on the NSW government to withdraw from the Murray Darling Basin Plan like the Victorian government did under Dan Andrews.

CARRIED

9.3 Notice of Motion - Change to April Ordinary Council Meeting Date

Lapsed

That Council change the date of its 17 April 2024 Ordinary Meeting to be 24 April 2024.

10 CONFIDENTIAL MATTERS

Resolved OCM 366/23

Moved: Cr Renee Paine

Seconded: Cr John Taylor

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 Flood Affected Works - Tenders - Assessment

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.

CARRIED

11 MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE

Cr Hannan

- Waste contract efficiencies with bin collection

MOTION

Resolved OCM 367/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Renee Paine

That Council direct the Chief Executive Officer:

to lodge with Ambulance NSW an informal Access to Information request under the Government Information (Public Access) Act 2009, seeking the following information:

- 2021 ambulance service reviews assessing Tocumwal's needs as described in correspondence of Minister Hazzard 'I am further advised that NSW Ambulance conducts annual or more frequent reviews of demand growth' Ref: M20/8707
- 2022 ambulance service reviews assessing Tocumwal's needs as described in correspondence of Minister Hazzard 'I am further advised that NSW Ambulance conducts annual or more frequent reviews of demand growth' Ref: M20/8707
- 2023 ambulance reviews assessing Tocumwal's needs as described in correspondence of Minister Hazzard 'I am further advised that NSW Ambulance conducts annual or more frequent reviews of demand growth' Ref: M20/8707
- September 2023 Service Planning review of regional NSW
- Briefing documents and analysis to support the correspondence from The Hon Ryan Park MP to Dr Julia Cornwell McKean Mayor, Berrigan Shire Council Ref: M23/5182
- Briefing documents and analysis to support the correspondence from The Hon Ryan Park MP to Matthew Hannon Mayor, Berrigan Shire Council Ref: M23/2098CARRIED



12 COUNCILLOR REPORTS

12.1 Mayor's Report

Resolved OCM 368/23

Moved: Cr Roger Reynoldson

Seconded: Deputy Mayor Carly Marriott

That the Mayor's Report be received.

CARRIED

- Fairley Leadership Program
- Strawberry Fields Tour
- Tri State Games – Closing ceremony
- Water Buy Back protest
- Governor visit to Tocumwal
- MHA Care – Annual General meeting
- Meeting with Helen Dalton MP.
- Sporties Barooga – Annual General Meeting
- Berrigan Shire Council Christmas Party
- Barooga Community Strategic Plan Consultation
- Tocumwal Public School Presentation

12.2 Verbal Reports from Delegates

Motion

That the Councillor's Reports be received.

Cr Ted Hatty

- Tocumwal Ambulance Meeting
- Governor visit to Tocumwal

Cr Matthew Hannan

- Berrigan Shire Council Christmas Party
- Finley Chamber of Commerce meeting
- Community Strategic Plan – Finley Popup

Cr Roger Reynoldson

- Rural Fire Services meeting



- Berrigan Night Market Carols

Cr John Taylor

- Finely Hospital meetings
- Berrigan Shire Council Christmas Party

Cr Carly Marriott

- Opening Ceremony – Tri State Games
- Governor visit to Tocumwal
- Berrigan Shire Council Christmas Party
- Lalaly Hall Christmas Party

13 CONCLUSION OF MEETING

The next Ordinary Council Meeting will be held on 17 January 2024 from 9:00am in the Council Chambers, 56 Chanter Street, Berrigan.

There being no further business the Mayor, closed the meeting at 11:54pm.