



ORDINARY COUNCIL MEETING

Held on Wednesday 15 March, 2023

at 9:15am

Council Chambers, 56 Chanter Street, Berrigan



Minutes



Ordinary Council Meeting
 Wednesday 15 March, 2023

MINUTES

The Ordinary Council Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 15 March, 2023 when the following business was considered:-

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Present:

Councillors:

Matthew Hannan (Mayor), Carly Marriott (Deputy 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) and Tahlia Fry (Finance Manager)

1 OPENING OF MEETING

The Council opened its meeting at 9:11am.

Owners of 277 Lower River Road, entered the Council Chambers at 9:11am.

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.

Brendan O'Loan (Locum Building and Planning Manager) entered the Council Chambers at 9:12am.

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

Nil

3.2 Applications for Leave of Absence

3.3 Attendance Via Audio-Visual Link

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

Resolved OCM 049/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Renee Paine

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

CARRIED

Resolved **OCM 050/23**

Moved: Cr Julia Cornwell McKean

Seconded: Cr Renee Paine

That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 1 March, 2023 be confirmed.

CARRIED

5 DISCLOSURES OF INTERESTS

Cr Renee Paine declared a non pecuniary, non significant interested in item 8.3 *Proposed Wind Farm*, as she is an employee.

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil

8 REPORTS TO COUNCIL

The Council moved to suspend standing orders

Cr Carly Marriott foreshadowed the following recommendation

8.11 Development Application - 48-23-DA-D1 - 277 Lower River Road, Tocumwal

Recommendation

That Council support the Council Officers recommendation for DA 48-23-DA-D1 to approve the construction of a single dwelling (replacement dwelling) with deferred commencement conditions at 277 Lower River Road Tocumwal.

AMENDMENT

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Renee Paine

That Council support the Council Officers recommendation for DA 48-23-DA-D1 to approve the construction of a single dwelling (replacement dwelling) with deferred commencement conditions at 277 Lower River Road Tocumwal; except with the removal of the deferred commencement condition 2 (c) requiring the replacement dwelling to be setback 100m from the Murray River top of bank. This is due to Clause 6.7 of the Berrigan LEP being unreasonable. Instead, the dwelling can be situated in the same location as the existing dwelling but no closer to the Murray River top of bank.

CARRIED

The amendment became the motion.

Resolved

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Renee Paine

That Council support the Council Officers recommendation for DA 48-23-DA-D1 to approve the construction of a single dwelling (replacement dwelling) with deferred commencement conditions at 277 Lower River Road Tocumwal; except with the removal of the deferred commencement condition 2 (c) requiring the replacement dwelling to be setback 100m from the Murray River top of bank. This is due to Clause 6.7 of the Berrigan Local Environmental Plan being unreasonable. Instead, the dwelling can be situated in the same location as the existing dwelling but no closer to the Murray River top of bank.

GENERAL

1. 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
Proposed floor plan	A103	GB Arch Designs		April 22
Roof plan	A105	GB Arch Designs		April 22
Elevations	A200	GB Arch Designs		April 22

Document Title	Version No.	Prepared by	Dated
Statement of Environmental Effects	-	CAF	14/08/2022
NANTHERS	-	Mustafa Guler	April 2022
BASIX	-	GB Arch Designs	15/08/2022
Updated Bushfire Assessment Report	-	CAF	14/0/2022

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.

2. 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 Murray River 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.

3. Removal of existing house

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

4. Finished Floor Level

The finished floor level of the proposed house must be no less than datum 109.660RL.

5. Compliance with Essential Energy Conditions

Compliance with the conditions issued by Essential Energy on 11 November 2022. A copy of the conditions is provided as an **Appendix 1** to this development consent.

6. Compliance with Rural Fire Service Conditions

Compliance with the conditions issued by Rural Fire Services on 7 February 2023. A copy of the conditions is provided as an **Appendix 2** to this development consent.

7. Earthworks

All excavation of earthworks in relation to this development consent to increase the finished floor level of the proposed dwelling, must be taken from an area on site, and upstream of the proposed dwelling location.

8. Vegetation Removal

The development must not remove any additional tree(s) or native vegetation (unless approved by this consent) or unless prior approval has been granted by Berrigan Shire Council.

9. Water Supply

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

10. 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.

11. 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.

12. Stormwater - Drainage

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

CARRIED

The Council moved to resume standing orders

Brendan O'Loan left the Council Chambers 9:38am at and did not return.

8.1 Barooga Tocumwal Shared Footpath

Resolved OCM 051/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Roger Reynoldson

That Council:

1. utilise funds under Table 1 towards construction of Barooga Tocumwal Shared Path Project;
2. accept the tender submission from Connex Group for a tendered price of \$374,201.74 (incl. GST) for Barooga and \$476,190.01 (incl. GST) for Tocumwal and award both the projects;
3. delegate CEO to enter into two Contracts under sign and seal for the values mentioned above; and
4. appoint Director Infrastructure as Contract Superintendent.

CARRIED

8.2 NSW Audit Office - Planning and Managing Bushfire Equipment

Resolved OCM 052/23

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Sarah McNaught

That the Council work with Local Government NSW (LGNSW) and Riverina and Murray Joint Organisation (RAMJO) to demand the NSW Government ensure the NSW Rural Fire Service (RFS) bushfire management fleet is operated and maintained effectively by amending the *Rural Fires Act 1997* to give the RFS clear and unambiguous responsibility for the bushfire management fleet in its entirety.

CARRIED

8.3 Tocumwal Ambulance Station

Resolved OCM 053/23

Moved: Cr Julia Cornwell McKean

Seconded: Deputy Mayor Carly Marriott

That Council:

1. write to the new Minister of Health immediately following the election to request a further needs assessment for an ambulance located in Tocumwal considering significant changes in the population trajectory of Tocumwal since the 2020 report and NSW Ambulance's advice to the former Minister that such reviews are conducted at least annually;
2. write to the Victorian and New South Wales Cross Border Commissioners regarding the effectiveness and lack of community understanding concerning the Ambulance Victoria agreement which has operational boundaries that extend to the townships of Finley, Barooga and Tocumwal; and
3. support the Tocumwal Ambulance Steering Committee in a fact based, positive campaign to bring an ambulance service to Tocumwal without jeopardising the services offered from Berrigan and Finley.

CARRIED

8.4 Berrigan Shire Council Draft Logo

Resolved OCM 054/23

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That Council;

1. adopt the logo set out below
2. authorise Executive Assistant to liaise with Tactical Directions Pty Ltd on the next steps of the rebrand, that being consultation on the suite of documents.

CARRIED

8.5 Finance - Accounts

Resolved OCM 055/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Julia Cornwell McKean

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 28 February 2023,
- b) Confirm the accounts paid as per Warrant No. 02/23 totaling \$2,768,194.71 and
- c) Note the report on investments attached

CARRIED

8.6 Reconciliation Action Plan

Resolved OCM 056/23

That Council endorse the draft Reconciliation Action Plan for submission to Reconciliation Australia. Once approved the Plan may be prepared for publishing.

CARRIED

8.7 National General Assembly

Resolved OCM 057/23

Moved: Cr Roger Reynoldson

Seconded: Cr Sarah McNaught

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

1. This National General Assembly calls on the Australian Government and State Governments to fund and support the delivery of such educational models as Country Universities Centres throughout regional and rural areas.
2. This National General Assembly calls on the Australian Government and State Government water authorities to ensure funding is available for Local Councils to meet the needs of their communities where water utility supply forms part of their service delivery requirements.
3. This National General Assembly calls on the Australian Government and State Governments to work with Local Councils to assist with the identification of existing skills and the types of on-the job training in Local Government that might meet micro-credentialing requirements and assist Local Councils to take up these options at the leading edge.
4. This National General Assembly calls on the Australian Government to ensure any future roll out of digital connectivity upgrades ensures rural, regional and remote communities do not continue to be relegated to the old and outdated delivery models.
5. This National General Assembly calls on the Australian Government and State Governments work with rural and regional Council's and community housing providers on the place-based supply, including financing, and construction of medium to long-term secure tenure rental housing designed for key workers otherwise excluded from home ownership due to their economic circumstances.

CARRIED

Cr Carly Marriott left the Council Chambers at 10:03am.

Cr Carly Marriott returned to the Council Chambers at 10:06am

8.8 Sewer dump point - Endeavour St, Finley

Resolved OCM 058/23

Moved: Cr Sarah McNaught

Seconded: Cr Edward (Ted) Hatty

That the Council remove the sewer dump point at Endeavour St, Finley subject to the agreement of the Finley Chambers of Commerce, Industry and Agriculture.

CARRIED

8.9 Cemeteries Policy

Resolved OCM 059/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr John Taylor

That Council:

- As a draft, adopt the Cemeteries Policy as set out in Appendix 1; and
- place the draft policy on public exhibition for a period of 21 days with any public submissions received to be considered at the ordinary Council meeting to be held on 19 April 2023

CARRIED

8.10 Human Resource Scan January 2023

This report was for information only.

Matthew Hansen left the Council Chambers at 10:13am.

Matthew Hansen returned to the Council Chambers at 10:15am.

Samala Armer entered the Council Chambers at 10:20am.

The Council Meeting adjourned for morning tea at 10:31am.

The Council Meeting resumed at 10:49am.

8.12 Development Determinations for Month of February 2023

Resolved OCM 060/23

Moved: Cr Julia Cornwell McKean

Seconded: Deputy Mayor Carly Marriott

That Council receive and note this report.

CARRIED

8.13 Transfer of Crown roads to Council

This report was for information only.

8.14 Council Action List Report

Resolved OCM 061/23

Moved: Cr Renee Paine

Seconded: Cr Julia Cornwell McKean

That Council receive and note the Council Action List Report.

CARRIED

8.15 Tocumwal Foreshore Committee Monthly Update - Project Implementation

This report was for information only.

8.16 Murray Regional Tourism - Local Area Plans

This report was for information only.

8.17 Fullers Road Landcare Group

Resolved OCM 062/23

Moved: Cr Edward (Ted) Hatty

Seconded: Cr John Taylor

That Council:

1. dissolve the Fullers Road Landcare Group and revoke their delegation.
2. negotiate an agreement with the Fullers Road Landcare to disperse the remaining funds to the 19 participating landholdings for the maintenance of trees that were planted and associated costs and/or for future tree planting.
3. Recognise the Fullers Road Landcare Group at a future Council meeting

CARRIED

8.3 Proposed Wind Farm - Council position

Recommendation

No action was taken

9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

9.1 Notice of Motion - Proposed amendment to Agenda Deadlines

Resolved OCM 063/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Renee Paine

That the Chief Executive Officer provide Councillors with the Agenda for its Ordinary meetings no later than the Friday prior to the next Ordinary Meeting or Strategic and Planning Workshop date.

CARRIED

10 CONFIDENTIAL MATTERS

Resolved OCM 064/23

Moved: Cr Roger Reynoldson

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 Barooga Tocumwal Shared Path Project

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

Resolved OCM 065/23

Moved: Cr Sarah McNaught

Seconded: Cr Renee Paine

That Council re-open the meeting to the public at 11:16am.

CARRIED

During closed Council, the following resolution was made.

10.1 Barooga Tocumwal Shared Path Project

Resolved OCM 065/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Renee Paine

That Council note the report.

CARRIED

11 MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE

Cr Carly Marriott requested an update on the subdivision of Lawson drive, Barooga.

12 COUNCILLOR REPORTS

12.1 Mayor's Report

- 19.02.2023 – 21.02.2023: Rural Regional Forum in Sydney
- 19.02.2023 – 21.02.2023: Country Mayors Association
- 22.02.2023: Murrumbidgee Health Update
- 23.02.2023 – 24.02.2023: RAMJO Board Meeting
- 08.03.2023 – 09.03.2023: Country Mayors Association
- 11.03.2023 – 12.03.2023: Mild2Wild Rod Run, Tocumwal

Resolved OCM 066/23

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

That the Mayor's Report be received.

CARRIED

12.2 Verbal Reports from Delegates

Cr Carly Marriott

- FOGO Update
- MHA Moira Food Share
- Berrigan Motor Cross track
- Corella issue in Barooga Main Street
- Library Update
 - International Womens Day was a huge success with 115 people in attendance

Cr Renee Paine

- Tocumwal Pony Club Update

Cr Julia Cornwell McKean

- Interview on Shepparton radio in regards to Womens Mentoring Program
- ARIC Board Meeting
- Barooga Advancement Group Meeting
- International Womens Day at Finley High School

Cr Sarah McNaught

- Finley Showgrounds meeting

Cr Ted Hatty

- Mild2Wild Rod Run, Tocumwal

Motion

That the Councillors' Reports be received.

BUSINESS ARISING

Cr Sarah McNaught

- Request a review of current solicitors
- Real Estate Agent procurement
- Finely Saleyards

Cr Roger Reynoldson

- American Social Update

Cr Renee Paine

- Request for a bike rack at APEX Park, Berrigan

Cr John Taylor

- Finley Saleyards

Resolved OCM 067/23

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

Cr John Taylor made the recommendation that Council resolve to seek a second opinion on the works that are needed at the Finely Saleyards.

CARRIED

Cr Matthew Hannan

- Approach City of Newcastle in regards to becoming a 'Sister Council'
- Finley Lake Masterplan

Resolved **OCM 068/23**

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Sarah McNaught

Chief Executive Officer formally approach City of Newcastle to embark on a 'Sister Council' arrangement with Berrigan Shire Council.

CARRIED

Chief Executive Officer, Karina Ewer

- Grant Funding application: Regional Drought Resilience Plan
- Barooga Netball Courts Opening

13 CONCLUSION OF MEETING

The next Ordinary Council Meeting will be held on 19 April 2023 from 9:15am in the Council Chambers, 56 Chanter Street, Berrigan.

There being no further business the Mayor, closed the meeting at 12:35pm.