



BERRIGAN SHIRE

BAROOGA • BERRIGAN • FINLEY • TOCUMWAL



ORDINARY COUNCIL MEETING

Held on Wednesday 20 March, 2024

at 9:00am

Council Chambers, 56 Chanter Street, Berrigan



Minutes



Ordinary Council Meeting
Wednesday 20 March, 2024

MINUTES

The Ordinary Council Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 20 March, 2024 when the following business was considered:-

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Present:

Councillors:

Julia Cornwell McKean (Councillor), Carly Marriott (Deputy Mayor), Edward (Ted) Hatty, Sarah McNaught, 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 (Communications, Marketing and Engagement Coordinator) and Tahlia Fry (Director Corporate Services)

1 OPENING OF MEETING

The Council opened its meeting at 9:14am.

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.

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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 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

Mayor Julia – April Council Meeting

Cr John Taylor – May Strategy and Policy Workshop, May Council Meeting and June Strategy and Policy Workshop

3.3 Attendance Via Audio-Visual Link

Cr Renee Paine

Cr Matthew Hannan

4 CONFIRMATION OF PREVIOUS MINUTES

Resolved **OCM 056/24**

Moved: Cr Sarah McNaught

Seconded: Cr Edward (Ted) Hatty

That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 21 February, 2024 be confirmed.

CARRIED

Resolved **OCM 057/24**

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Sarah McNaught

That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 6 March, 2024 be confirmed.

CARRIED



5 DISCLOSURES OF INTERESTS

Cr Sarah McNaught declared a pecuniary interest in *Item 8.1 Planning Proposal – PP2023-2603-92 Strathvale Road Berrigan*, due to the property in question being owned by a close family member.

6 MAYORAL MINUTE(S)

6.1 Mayoral Minute - Acknowledgement of Staff

Resolved

That Council acknowledge and thank staff for their quick and professional response of staff to the emergency that occurred in the Council offices on 20 February 2024 and acknowledge the stress this may have caused them in the aftermath.

7 REPORTS OF COMMITTEES

Nil

8 REPORTS TO COUNCIL

Cr Sarah McNaught left the Council Chambers at 9:17am

8.1 Planning Proposal - PP2023-2603-92 Strathvale Road Berrigan

Resolved OCM 058/24

Moved: Cr Roger Reynoldson

Seconded: Cr Edward (Ted) Hatty

That Council support the recommendation for PP2023-2603 to submit the Planning Proposal to Department of Planning and Environment (DPE) for Gateway Determination.

CARRIED

Cr Sarah McNaught returned to the Council Chambers at 9:28am.



8.2 Berrigan Shire Strategic Framework and District Plans

Resolved OCM 059/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Edward (Ted) Hatty

That Council

1. adopt the Berrigan Shire Strategic Framework and District Plans February 2024 and
2. direct officers prepare a Planning Proposal to amend the Local Environmental Plan in accordance with the adopted Berrigan Shire Strategic Framework and District Plans.

CARRIED

8.3 Barooga Raw Water Intake

Resolved OCM 060/24

Moved: Cr Roger Reynoldson

Seconded: Cr John Taylor

That Council, in relation to the Barooga raw water intake

1. note the geotechnical investigation work undertaken to date and direct the Chief Executive Officer to continue investigations on available remediation options;
2. given the urgency of the matter, delegate authority to the Chief Executive Officer to determine the remediation method,
3. direct the Chief Executive Officer to provide a report to the next ordinary Council meeting on options to fund the remediation.

CARRIED



8.4 Finance - Accounts

Resolved OCM 061/24

Moved: Cr John Taylor

Seconded: Cr Roger Reynoldson

That Council:

- a) receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 29 February 2024,
- b) confirm the accounts paid as per Warrant No. 02/24 totaling \$2,232,663.71 and
- c) note the report on investments attached.

CARRIED

8.5 Local Traffic Committee Meeting

Resolved OCM 062/24

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council adopt the following recommendations from the Local Traffic Committee Meeting held on Thursday 22 February 2024.

- LTC1. Council note the review of speed zone for Golf Course Road / Vermont Street, Barooga is currently at assessment stage with Transport for NSW.
- LTC2. Council note the a review of speed zone for within town centre for Barooga will be undertaken by Transport for NSW.
- LTC3. Council note the a review of speed zone for within town centre for Tocumwal will be undertaken by Transport for NSW.
- LTC4. Council note the review of shared road accessing Town Beach, Tocumwal. Awaiting traffic data. Signage audit complete and assessed as appropriate. Traffic calming measures may undermine stability of road during flood events.
- LTC5. Council note concept design plan under review for pedestrian crossing assessment of Deniliquin Street, Tocumwal.
- LTC6. Council note the review of speed zone for Murray Street, Tocumwal will be undertaken by Transport for NSW.
- LTC7. Council note review of signage and line marking of Tuppal Road, Tocumwal.
- LTC8. Council note that speed management of laneways falls under urban default requirements, Council has responsibility. Transport for NSW advised laneways fall outside of speed zones for TfNSW.



- LTC9. Council note Transport for NSW does not support the location of the proposed signage.
- LTC10. Council approve the application made by the Berrigan Sub-Branch of the Returned Services League to hold their annual parade on ANZAC Day, Thursday 25 April, 2024 and the temporary road closure of Chanter Street, Berrigan between the hours of 8.30am and 10.30am.
- LTC11. Council approve the application made by the Finley Sub-Branch of the Returned Services League to hold their annual parade on ANZAC Day, Thursday 25 April, 2024 and the temporary road closure of Murray Street, Finley between the hours of 10.30am and 12.30pm.
- LTC12. Council approve the application made by the Tocumwal Sub-Branch of the Returned Services League to hold their annual parade on ANZAC Day, Thursday 25 April, 2024 and the temporary road closure of Deniliquin Street, Tocumwal between the hours of 10.30am and 12.30pm

CARRIED

8.6 Internal Audit Charter

Resolved OCM 063/24

Moved: Cr John Taylor
Seconded: Cr Renee Paine

That Council,

1. having considered the Model Internal Audit Charter provided by the Office of Local Government and noting the recommendation from its Audit Risk and Improvement Committee adopt the Internal Audit Charter attached as Appendix 1 to this report.
2. include an amount of \$60,000 annually in its draft operating budget for the 2024/25 financial year and beyond to fund an internal audit function.

LAPSED

MOTION

Resolved OCM 064/24

Moved: Cr Julia Cornwell McKean
Seconded: Cr John Taylor

That Council, as soon as practicable,

1. Review ARIC's terms of reference, with a view to providing clear guidance and clarity of roles as recommended by the Office of Local Government
2. Develop an Internal Audit Charter that is consistent with the revised terms of reference



3. Direct staff to develop a procedure/workflow document on the internal audit process that clearly outlines roles and responsibilities
4. Direct staff to provide a detailed breakdown of a proposed ARIC budget

In the event that the work cannot be delivered by the June council meeting, that Council,

- Develop an interim Internal Audit Charter based on the model Internal Audit Charter with minor amendments as require

CARRIED

8.7 Finley Pony Club - request for financial assistance

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Roger Reynoldson

That Council:

1. confirm Resolution OCM 03/2024 to provide a contribution of \$500 to Finley Pony Club towards the Pony Club Victoria State Horse Trial Championship to be held in Finley in May 2024.
2. Inform Finley Pony Club of Council's decision.

LAPSED

Cr Hannan foreshadowed his intent to move the following motion:

That the Council:

1. *provide notice as per Section 356(2) of the Local Government Act 1993 that it intends to resolve to contribute \$8,152.08 to Finley Pony Club for the upgrading of their cross-country event course. This funding is subject to*
 - a. *recognition of Council's support of the event on the day and via social media and*
 - b. *a report to Council detailing how the funds were spent.*
2. *Hold an extraordinary meeting of Council on Wednesday, 24 April 2024 to consider the proposed resolution and any submissions received in relation to the public notice.*

The original motion lapsed.

Cr Hannan moved the foreshadowed motion.



8.7 Finley Pony Club - request for financial assistance

Resolved OCM 065/24

Moved: Cr Matthew Hannan

Seconded: Cr John Taylor

That the Council:

1. provide notice as per Section 356(2) of the Local Government Act 1993 that it intends to resolve to contribute \$8,152.08 to Finley Pony Club for the upgrading of their cross-country event course. This funding is subject to
 - a. recognition of Council's support of the event on the day and via social media and
 - b. a report to Council detailing how the funds were spent.
2. Hold an extraordinary meeting of Council on Wednesday, 24 April 2024 to consider the proposed resolution and any submissions received in relation to the public notice.

At 10:17 AM, the meeting adjourned for morning tea.

At 10:32 AM, the meeting reconvened.

8.8 Debt Management and Hardship Policy

Resolved OCM 065/24

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Roger Reynoldson

That Council

1. revoke its:
 - (a) Debt Management and Hardship Policy adopted 17 April 2019 and
 - (b) Commercial Credit Policy adopted 19 February 2014
2. adopt the Debt Management and Hardship Policy attached to this report.

CARRIED



8.9 Berrigan Water Tower - Mural Request

Resolved OCM 066/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Renee Paine

That Council:

1. note the intention of Berrigan Conservation Group and Tidy Towns Committee of Management (the Committee) to install a mural on the water tower at 12 Cobram St, Berrigan
2. as landowner, provide approval in principle for this project with final approval subject to an agreed Memorandum of Understanding between the Committee and Council setting out responsibilities for funding, project management and ongoing maintenance of the mural.

CARRIED

8.10 Performance and Suspension Orders Procedural Framework

This report was for information only.

8.11 Statement of Support

Resolved OCM 067/24

Moved: Cr John Taylor

Seconded: Cr Roger Reynoldson

That Council adopt the Statement of Support and allow the CEO to publish it both on Council's website and social media accounts.

LAPSED

8.12 Correspondence Incoming and Outgoing February to March 2024

This report was for information only.



8.13 CEO Annual Leave Request

Resolved OCM 068/24

Moved: Cr John Taylor

Seconded: Cr Sarah McNaught

That Council approve the CEO's request for annual leave for the following dates:

- 26 to 03 May 2024 and
- 22 July to 5 August 2024.

During these periods of leave Deputy CEO, Matt Hansen will act into the position of CEO.

CARRIED

8.14 Cobram Barooga Business and Tourism Event proposal 2024 - 2025

Resolved OCM 069/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Matthew Hannan

That Council will consider the financial contribution of \$30,000 in next financial year's budget of 2024/25 to the Cobram Barooga Business and Tourism Event Program.

CARRIED

8.15 Finley Senior Citizens Hall - Plan of Management

Resolved OCM 070/24

Moved: Cr Sarah McNaught

Seconded: Cr Matthew Hannan

That Council, noting that no submissions were received while on public exhibition, adopt the Finley Senior Citizens Hall Plan of Management attached as Appendix 1 to this report.

CARRIED

8.16 Caravan Parks in Berrigan Shire - external review

Resolved OCM 071/24

Moved: Cr John Taylor



Seconded: Deputy Mayor Carly Marriott

That Council

1. receive and note the Overview of Berrigan Shire Caravan Parks and Campgrounds prepared by ODIN360 and attached to this report,
2. provide a publicly accessible version of this report to the operators of the caravan parks and campgrounds included in the report for feedback and advice.

CARRIED

8.17 Tocumwal Ambulance - GIPA request

This report was for information only.

8.18 Delivering the Basin Plan 2021 Draft Framework - Berrigan Shire Council Submission

Resolved OCM 072/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Edward (Ted) Hatty

That Council receive and note this report.

CARRIED

8.19 Development Determinations for Month of February 2024

Resolved OCM 073/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Roger Reynoldson

That Council receive and note this report.

CARRIED

8.20 Water Utilities Submission

Resolved OCM 074/24

Moved: Cr Julia Cornwell McKean

Seconded: Cr John Taylor



Council direct the Chief Executive Officer to lodge a submission prior to 8 April, in conjunction with Mayor Julia.

CARRIED

8.21 Moira Foodshare - 2024-25 contribution

Resolved OCM 075/24

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That Council

1. inform MHA Care that Council will contribute \$15,000 to support Moira Foodshare in 2024/25 subject to MHA Care providing Council with deidentified data on the number of Berrigan Shire residents using the service and the quantity of food distributed and
2. allocate \$15,000 in its draft 2024/25 operating budget for the program.

CARRIED

8.22 ARIC members - Returns of Interest

Resolved OCM 076/24

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council receive and note the tabling of the initial Pecuniary Interest Returns received from Audit Risk and Improvement Committee members.

CARRIED

8.23 Council Action List Report

Resolved OCM 077/24

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council receive and note the Council Action List Report.

CARRIED



9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil

10 CONFIDENTIAL MATTERS

Resolved OCM 078/24

Moved: Cr John Taylor

Seconded: Cr Roger Reynoldson

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 Native Revegetation Project

This matter is considered to be confidential under Section 10A(2) - (h) 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 concerning the nature and location of a place or an item of Aboriginal significance on community land.

10.2 Chanter St underground power - siting of pillars

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.

10.3 Renewable Energy Power Purchasing Agreement

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

Resolved OCM 079/24

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council re-open the meeting to the public at 11:31am.

CARRIED

During closed Council, the following resolutions were made.



10.1 Native Revegetation Project

Resolved OCM 080/24

Moved: Cr Renee Paine

Seconded: Cr John Taylor

That Council:

- 1. endorse the decision of the Chief Executive Officer to prioritise and deliver this project, and*
- 2. fund the required works from the Water Fund.*

CARRIED

10.2 Chanter St underground power - siting of pillars

Resolved OCM 081/24

Moved: Cr John Taylor

Seconded: Cr Roger Reynoldson

That the Council, with regard to the Chanter St underground power project:

- 1. inform the contract designer team that the underground power infrastructure is to be placed in front of the kerb in the parking lane,*
- 2. modify the project communication plan to reflect this decision and*
- 3. direct the Chief Executive Officer to bring a report to a future Council meeting on the impact of this decision on parking on Chanter St.*

CARRIED

10.3 Renewable Energy Power Purchasing Agreement

Resolved OCM 082/24

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council, in relation to the Power Purchasing Agreement facilitated by Hunter JO, confirm its decision to delegate authority to the Chief Executive Officer to:

- 1. execute contracts for the supply of electricity for Council's large market sites and streetlighting, where the price charged per kilowatt hour is less than the price Council is charged under its current contract and*
- 2. set the minimum renewable energy load under these contracts at 50%.*



CARRIED

Cr Reynoldson noted against the motion.

11 MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE

MOTION

Resolved OCM 083/24

Moved: Mayor Julia Cornwell McKean

That Council issue a GIPA to NSW Ambulance requesting the following information:

For each Priority 1 and Priority 2 call for an ambulance in Tocumwal for 2022/23 please provide:

- The date and time on which the phone call was answered
- The date and time that first responders arrived at the relevant location (if relevant)
- The date and time that an ambulance arrived at the relevant location (if relevant)

Please also provide:

- The number of 000 calls received from Tocumwal for 2022/23 by month

CARRIED

Cr Matthew Hannan left the meeting at 11:44am and did not return.



12 COUNCILLOR REPORTS

12.1 Mayor's Report

22.02.2024: RAMJO Dinner

23.02.2024: RAMJO Meetings

05.03.2024: Official Opening – Finley Water Treatment Plant

07.03.2024: Special Enquiry Discussion

07.03.2024: Tocumwal Ambulance Committee

08.03.2024: Group Business Meeting

08.03.2024: International Women's Day Event

12.03.2024: Barooga Advancement Group

13.03.2024: ICAC Training

13.03.2024: Barooga Recreation Reserve Meeting

15.03.2024: NSW Ambulance Meeting

18.03.2024: Special Inquiry into Healthcare

19.03.2024: Barooga Recreation Reserve Meeting

Motion

That the Mayor's Report be received.

12.2 Verbal Reports from Delegates

Motion

That the Councillor's Reports be received.



Cr Marriott

- International Womens Day

Cr Taylor

- LCHAC Meeting

Cr Reynoldson

- Berrigan Recreation Reserve Committee Meeting

13 CONCLUSION OF MEETING

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

There being no further business the Mayor, closed the meeting at 11:56pm.