



BERRIGAN SHIRE

BAROOGA • BERRIGAN • FINLEY • TOCUMWAL



## ORDINARY COUNCIL MEETING

Held on Wednesday 21 February, 2024

at 9:00am

Council Chambers, 56 Chanter Street, Berrigan



# Minutes



Ordinary Council Meeting  
Wednesday 21 February 2024  
**MINUTES**

The Ordinary Council Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 21 February 2024 when the following business was considered:-

**ITEMS OF BUSINESS**

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## **Present:**

Councillors:

Julia Cornwell McKean (Mayor) Carly Marriott (Deputy Mayor), Edward (Ted) Hatty, 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) and Tahlia Fry (Director Corporate Services)

## **1 OPENING OF MEETING**

The Council opened its meeting at 9:15am.

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**

Cr Roger Reynoldson – Apology

**3.2 Applications for Leave of Absence**

**3.3 Attendance Via Audio-Visual Link**

Cr Matthew Hannan

Cr Sarah McNaught

**4 CONFIRMATION OF PREVIOUS MINUTES**

**Resolved OCM 023/24**

Moved: Cr John Taylor

Seconded: Cr Renee Paine

That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 17 January, 2024 be confirmed.

**CARRIED**

**5 DISCLOSURES OF INTERESTS**



## 6 MAYORAL MINUTE(S)

### 6.1 Mayoral Minute - Cost Shifting onto Local Government

#### Recommendation

That Council:

1. receive and note the findings of the LGNSW Cost Shifting Report for the 2021/2022 financial year,
2. direct staff to include the LGNSW Cost Shifting Report on Council's website so our community can access it and
3. ask the Mayor to write to the Premier, the NSW Treasurer and the NSW Minister for Local Government seeking to urgently address these costs through a combination of regulatory reform, budgetary provision and appropriate funding.

## 7 REPORTS OF COMMITTEES

### 7.1 Local Traffic Committee Meeting

Resolved OCM 024/24

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 9 November 2023.

- LTC1. Council note Transport for NSW advice regarding Jerilderie Street, Berrigan 50km/h speed zone has been extended to Berrigan Recreation Reserve.
- LTC2. Council note the review of speed zone for Golf Course Road / Vermont Street, Barooga and that request is at assessment stage.
- LTC3. Council note Transport for NSW advice that matter is for Council. Council to work with Finley High School to find a suitable solution with regards to pedestrian crossing at intersection of Tocumwal and Pinnuck Streets, Finley.
- LTC4. Council approve the application made by Riverina Trekkers Inc. for an on road event from 17 March to 23 March 2024 between 8am and 4pm. The event is the Two Rivers Charity Tractor Trek subject to receiving a current certificate of currency for public liability listing Transport for NSW as an interested party.



- LTC5. Council note request to Transport for NSW for speed zone review of Barooga town centre to 40km/h.
- LTC6. Council note request to Transport for NSW for speed zone review of Tocumwal town centre to 40km/h.
- LTC7. Council note request for Council to undertake community engagement around Apex Park Berrigan being the designated school bus pick up zone.
- LTC8. Council note request for Council and Transport for NSW to undertake community engagement with schools, bus companies and social media around the designated bus stops / zones.
- LTC9. Council note issue with tracks parking in Deniliquin Street, Tocumwal has been resolved.
- LTC10. Council note monitoring of traffic movements within shared road accessing Town Beach area, Tocumwal, investigate traffic calming measures if applicable, audit of signage to see if fit for purpose. Council is also requested to undertake a media / social media campaign around fact that area is a shared vehicle, pedestrian area.
- LTC11. Council note awaiting consultants' formal presentation of findings of assessment of pedestrian crossing at Deniliquin Road, Tocumwal between Murray Street roundabout and Duff Street.
- LTC12. Council note request to Transport for NSW for speed zone review of Murray Street, to 80km/h to be extended out to Racecourse Road.

CARRIED

## 7.2 Roads Program, Flood Recovery and Grant Funding

Resolved OCM 025/24

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council receive and note the content of this report and endorse the actions taken by the CEO in finalising the road works to be completed under both flood recovery funding and other relevant disaster recovery funding.

CARRIED

## 8 REPORTS TO COUNCIL

### 8.1 Council Election Update

Resolved OCM 026/24

Moved: Cr John Taylor





Seconded: Cr Renee Paine

That Council:

- The August Ordinary Council meeting being 7 August 2024,
- nominate 9 October 2024 as the first meeting date of the new Council and
- nominate 9 October 2024 as the induction date of the new Council

CARRIED

## 8.2 Correspondence Incoming and Outgoing January to February 2024

This report was for information only.

## 8.3 Mild 2 Wild Memorandum of Understanding

Resolved OCM 027/24

Moved: Cr Edward (Ted) Hatty

Seconded: Deputy Mayor Carly Marriott

That Council endorse the Memorandum of Understanding between Mild2Wild Custom Car Club and Berrigan Shire Council and direct the Chief Executive Officer to arrange for signing and implementation.

CARRIED

## 8.4 Water Reform Agenda

Resolved OCM 028/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That Council endorse the submission made by the CEO to the Water Reform Inquiry 2024

CARRIED





## 8.5 National General Assembly - Motions for Adoption

Resolved OCM 029/24

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council adopt the motions for the National General Assembly as outlined below:

1. The National General Assembly calls upon the Australian Government to address the limitations in the intergovernmental financial transfer system, particularly Commonwealth transfers to local government, by undertaking a comprehensive review to provide for reform of the current system. Any review should specifically include consideration of the practice of cost shifting to local government and assess the implications for service delivery as a direct result of cost shifting practices.
2. The National General Assembly calls upon the Australian Government to address the challenges faced by local government sustainability by implementing programs to enhance infrastructure management and integrate plans into long-term financial strategies. Specifically, the importance of local governments providing linked freight routes that meet increasing heavy vehicle requirements are required to strengthen the communities' trust in all levels of government as infrastructure providers.
3. The National General Assembly calls upon the Australian Government to actively re-engaged with the provision and supply of social and affordable housing through collaboration and effective implementation that includes the strategies that tackle the root causes of homelessness at the local level.

CARRIED

## 8.6 Construction of key worker housing - Lewis Crescent, Finley

Resolved OCM 030/24

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That the Council

1. Call for tenders for the design and construction of two units to be constructed on 47 Lewis Crescent, Finley
2. The construction of the units to be funded by:
  - (a) \$300,000 from Council's Capital Works reserve
  - (b) a \$500,000 loan borrowed over a ten-year period with interest-only payments until redemption.

CARRIED



## 8.7 Privacy Management Plan

Resolved OCM 031/24

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council

1. revoke the Privacy Management Plan adopted 21 August 2013 and
2. adopt the Privacy Management Plan attached as Appendix 1

CARRIED

## 8.8 Chanter Street Update

Resolved OCM 032/24

Moved: Cr Renee Paine

Seconded: Cr John Taylor

That Council

1. endorse the decision to adopt Option 2 to increase the project scope as outlined in Appendix 3,
2. direct the Deputy CEO to finalise negotiation with Essential Energy and sign any agreement required to accept the offered co-funding of \$252,000 for the works to be undertaken,
3. request the project manager to develop a formal project plan and engagement strategy to keep the community informed of progress on the Chanter St Undergrounding Project. These documents are to be included on Council's website for easy reference by the community.
4. report back to Council the outcomes of the next round of engagement with the community, including their feedback on the project plans and costs of reconnection.

CARRIED

## 8.9 Operation Plan Review – October – December 2023

Resolved OCM 033/24

Moved: Cr John Taylor

Seconded: Cr Renee Paine

That Council adopt the appended December Quarter Review of the Council's Annual Operational Plan 2023-2024.

CARRIED



## 8.10 Road reconstruction - Tender No. T12-23-24

**Resolved** OCM 034/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That the Council

1. award T12-23-24 to Olex Civil Construction for the value of \$ 733,444.71 excl. GST and
2. 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

**CARRIED**

### 8.10.1 Signage

#### Action

Cr Carly Marriott requests that the signage on Bullanginya Bridge be replaced.

## 8.11 NSW Severe Weather and Flood Grant

#### Recommendation

That Council

1. amend its program of works for funding under the NSW Severe Weather and Flood Grant to only include replacement of the playground and picnic shelter at the swing bridge precinct of Barooga Foreshore., and
2. postpone these works until formal funding approval is provided by the Office of Local Government

## 8.12 HR Scan Dec 2023

**Resolved** OCM 035/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That Council receive and note the report.



CARRIED

8.14 Development Determinations for Month of January 2024

Resolved OCM 036/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That Council receive and note this report.

CARRIED

8.15 Finance - Accounts

Resolved OCM 037/24

Moved: Cr John Taylor

Seconded: Cr Renee Paine

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 January 2024,
- b) confirm the accounts paid as per Warrant No. 01/24 totaling \$2,248,159.04 and
- c) note the report on investments attached.

CARRIED

8.16 Barooga Water Intake

Resolved OCM 038/24

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council note the report as presented and request a more detailed report and plan for remediation at the March Ordinary Council meeting.



CARRIED

## 8.17 October - December 2023 Financial Results

Resolved OCM 039/24

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

1. Note the second quarterly review of the 2023/24 budget and vote the funds contained therein as shown in "Appendix 1"
2. Note the December Quarterly Budget Review Statement attached also as "Appendix 2"

CARRIED

### 8.17.1 Report to SPW

#### Action

Cr Julia Cornwell McKean requests that the October – December 2023 Financials Report be submitted to the March SPW for further review.

## 8.18 Council Action List Report

Resolved OCM 040/24

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council receive and note the Council Action List Report.

CARRIED

### 8.18.1 PAMPS

#### Action

Cr Carly Marriott requests that a report on the process and timeline of PAMPS come to March SPW.



## 9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

### 9.1 Notice of Motion - Recreation Reserves - Women and Girls in Sport

Resolved OCM 041/24

Moved: Cr Julia Cornwell McKean

Seconded: Deputy Mayor Carly Marriott

That Council

1. supports and encourages participation of women and girls in sport with the s355 Committees on our recreation reserves to retain and improve service provision at Council's recreation reserves to ensure they are female friendly,
2. commits that the number of sanitary bins at each recreation reserve is not reduced,
3. commits to the s355 committees who manage our recreation reserves do not incur any additional costs above any formal agreements they may have previously had in place (subject to reasonable indexation) to allow for the continuation of that level of service and
4. provide for the Mayor to write to each s355 committee who manage Council's recreation reserves to inform them of this resolution.

CARRIED

### 9.2 Notice of Motion - Service Acknowledgement

Resolved OCM 042/24

Moved: Cr Julia Cornwell McKean

Seconded: Deputy Mayor Carly Marriott

That Council arrange a formal thank you / commendation for both Max and Cath Steward for their years of service to the Barooga community as owners / operators of the Barooga Local Post Office.

CARRIED

At 10:30 AM, the meeting adjourned for morning tea.

At 10:45 AM, the meeting reconvened.



## 10 CONFIDENTIAL MATTERS

**Resolved** OCM 043/24

Moved: Cr John Taylor  
Seconded: Cr Renee Paine

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 Road reconstruction - Tender No. T12-23-24 - 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.

### 10.2 Rehabilitation of Melrose Road - Tender No. T11-23-24

This matter is considered to be confidential under Section 10A(2) - (c), (d)(i) and (d)(ii) 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, commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it and information that would, if disclosed, confer a commercial advantage on a competitor of the council.

CARRIED

## 11 MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE

Cr Carly Marriott

- Local Traffic Committee Meeting
- Updated Action list on Operation Plan

Cr Ted Hatty

- Tocumwal Subdivisions and Plans

Mayor Cornwell McKean

- Connectivity issues across the Shire





## 12 COUNCILLOR REPORTS

### 12.1 Mayor's Report

- VIP Lunch TPS Murray Golf
- Barooga Sporties and Sussan Ley MP meeting
- Barooga Recreation Reserve and Sussan Ley MP meeting
- Meeting in Tocumwal with Sussan Ley MP
- Tocumwal Ambulance Committee meeting with Sussan Ley MP
- 'Polly in a Pub'
- Holy Trinity Church Finley
- Cobram Barooga Golf Club
- Australia Day Ceremony and Awards
- Murray Regional Tourism
- Tocumwal Ambulance Committee meeting
- Witness at consultation / Wes Fang Health
- Barooga Advancement Group
- Barooga Recreation Reserve
- DEECA 4.5Litre Water Strategy
- Meeting with CEO and DCEO
  
- 

**Resolved**            **OCM 044/24**

**Moved:**            Cr John Taylor

**Seconded:**       Deputy Mayor Carly Marriott

**That the Mayor's Report be received.**

**CARRIED**

### 12.2 Verbal Reports from Delegates

Cr McNaught

- NSW Planning Panel Meeting

Cr Hannan

- Australia Day Ceremony and Awards

**Motion**



That the Councillor's Reports be received.

### **13 CONCLUSION OF MEETING**

The next Ordinary Council Meeting will be held on 20 March 2024 from 9:00am in the Council Chambers, 56 Chanter Street, Berrigan.

There being no further business the Mayor closed the meeting at 11:20am.