



ORDINARY COUNCIL MEETING

Held on Wednesday 14 December, 2022

at 9:15am

Council Chambers, 56 Chanter Street, Berrigan



Minutes



Ordinary Council Meeting

Wednesday 14 December, 2022

MINUTES

The Ordinary Council Meeting of the Shire of Berrigan held in the Council Chambers, 56 Chanter Street, Berrigan, on Wednesday 14 December, 2022 when the following business was considered:-

ITEMS OF BUSINESS

1	OPENING OF MEETING	4
2	ACKNOWLEDGEMENT OF COUNTRY	5
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.....	6
6	MAYORAL MINUTE(S)	6
	Nil	
7	REPORTS OF COMMITTEES	6
	Nil	
8	REPORTS TO COUNCIL.....	6
8.1	Berrigan Waste Disposal Centre - Additional Opening Hours	6
8.2	Local Government Remuneration Tribunal - 2023 Annual Determination	6
8.3	Local Government Boundaries Commission Submission	7
8.4	Complaints - Tocumwal Chamber of Commerce	7
8.5	Governance Structure Corporate Workshop - Councillor Big Ideas.....	7
8.6	Regional Banking Inquiry Campaign.....	8
8.7	Reconciliation Action Plan.....	8
8.8	Council Action List Report	8

8.9	Finance - Accounts	10
8.10	Banking Arrangements - s355 Volunteer Committees.....	10
8.11	Barooga Recreation Reserve - Cleaning of Toilets	11
8.12	Murray Street Finley - Upgrade Costs	11
8.13	Key Worker Housing - Lewis Crescent, Finley	11
8.14	CEO Performance Agreement - December Update	11
8.15	Development Application 49-23-DA-D5 - Residential Storage Shed	12
8.16	Agreement for the Sale of the Tocumwal Glider	12
8.17	Human Resource Scan Oct 2022	13
8.18	Development Determinations for Month of November 2022	13
9	NOTICES OF MOTION/QUESTIONS WITH NOTICE.....	13
	Nil	
10	CONFIDENTIAL MATTERS.....	13
10.1	Lease - Telstra - 13 Davis Street, Berrigan.....	13
11	MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE.....	14
12	COUNCILLOR REPORTS	15
12.1	Mayor's Report	15
12.2	Verbal Reports from Delegates	15
13	CONCLUSION OF MEETING.....	15

Present:

Councillors:

Carly Marriott (Deputy Mayor), Edward (Ted) Hatty, Julia Cornwell McKean, Sarah McNaught, , 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), Tahlia Fry (Finance Manager) and Jacq-Lyn Davis (Executive Assistant)

Cr Carly Marriott chaired this meeting in the absence of the Mayor, Cr Matthew Hannan.

1 OPENING OF MEETING

The Council opened its meeting at 9:04am.

Cr Carly Marriott 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

Cr Carly Marriott 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

Resolved OCM 408/22

Moved: Cr John Taylor

Seconded: Cr Roger Reynoldson

That the apology received from Crs Matthew Hannan and Renee Paine be accepted and leave of absence granted.

CARRIED

3.2 Applications for Leave of Absence

Nil

3.3 Attendance Via Audio-Visual Link

Nil

4 CONFIRMATION OF PREVIOUS MINUTES

Resolved OCM 409/22

Moved: Cr John Taylor

Seconded: Cr Julia Cornwell McKean

That the minutes of the Ordinary Council Meeting held in the Council Chambers Wednesday 16 November, 2022 be confirmed.

CARRIED

Resolved OCM 410/22

Moved: Cr John Taylor

Seconded: Cr Julia Cornwell McKean

That the minutes of the Extraordinary Council Meeting held in the Council Chambers Wednesday 7 December, 2022 be confirmed.

CARRIED

5 DISCLOSURES OF INTERESTS

Nil

6 MAYORAL MINUTE(S)

Nil

7 REPORTS OF COMMITTEES

Nil

8 REPORTS TO COUNCIL

8.1 Berrigan Waste Disposal Centre - Additional Opening Hours

Resolved OCM 411/22

Moved: Cr Julia Cornwell McKean

Seconded: Cr John Taylor

That Council approve the additional opening hours from 9:00am to 12:30pm on Friday for the Berrigan Waste Disposal Centre as a trial basis to provide an effective service effective from 6 January 2023.

CARRIED

8.2 Local Government Remuneration Tribunal - 2023 Annual Determination

Resolved OCM 412/22

Moved: Cr Sarah McNaught

Seconded: Cr John Taylor

That Council adopt the Local Government Remuneration Tribunal submission regarding the 2023 annual determination as presented.

CARRIED

8.3 Local Government Boundaries Commission Submission

Resolved OCM 413/22

Moved: Cr Julia Cornwell McKean

Seconded: Cr John Taylor

That Council endorse the Local Government Boundaries Commission submission as presented by the Chief Executive Officer and authorise its submission by the 16 December 2022 deadline.

.CARRIED

Joanne Ruffin left the Council Chambers at 9:13am.

Joanne Ruffin returned to the Council Chambers at 9:14am.

Merran Socha entered the Council Chambers at 9:14am.

8.4 Complaints - Tocumwal Chamber of Commerce

Resolved OCM 414/22

Moved: Cr Julia Cornwell McKean

Seconded: Cr John Taylor

That the Council:

1. Acknowledge the concerns raised by the Tocumwal Chamber of Commerce and Tourism;
2. Confirms that it will continue to operate the Tocumwal Accredited Visitor Information Centre servicing the entire Berrigan Shire
3. Write to the Tocumwal Chamber of Commerce and Tourism informing them of this decision and that the matter is now closed

.CARRIED

Merran Socha left the Council Chambers at 9:28am.

8.5 Governance Structure Corporate Workshop - Councillor Big Ideas

Resolved OCM 415/22

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council adopt the Terms of Reference Draft Document provided and allow each Councillor to commence work on their Big Idea once their Terms of Reference are agreed and adopted by Council.

CARRIED

8.6 Regional Banking Inquiry Campaign

Resolved OCM 416/22

Moved: Cr Roger Reynoldson

Seconded: Cr Sarah McNaught

That the Council:

1. not support the request from the Australian Citizens Party for a letter of support regarding the Regional Banking Taskforce;
2. forward its submission for the Regional Banking Taskforce to Senator Perin Davey for acknowledgment; and
3. request to have this item included in the next Board Agenda for RAMJO via the Chief Executive Officer

CARRIED

8.7 Reconciliation Action Plan

Resolved OCM 417/22

Moved: Cr Roger Reynoldson

Seconded: Cr John Taylor

That Council endorse the wording of the draft Reconciliation Action Plan so that staff may develop into a more polished product for Council adoption. Further, Council nominate Cr Cornwell McKean as Council's RAP Champion.

CARRIED

8.8 Council Action List Report

Resolved OCM 418/22

Moved: Cr Julia Cornwell McKean

Seconded: Cr Sarah McNaught

That Council receive and note the Council Action List Report.

CARRIED

Action: *Council Resolution 197/2021*

Crs Morris and Glanville that the Council adopt Excess Mass Charging formula for Category 3 Liquid Trade Waste Discharges in accordance with NSW Department of Planning, Industry and Environment Liquid Trade Waste Management Guidelines for Councils in Regional NSW 2021 as outlined in this report.

Action: *Council Resolution 28/2022*

Crs McNaught and Hatty that the Council:

2. Direct the CEO and Director Infrastructure to engage with Murrumbidgee Local Health District to integrate road works with the proposed redevelopment of Finley Hospital;
3. Carry forward the \$350,000 budget allocation towards the road works at Dawe Ave, with work to recommence once the scope of the Finley Hospital redevelopment is known.

Action: *Council Resolution 56/2022*

Crs Hatty and Taylor that the Council direct the CEO to undertake a formal review regarding the future use and management of the Tocumwal Town Beach area.

Action: *Council Resolution 107/2022*

Cr Hatty and Cr Paine that the Council:

4. Direct the Chief Executive Officer to formalise a Crown Land lease for the occupancy of the shopfront at Tocumwal War Memorial Hall on a commercial basis.

Action: *Council Resolution 165/2022*

Cr Marriott and Cr Paine that the Council consult with the Finley Railway Park Committee of Management regarding a change in structure of the Committee and why

Action: *Council resolution 217/2022*

Cr Taylor and Cr McNaught that the Council:

1. delegate the CEO and Director Infrastructure to work with Essential Energy and look for co-funding opportunities
2. delegate Director Infrastructure to explore costs for getting the powerlines underground

Action: *Council resolution 233/2022*

Cr Cornwell McKean and Cr Taylor that the Council note the following:

- that conditional approval to operate for a 3-month period will be granted; and
- that conditions will include:
 - All Underground Petroleum Storage System (UPSS) risks must be addressed or plan for remediation agreed by the relevant agencies.
 - A plan is developed, in consultation with Council officers, to undertake recommended remediation of on-site waste-water treatment system.
 - Council Officers and/or Council contractors be granted access to conduct a site-by-site compliance and safety assessment per relevant building and fire safety regulations

8.9 Finance - Accounts

Resolved OCM 419/22

Moved: Cr Roger Reynoldson

Seconded: Cr John Taylor

- a) Receive the Financial Statement, Bank Reconciliation Certificate and Petty Cash Book made up to 30 November 2022,
- b) Confirm the accounts paid as per Warrant No. 11/22 totaling \$5,180,314 and
- c) Note the report on investments attached

CARRIED

8.10 Banking Arrangements - s355 Volunteer Committees

Resolved OCM 420/22

Moved: Cr John Taylor

Seconded: Cr Julia Cornwell McKean

That the Council, by 30 June 2023, establish a model for banking services for its volunteer committees of management established under s355 of the Local Government Act 1993, where

1. Council will be responsible for the provision of banking services for each committee
2. Council will open an account for each committee with a single institution – named “Berrigan Shire Council – XXXXX Committee of Management.
3. Council staff will manage the accounts via online banking, including authorising signatories from the volunteer committee members.
4. Volunteer committees will be provided with online access to the accounts to make payments and a card to allow for cash deposits and withdrawals.
5. Funds held in these accounts are reserved for the use of that Committee and Council itself will not withdraw funds from these accounts other than in exceptional circumstances, authorised by a resolution of the Council.

CARRIED

Cr Ted Hatty voted against the motion.

8.11 Barooga Recreation Reserve - Cleaning of Toilets

Resolved OCM 421/22

Moved: Cr Julia Cornwell McKean

Seconded: Cr Sarah McNaught

That the Council take over the maintenance cleaning the toilet block at the Barooga Recreation Reserve.

CARRIED

The Council adjourned its meeting for morning tea at 10:30am.

The Council meeting reconvened at 10:45am.

8.12 Murray Street Finley - Upgrade Costs

Resolved OCM 422/22

Moved: Cr John Taylor

Seconded: Cr Julia Cornwell McKean

That the Council:

1. indicates its intent to coordinate works on Murray Street with Transport NSW; and
2. includes these works for consideration in its 2023/24 Operational Plan to determine in a global sense how these works will be funded

CARRIED

8.13 Key Worker Housing - Lewis Crescent, Finley

This report is for information only.

8.14 CEO Performance Agreement - December Update

Resolved OCM 423/22

Moved: Cr Julia Cornwell McKean

Seconded: Cr Edward (Ted) Hatty

That Council receive and note this report.

.CARRIED

8.15 Development Application 49-23-DA-D5 - Residential Storage Shed

Resolved OCM 424/22

Moved: Cr Edward (Ted) Hatty

Seconded: Cr Sarah McNaught

That the Council REFUSE Development Application 49/23/DA/D5 for the construction of a Residential Storage Shed, as the proposal does not generally comply with the development controls of Chapter 2 of the *Berrigan Development Control Plan 2014* and will potentially impact on the residential amenity and character of the existing streetscape in the neighbouring environment along Quirk Street and Wells Street Finley.

CARRIED

In Favour: Cr Edward (Ted) Hatty, Cr Julia Cornwell McKean, Cr Sarah McNaught, Cr Roger Reynoldson and Cr John Taylor

Against: Cr Carly Marriott

CARRIED 5/1

8.16 Agreement for the Sale of the Tocumwal Glider

Resolved OCM 425/22

Moved: Cr Roger Reynoldson

Seconded: Cr Julia Cornwell McKean

That the Council Sign and Seal the Deed of Agreement for the Tocumwal Glider as attached as Appendix 1.

CARRIED

8.17 Human Resource Scan Oct 2022

This report was for information only.

8.18 Development Determinations for Month of November 2022

The Council noted this report.

9 NOTICES OF MOTION/QUESTIONS WITH NOTICE

Nil

10 CONFIDENTIAL MATTERS

Resolved OCM 426/22

Moved: Cr Roger Reynoldson

Seconded: Cr Sarah McNaught

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 Lease - Telstra - 13 Davis Street, Berrigan

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

10.1 Lease - Telstra - 13 Davis Street, Berrigan

No resolution was passed.

Resolved **OCM 427/22**

Moved: Cr John Taylor

Seconded: Cr Edward (Ted) Hatty

That Council re-open its meeting to the public.

CARRIED

The Deputy Mayor, Cr Carly Marriott advised that no resolution was passed in closed Council.

11 MOTIONS WITHOUT NOTICE/QUESTIONS WITHOUT NOTICE

Cr John Taylor

- American Social ceiling and mural

Cr Roger Reynoldson

- Corella issues at Berrigan Golf Course

Cr Julia Cornwell McKean

- Botanical Gardens disabled toilet
- Baby change tables availability
- Botanical Garden booking service

Cr Sarah McNaught

- Finley Toy Library

Cr Ted Hatty

- Would like an update Keogh Drive flooding works
- Christmas decorations in Tocumwal

Matthew Hansen (Deputy Chief Executive Officer)

- Barooga Recreation Reserve successful in obtaining funding – cricket nets
- Office Local Government released Independent Report – Councillor Conduct framework

Karina Ewer (Chief Executive Officer)

- Letters of appreciation
- Skills migration in the Murray – letter of support
- Barooga property settling 23 December
- Valuer General valuations – online information sessions for Councillors
- Councillor calendar
- Executive Leadership Team Minutes

- Country Universities – Finley university hub
- Murray4 CEO's
- 2024 Election

Cr Carly Marriott

- Work with MIL to resolve drainage issues – farm development
- Provided a Library update
- Mike Ritchie State of Waste presentation
- Freight corridor rather than by-pass

12 COUNCILLOR REPORTS

12.1 Mayor's Report

There was no Mayor's Report available at this meeting.

12.2 Verbal Reports from Delegates

Cr Julia Cornwell McKean

- Audit, Risk and Improvement Committee Meeting on 5/12
- Carols by Candlelight – thank you for Council contribution
- Spoke to Katrina (Edward River) advice for joint procurement – pothole

Cr Ted Hatty

- Tocumwal Historic Aerodrome Museum thank you morning tea
- School Presentations in Tocumwal
- Tocumwal Foreshore Building official opening

13 CONCLUSION OF MEETING

The next Ordinary Council Meeting will be held on 18 January 2023 from 9:15am in the Council Chambers, 56 Chanter Street, Berrigan.

There being no further business the Deputy Mayor, Cr Carly Marriott closed the meeting at 12:42pm.