



ORDINARY COUNCIL MEETING

Held on Wednesday 15 February, 2023

at 9:15

Council Chambers, 56 Chanter Street, Berrigan



Minutes



Ordinary Council Meeting
Wednesday 15 February, 2023

MINUTES

The Ordinary Council Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 15 February, 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:

Matthew Hansen (Deputy CEO/Director Corporate Services), Jacq-Lyn Davis (Executive Assistant) and Tahlia Fry (Finance Manager), Keelan McDonald (Executive Assistant)

1 OPENING OF MEETING

The Council opened it's meeting at 9:17am.

Cr 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

Cr 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

Nil

3.3 Attendance Via Audio-Visual Link

Nil

Resolved OCM 015/23

Moved: Cr Roger Reynoldson

Seconded: Deputy Mayor Carly Marriott

A motion was moved that Council suspend standing orders to discuss item 10.3 CEO Performance Review.

CARRIED

The standing orders were suspended at 9:19am.

Matthew Hansen, Tahlia Fry, Jacq-Lyn Davis and Keelan McDonald left the Council Chambers at 9:19am.

The Council adjourned its meeting at 10:00am to conduct a Citizenship Ceremony, followed by morning tea.

The Council reconvened its meeting at 10:20am.

Karina Ewer entered the Council Chambers at 10:46am.

The Council resumed standing orders at 11:07am.

Matthew Hansen, Rohit Srivastava, Joanne Ruffin, Tahlia Fry, Jacq-Lyn Davis and Keelan McDonald joined the meeting at 11:07am.

4 CONFIRMATION OF PREVIOUS MINUTES

Resolved OCM 016/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 18 January, 2023 be confirmed.

.CARRIED

5 DISCLOSURES OF INTERESTS

Cr Roger Reynoldson declared a non-significant, non-pecuniary interest in item *8.5 Request for Fee Relief - Berrigan Community Club*, as he is the President of the Berrigan Community Club.

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil

8 REPORTS TO COUNCIL

8.1 Councillor Professional Development Planning

Resolved OCM 017/23

Moved: Cr John Taylor

Seconded: Cr Sarah McNaught

That Council note and adopt the professional development plans for each Councillor.

CARRIED

8.2 Federal Government Funding for Trove Support letter

Resolved OCM 018/23

Moved: Cr Edward (Ted) Hatty

Seconded: Deputy Mayor Carly Marriott

That Council:

1. endorse the actions of the NSW Public Libraries Association in lobbying for additional sustainable funds for the continuation of free access to the Trove national database and upgrade of the digital archive systems of Trove; and
2. write to the local Federal Minister, Hon Tony Burke, Minister for the Arts and the Hon Paul Fletcher, Shadow Minister for Science and the Arts, and in doing so, express their support of the NSW Public Libraries Association campaign for funding the continuation of free access to the Trove national database and upgrade of Trove's Digital Archive Systems.

CARRIED

8.3 Councillor Talking Posts

Resolved OCM 019/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr John Taylor

That Council adopt the schedule for Councillor talking posts, as outlined in this report.

CARRIED

Jacq-Lyn Davis left the Council Chambers at 11:11am

Jacq-Lyn Davis returned to the Council Chambers at 11:12am

8.4 Administration of September 2024 Ordinary Elections

Resolved OCM 020/23

Moved: Cr Julia Cornwell McKean

Seconded: Deputy Mayor Carly Marriott

That Council resolves:

1. pursuant to s296(2) and (3) of the *Local Government Act 1993* (NSW) ("the Act") that an election arrangement be entered into by contract for the Electoral Commissioner to administer all elections of the Council;
2. pursuant to s296(2) and (3) of the Act, as applied and modified by s18, that a council poll arrangement be entered into by contract for the Electoral Commissioner to administer all council polls of the Council;
3. pursuant to s296(2) and (3) of the Act, as applied and modified by s18, that a constitutional referendum arrangement be entered into by contract for the Electoral Commissioner to administer all constitutional referenda of the Council

CARRIED

Cr Roger Reynoldson left the Council Chambers at 11:16am, due his disclosure of interest in item 8.5.

8.5 Request for Fee Relief - Berrigan Community Club

Resolved OCM 021/23

Moved: Deputy Mayor Carly Marriott

Seconded: Cr Edward (Ted) Hatty

That Council reduce the fee payable by the Berrigan Community Club, due to the unavailability of other copying services at the time, to the retrospective fee due normally paid for this service through DAWMAC Industries.

CARRIED

Cr Roger Reynoldson returned to the Council Chambers at 11:19am.

8.6 Tocumwal Foreshore Committee of Management

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Roger Reynoldson

That Council reinstate the delegation for care, control and management of the Town Beach camping area to the Tocumwal Foreshore Committee of Management, subject to the signing of the Project Agreement. Staff are to report to Council on the progress of the overall project on a bi-monthly basis until all matters are closed out.

AMENDMENT

Moved: Cr Julia Cornwell McKean

Seconded: Deputy Mayor Carly Marriott

That the Council reinstate the delegation or care, control and management of the Town Beach camping area to the Tocumwal Foreshore Committee of Management, subject to the project plan containing further information on seating, sites, cleaning responsibilities, monthly reports to Council and a more specific Memorandum of Understanding.

CARRIED

The amendment became the motion.

Resolved **OCM 022/23**

Moved: Cr Julia Cornwell McKean
Seconded: Deputy Mayor Carly Marriott

That the Council reinstate the delegation or care, control and management of the Town Beach camping area to the Tocumwal Foreshore Committee of Management, subject to the project plan containing further information on receipting, sites, cleaning responsibilities, monthly reports to Council and a more specific Memorandum of Understanding.

CARRIED

8.7 **Private Works Policy**

Resolved **OCM 023/23**

Moved: Cr Roger Reynoldson
Seconded: Cr Renee Paine

That the Council:

1. Revoke its Hire of Council Plant for Private Works Policy adopted on 14 December 2016, and
2. Adopt the Private Works Policy attached as Appendix 1 with an amendment to item 6.5, to provide clear direction on whether it is a fixed price or an estimate.

CARRIED

8.8 **Fraud Control Policy**

Resolved **OCM 024/23**

Moved: Cr John Taylor
Seconded: Cr Julia Cornwell McKean

That Council:

1. revoke Fraud Control Policy adopted 15 March, 2017;
2. revoke the Fraud Control Plan; and
3. adopt the Fraud Control Policy included as presented.

CARRIED

8.9 Legislative Compliance Policy

Resolved OCM 025/23

Moved: Cr Sarah McNaught

Seconded: Cr Julia Cornwell McKean

That Council:

1. revoke the Legislative Compliance Policy adopted 19 July, 2017; and
2. adopt the Legislative Compliance Policy as presented.

CARRIED

8.10 Corporate Credit Cards Policy

Resolved OCM 026/23

Moved: Cr Roger Reynoldson

Seconded: Cr John Taylor

That the Council:

1. revoke the Corporate Credit Cards Policy adopted 18 July 2018; and
2. adopt the Corporate Credit Cards Policy included as Appendix 1

CARRIED

8.11 Finance - Accounts

Resolved OCM 027/23

Moved: Cr John Taylor

Seconded: Cr Renee Paine

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 31 January 2023,
- b) Confirm the accounts paid as per Warrant No. 01/23 totaling \$1,976,910.21 and
- c) Note the report on investments attached

CARRIED

8.12 Junior Lifeguard - funding arrangements

Resolved OCM 028/23

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Julia Cornwell McKean

That the Council:

1. authorise the decision of the Recreation Officer and Deputy Chief Executive Officer to directly fund the employment of a junior lifeguard at Tocumwal and Finley Swimming Pools for the 2022/23 season
2. advise the Tocumwal and Finley Swimming Pool Committees of Management that this arrangement is for this season only with future arrangements to be determined in the off-season through discussion with the committees

CARRIED

Action

That the Supervision and Hiring Arrangements for Community Swimming Pools Policy be brought to Council for discussion.

8.13 Pool Lifeguard Training Partnership

Resolved OCM 029/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Renee Paine

That Council partners with Training Services NSW by funding a Pool Lifeguard course for 5-6 school leavers at a cost of approximately \$1,856 - \$2,190.

CARRIED

8.14 Council Action List Report

Resolved OCM 030/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Sarah McNaught

That Council receive and note the Council Action List Report.

CARRIED

8.15 ALGA National General Assembly and Regional Forum 2023

Resolved OCM 031/23

Moved: Cr John Taylor

Seconded: Cr Renee Paine

That the Mayor and Chief Executive Officer attend the ALGA National Assembly and Regional Forum in Canberra from 13 June to 15 June, 2023.

CARRIED

8.16 Development Determinations for Month of January 2023

Resolved OCM 032/23

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Roger Reynoldson

That Council receive and note this report.

CARRIED

8.17 Misuse of Council Resources - March 2023 State Election

This report was for information only.

8.18 Citizenship Ceremony

This report was for information only.

8.19 Australian Aerobatics Championships

This report was for information only.

8.20 Financial Review - October to December 2022

Resolved OCM 033/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr Renee Paine

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

CARRIED

8.21 2021-22 Annual Financial Statements

Resolved OCM 034/23

Moved: Cr Julia Cornwell McKean

Seconded: Cr John Taylor

That Council, not having received any submissions in relation to its 2021/22 Annual Financial Statements and having considered the reports presented by the Audit Office of New South Wales, adopt the 2021/22 Annual Statements and the Report on the conduct of the Audit

CARRIED

8.22 Quarterly Report - December 2022

Resolved OCM 035/23

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Roger Reynoldson

That Council adopt the appended December Quarter Review of the Council's Annual Operational Plan 2022-2023.

CARRIED

9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil

10 CONFIDENTIAL MATTERS

Resolved OCM 036/23

Moved: Cr Roger Reynoldson

Seconded: Deputy Mayor Carly Marriott

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 Finley Saleyards

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 Unsolicited Proposal - Key Worker Housing

This matter is considered to be confidential under Section 10A(2) - (d)(i), (d)(ii) and (d)(iii) 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, information that would, if disclosed, confer a commercial advantage on a competitor of the council and information that would, if disclosed, reveal a trade secret.

10.3 CEO Performance Agreement

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 7 Flight Place Auction

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

The Council closed it's meeting at 12:03pm.

The meeting resumed its open session at 1:09pm.

The Mayor read the following resolutions that were made in closed Council to the meeting:

10.1 *Finley Saleyards*

Resolved *OCM 037/23*

Moved: *Cr Roger Reynoldson*

Seconded: *Cr Sarah McNaught*

That Council hold an extraordinary meeting at 9:00am, Wednesday 1 March 2023 to consider the calling of proposals to purchase and/or lease the Finley Saleyards.

CARRIED

10.2 *Unsolicited Proposal - Key Worker Housing*

Resolved *OCM 038/23*

Moved: *Cr Julia Cornwell McKean*

Seconded: *Cr Roger Reynoldson*

That Council request the Assessment Panel to consider the Stage 1b proposal provided by the Proponents. Further Council nominate Mayor Matt Hannan, Joanne Ruffin, and Matt Hansen to the Assessment Panel to prepare an Assessment Report for Council as per the requirements of the Unsolicited Proposal process.

CARRIED

10.4 *7 Flight Place Auction*

Resolved *OCM 039/23*

Moved: *Deputy Mayor Carly Marriott*

Seconded: *Cr Edward (Ted) Hatty*

That Council endorse the Chief Executive Officer to arrange for the sale of 7 Flight Place through an open listing with interested agents, with Council running a 'Call for Proposals' process.

CARRIED

11 MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE

Nil

12 COUNCILLOR REPORTS

12.1 Mayor's Report

Resolved OCM 040/23

Moved: Cr John Taylor

Seconded: Deputy Mayor Carly Marriott

- 20.01.2023: RAMJO interviews
- 23.01.2023: Tocumwal retailers meeting
- 24.01.2023: RAMJO Interview Discussions
- 26.01.2023: Berrigan Shire Australia Day Awards and Citizenship Ceremony
- 31.01.2023: RAMJO recruitment
- 01.02.2023: Site visit in Tocumwal re: proposed development
- 02.02.2023: Barooga Festival of Golf Launch
- 05.02.2023: Barooga Festival of Golf presentation
- 14.02.2023: Workshop at Finley High School

CARRIED

12.2 Verbal Reports from Delegates

Cr Carly Marriott

- Library Report

Cr John Taylor

- PGA Dinner

Cr Roger Reynoldson

- Fire Brigade Meeting

Cr Cornwell McKean

- Barooga Tennis Club Meeting
- Launch of TPS Murray
- Steering committee meeting for Ambulance station in Tocumwal
- Final of the TPS Murray
- Finley Saleyards meeting

- Tocumwal Foreshore meeting
- Barooga Recreation Reserve meeting

13 CONCLUSION OF MEETING

There will be an Extraordinary Meeting held on 1 March 2023 from 9:00am in the Council Chambers, 56 Chanter Street, Berrigan.

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

There being no further business the Mayor, closed the meeting at 1:25pm.